

**IN THE COURT OF THE JUDICIAL FIRST-CLASS MAGISTRATE,  
KADAKKAL.**

**Present: Sri. Amal. S. R,** Judicial First-Class Magistrate

Thursday, 12<sup>th</sup> day of March, 2026/ 21<sup>st</sup> Phalguna, 1947

**CALENDAR CASE. No. 662/2018**

Complainant	:	State represented by Sub Inspector of Police, Kadakkal Police Station Crime No. 1194/2018.  <i>(By Assistant Public Prosecutor, Kadakkal)</i>
Accused Nos.	A1:	Manu, aged 39/2026, S/o.Valsala, Manu Bhavan, Mailadi, Venkolla, Chithara Village.  <i>(By Adv. Sri.G.Biju)</i>
	A2:	Rajesh, 23/2018, S/o.Chellappan, Rajesh Bhavan, Mailadi, Venkolla, Chithara Village. <b>(No More) (Abated)</b>
Charge	:	Offence punishable U/ss. 341,324 r/w 34 of IPC
Plea	:	Not guilty
Finding	:	Not guilty
Sentence	:	The accused Nos. 1 is found not guilty of the offences punishable under sections 341,324 r/w 34 of IPC. He is acquitted u/s. 271(1) of the BNSS, 2023. His bail bond stands cancelled and he is set at liberty. <b>The 2<sup>nd</sup> accused is no more. Charge against him abated.</b>

Occurrence	Complaint	Apprehension	Release on bail	Commencement of trial	Commencement of evidence	Close of trial	Sentence or order	Period of detention undergone during investigation of trial for the purpose of Section 428 Cr.P.C
28.06.18	09.1018	05.07.25	05.07.25	05.07.25	26.08.25	04.03.26	12.03.26	-

This case having been finally heard on today the court on the same day delivered the following :-

### **JUDGMENT**

This case is instituted on a final report filed by the Sub Inspector of Police, Kadakkal Police Station Crime No. 1194/2018. alleging commission of offences punishable under Sections 341,324 r/w 34 of the Indian Penal Code.

**2. *The gist of the prosecution case is as follows:-*** Due to previous enmity arising from the incident in which the 1<sup>st</sup> accused had earlier assaulted and caused injuries to CW1 the accused Nos. 1 and 2, with the intention and preparation to assault and cause grievous injuries to CW1, on 28.06.2018 about 10.30 hours, situated at Manu Bhavan, Mailadi, Venkolla in Chithara Village, wrongfully restrained CW1. Then, the 1<sup>st</sup> accused attacked CW1 with a pickaxe, striking and cutting him and caused serious injuries. As a result, CW1 had to undergo treatment in the hospital and was also incapacitated. The accused persons in furtherance of their common intention, acted together and committed offences punishable u/ss. 341,324 r/w 34 of the Indian Penal Code.

3. Final report was filed before this Court, and the case was taken on file. Cognizance was taken for the offences punishable U/ss.341,324 r/w 34 of the Indian Penal Code,1860. Then the accused persons were enlarged on bail on their appearance.

4. After hearing on framing of charge, charge was framed, read over and explained to the accused persons u/s.240(2) of Cr.PC. for the offences

punishable U/ss. 341,324 r/w 34 of the Indian Penal Code,1860 to which the accused persons pleaded not guilty and claimed to be tried.

5. The presence of material witnesses was not procured even if coercive steps were ordered. Hence the prosecution evidence was closed. On the basis of the prosecution evidence, the accused was examined u/s. 313 (1) (b) of Cr.P.C. From the side of defence, no evidence was adduced.

6. Both sides were heard.

7. Following points came up for consideration in this case are:

- 1) *Whether on 28.06.2018 at about 10.30 p.m., the accused, in furtherance of their common intention, wrongfully restrained PW1, thereby committing an offence punishable under Section 341 r/w 34 of IPC?*
- 2) *Whether the accused, in furtherance of their common intention, voluntarily caused hurt to PW1 with a pickaxe, thereby committing an offence punishable under Section 324 r/w 34 of IPC?*
- 3) *If found guilty, what shall be the punishment if any, to be awarded?*

8. **Point Nos. 1 and 2:** - For the sake of convenience and to avoid repetition, and for brevity, these points are considered together. Despite repeated coercive measures issued by the Court to secure their attendance, the material witnesses were not produced before the Court. Their non-appearance deprived the prosecution of crucial evidence necessary to substantiate the allegations. Consequently, the prosecution evidence came to be closed. In the

absence of vital witness testimony, the prosecution failed to establish its case beyond reasonable doubt, and therefore, the prosecution case stands failed. Thus, point no.1 and 2 are found against the prosecution.

9. **Point No. 3:** - On the basis of finding on Point Nos. 1 and 2 this point does not arise for consideration.

**In the result**, the accused Nos. 1 is found not guilty of the offences punishable under sections 341, 324 r/w 34 of IPC. He is acquitted u/s. 271(1) of the BNSS, 2023. His bail bond stands cancelled and he is set at liberty. **The 2<sup>nd</sup> accused is no more and the charge against him abated.**

*Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 12<sup>th</sup> day of March, 2026.*

Sd/-

**Judicial First-Class Magistrate, Kadakkal.**

## **APPENDIX**

### **List of Prosecution/Defence/Court Witnesses**

#### A. Prosecution Witnesses

Rank	Name	Whether Eyewitness, Police Witness, Expert witness, Medical Witness, other witness
PW1	Rajudeen ( CW3)	Occurance Witness

**B. Defence Witness**

Rank	Name	Whether Eyewitness, Police Witness, Expert witness, Medical Witness, other witness
	NIL	

**C. Court Witnesses**

Rank	Name	Whether Eyewitness, Police Witness, Expert witness, Medical Witness, other witness
	NIL	

**List of Prosecution/Defence/Court Exhibits****A. Prosecution Exhibits**

Sl.No	Exhibit Number	Description
	NIL	

**B. Defence Exhibits**

Sl.No.	Exhibit Number	Description
	NIL	

**C. Court Exhibits**

Sl. No.	Exhibit Number	Description
	NIL	

**D. Material Objects**

Sl. No.	Exhibit Number	Description
	NIL	

Sd/-

**Judicial First-Class Magistrate, Kadakkal.**

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**Judicial First-Class Magistrate, Kadakkal.**