

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, KADAKKAL

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

Monday, 06th day of April, 2026/ 16th Chaithra 1948

CALENDAR CASE No. 3333/2015

- Complainant : State-represented by the Sub Inspector of Police,
Kadakkal Police Station Crime No. 1637/2015.
(By A.P.P., Kadakkal)
- Accused : Shefeek, aged 29/2026, S/o. Hashim, Darul Barkka Manzil,
Maruthi Kunnu, Tholloor, Pallikkal Village.
(By Adv. Sri. Amjad.A)
- Offence : Under sections 341, 294(b), 323, 324 and 506(i) of the Indian
Penal Code.
- Plea : Not guilty
- Finding : Not guilty
- Sentence or order : The accused is found not guilty of the offence punishable under
sections 341, 294(b), 323, 324 and 506(i) of the Indian Penal
Code and they are acquitted under section 271(1)of the BNSS.
Their bail bonds stand cancelled and they are set at liberty.

Date of

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
04.11.15	23.12.15	22.08.19	22.08.19	11.12.25	27.03.26	27.03.26	06.04.26	-

This case having been finally heard on 06.04.2026 and the Court on the same day delivered the following:-

JUDGMENT

The accused is put on trial upon a final report filed by the Sub Inspector of Police, Kadakkal Police Station Crime No.1637/2015 alleging commission of offence punishable under sections 341, 294(b), 323, 324 and 506(i) of the Indian Penal Code.

2. Prosecution case in brief is as follows:- The accused, who had studied as a senior in 2014 at Kilimanoor RRV HSS, where the defacto complainant is studying had been habitually, harassing the complainant. Due to the previous enmity arising from a complaint made against him in the school, the accused with the intention and preparation to assault the complainant, on 04.11.2015 at about 09.15 a.m, near Kadakkal Bus Stand Kadakkal Village, wrongfully restrained the complainant, caught hold of his shirt collar, abused him in filthy language and assaulted him by hitting on his left ear with his hand, causing rupture of the eardrum. Thereafter, the accused further assaulted him by beating on his back and other parts of the body with hands and kicking him and also criminally intimidated him by threatening that he would be done away with if the incident was disclosed. Thus the accused had committed the offences punishable under sections 341, 294(b), 323, 324 and 506(i) of the Indian Penal Code.
3. This case is originated from the Ext.P1 First Information Statement given by PW1. On the basis of this, CW6 registered First Information Report and conducted investigation and laid charge sheet before the Court.
4. My predecessor in office took cognizance of the offences and issued process against the accused persons u/s.204 Cr.P.C. On appearance of the accused, they were enlarged on bail. The copies of all relevant prosecution records were furnished to them under section 207 of the Code of Criminal Procedure, 1973. After hearing both parties, charge u/ss. 341, 294(b), 323, 324 and 506(i) of the Indian Penal Code were framed, read over and explained to them to which they pleaded not guilty and claimed to be tried.

5. In this case the police filed report stating that whereabouts of CW1 to CW6 are not traceable. Thus, the prosecution evidence stood closed. In the absence of any incriminating evidence against the accused, questioning them under section 313 of Cr.P.C was dispensed with.

6. Heard both sides.

7. Points that arose for consideration are:-

- 1) *Has the accused person, on 04.11.2015 at about 09.15 a.m, wrongfully restrained PW1 and thus committed the offence punishable under section 341 of the Indian Penal Code?*
- 2) *Has the accused person, on the same day at the same time, uttered obscene words towards PW1 and thus committed the offence punishable under section 294(b) of the Indian Penal Code?*
- 3) *Has the accused person, on the same day at the same time, voluntarily caused hurt to PW1 and thus committed the offence punishable under section 323 of the Indian Penal Code?*
- 4) *Has the accused person, on the same day at the same time, voluntarily caused hurt to PW1 with dangerous weapon and thus committed the offence punishable under section 324 of the Indian Penal Code?*
- 5) *Has the accused, on the same day at the same time, and criminally intimidated CW1 and thus committed the offence punishable under section 506(i) of the Indian Penal Code?*
- 6) *If the accused is found guilty, what is the order as to sentence?*

8. **Points No. 1 to 5:-** For the sake of convenience and to avoid repetition, and for brevity, these points are considered together. In the present case, the police have submitted a report stating that the whereabouts of CW1 to CW6, who are cited as material witnesses to the occurrence, could not be traced despite earnest efforts. They have further expressed their inability to secure the presence of the said witnesses before this Court. It is evident that CW1 to CW6 are crucial witnesses whose evidence is essential for

proving the prosecution case, and in their absence, the substratum of the prosecution case is seriously affected.

9. Despite granting sufficient opportunities and adopting coercive steps, the prosecution has failed to procure the attendance of these material witnesses. In such circumstances, no useful purpose would be served by adjourning the matter further or by proceeding with the examination of the remaining witnesses, whose evidence would not advance the prosecution case in any meaningful manner. Accordingly, this Court is constrained to close the prosecution evidence. In the absence of substantive and reliable evidence to establish the allegations against the accused, the prosecution has failed to prove its case beyond reasonable doubt. Hence, the prosecution case stands failed. Thus, point No.1 to 5 are found against the prosecution.
10. **Point No. 6**:- *In view of the finding in Point No.1 to 5, the accused is found not guilty of the offence punishable under sections 341, 294(b), 323, 324 and 506(i) of the Indian Penal Code and they are acquitted under section 271(1)of the BNSS. Their bail bonds stand cancelled and they are set at liberty.*

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this, the 06th day of April, 2026.

Sd/-

Judicial First-Class Magistrate, Kadakkal.

APPENDIX

List of Prosecution/Defence/Court Witnesses

A. Prosecution Witnesses

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

B. Defence Witness

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

C. Court Witnesses

Rank	Name	Whether Eye Witness, 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.

//True Copy//

Judicial First-Class Magistrate, Kadakkal.