

IN THE COURT OF THE JUDICIAL FIRST-CLASS MAGISTRATE, KADAKKAL**Present: - Sri.Amal S.R., Judicial First-Class Magistrate**Tuesday, 16th day of June 2026/ 26th Jeishta, 1948**CALENDAR CASE No.314/2022**

Complainant : State-represented by the Sub Inspector of Police,
Kadakkal Police Station Crime No.488/2022
(By A.P.P., Kadakkal)

Accused Nos. A1. Minhas @ Minaf s/o Shajahan, (Split up)
Fathima Manzil, Kottappuram, Mathira, Mankodu Village.
A2. Jishnu, aged 27, S/o Prabhakaran Asari, Paravila Veedu,
Cherukara, Kummil P.O, Kummil Village.
(By Adv. D.Vinayakumar)
A3. Sai S Kumar @ Saijeev, aged 27, S/o Sreekumar,
Sreenilayam, Mankadu, Kummil Village.
(By Adv. A.K.Gopakumar)

Offence : Under sections 341, 323,506(i) r/w 34 of the Indian Penal Code.

Plea : Not guilty

Finding : Not guilty

Sentence or order : Accused Nos.2 and 3 are found not guilty of the offence punishable under sections 341, 323,506(i) r/w 34 of the Indian Penal Code and they are acquitted under section 278(1) of the BNSS. Their bail bonds stand cancelled and they are set at liberty. The case against the first accused is split up and refiled as CC 973/2022

Date of

Occurrence	Complainant	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
20.03.22	21.03.20 22	22.02.2 3-A2 15.06.2 3-A3	22.02.2 3-A2 15.06.2 3-A3	08.08.23	11.05.2 6	16.06.26	16.06.26	-

This case having been finally heard on 16.06.2026 and the Court on the same day delivered the following:-

JUDGMENT

Accused Nos. 2 and 3 were put on trial upon a final report filed by the Sub Inspector of Police, Kadakkal Police Station Crime No. 488/2022 alleging commission of offence punishable under sections 341, 323, 506(i), 294(b) r/w 34 of the Indian Penal Code.

2. ***Prosecution case in brief is as follows:*** - On 20.03.2022 at about 8.45 p.m., owing to previous animosity, accused Nos.1 to 3, in furtherance of their common intention, wrongfully restrained the defacto complainant at Mankattu Junction and uttered obscene words against him. It is further alleged that the accused voluntarily caused hurt to the defacto complainant and thereafter criminally intimidated him with threats. Thus, the accused are alleged to have committed offences punishable under Sections 341, 323 and 506(i), 294(b) read with Section 34 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, CW7 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 2 and 3, they were enlarged on bail. The copies of all relevant prosecution records were furnished under section 207 of the Code of Criminal Procedure, 1973. Particulars of offence u/ss. 341, 323, 506(i), 294(b) r/w 34 of the Indian Penal Code were read over and explained to

them to which they pleaded not guilty and claimed to be tried. Though cognizance was taken for the offence punishable under Section 294(b) of the Indian Penal Code, upon consideration of the records, this Court found that the allegations did not disclose the essential ingredients of the said offence. Accordingly, the particulars of the offence under Section 294(b) IPC were not stated to the accused and the trial proceeded only in respect of the remaining offences

5. On the side of the prosecution, PW1 to PW5 were examined. Ext.P1 and P2 were marked. In this case the presence of material witnesses was not procured even if repeated coercive steps are ordered and thus there is no purpose in examining the remaining witnesses. Thus, the prosecution evidence stands closed. In the absence of any incriminating evidence against the accused, questioning him under section 313 of Cr.P.C was dispensed with.

6. Heard both sides.

7. Points that arose for consideration are:-

- 1) *Have the accused persons, on 0.03.2022 at about at 8.45 Hrs, in furtherance of common intention, voluntarily caused hurt to PW1 and thus committed the offence punishable under section 323 r/w 34 of the Indian Penal Code?*
- 2) *Have the accused persons, on the same day at the same time, in furtherance of common intention, wrongfully restrained PW1 and thus committed the offence punishable under section 341 r/w 34 of the Indian Penal Code?*
- 3) *Have the accused persons, on the same day at the same time, in furtherance of common intention, and criminally intimidated PW1 and thus committed the offence punishable under section 506(i) of the Indian Penal Code?*
- 4) *If the accused is found guilty, what is the order as to sentence?*

8. **Points No. 1 to 3:-** PW1, the defacto complainant, was examined before the Court. Through him, Ext.P1 First Information Statement was marked. In his evidence, PW1 deposed that he did not know the identity of the persons who committed the alleged

offence and failed to identify the accused before the Court. Thus, he did not support the prosecution case and was declared hostile.

9. PW2 and PW3, who were examined as mahazar witnesses, did not support the prosecution case. They denied knowledge of the material facts sought to be proved through them and failed to support the prosecution regarding the preparation and execution of the mahazar. They were treated as hostile.

10. PW4 to PW6 also turned hostile to the prosecution. They did not support the prosecution version regarding the occurrence or the involvement of the accused in the alleged incident. Though they were cross-examined by the learned Assistant Public Prosecutor, nothing favourable to the prosecution could be elicited from their evidence. Seeing the plight of the case, the learned APP gave up the remaining witnesses. In the above circumstances the prosecution case stands as failed. Thus, point no.1 to 3 are found against the prosecution.

11. **Point No. 4** :- In view of the finding in Point No.1 to 3, the accused Nos. 2 and 3 are found not guilty of the offence punishable under sections 341, 323,506(i) r/w 34 of the Indian Penal Code and they are acquitted under section 278(1) of the BNSS. Their bail bond stands cancelled, and they are set at liberty. The case against the first accused is split up and refiled as CC 973/2022

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this, the 16th day of June, 2026.

Judicial First-Class Magistrate, Kadakkal.

APPENDIX

List of Prosecution/Defence/Court Witnesses

A. Prosecution Witnesses

Rank	Name	Whether Eye Witness, Police Witness, Expert
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		witness, Medical Witness, other witness
PW1	Santheesh	Complainant/Injured witness
PW2	Renjith	Mahazar Witness
PW3	Sumesh	Mahzar witness
PW4	Praveen	Occurrence witness
PW5	Sarath	Occurrence witness
PW6	Ratheesh	Occurrence witness

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
1.	P1	FIS proved by PW1 on 11.05.26
2	P2	Scene Mahazar proved by PW2 on 11.05.2026

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	

