

								Cr.P.C
12.04.23	11.05.23	01.05.23	27.05.24	22.10.25	24.04.26	24.04.26	04.05.26	-

This case having been finally heard on 04.05.2026 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, Chithara Police Station Crime No. 391/2023 alleging commission of offence punishable under sections 341,427 r/w 34 of the Indian Penal Code.

2. ***Prosecution case in brief is as follows:-*** Due to the animosity arising out of the complaint lodged before the Police regarding the taking away of timer earlier purchased by the complainant's husband by the mother of the cussed, accused nos. 1 to 3, in furtherance of their common intention, criminally trespassed at night 10:00 PM on 12.04.2023 into the courtyard of 'Arunodayam' house situated at Mudayil, Mancode P.O. in Mancode Village, where the complainant was residing. Thereupon, the 2nd accused abused the complainant's husband in filthy language and when the complainant questioned the same accused Nos. 1 and 3 wrongfully restrained the complainant's by holding him by his shirt. Thereafter, the 2nd accused assaulted the complainant' husband by striking on his face and caused hurt. When the complainant attempted to intervene, the 1st accused kicked and assaulted her on her waist and caused injuries. Further, the accused took a stone lying on the round and threw it at the front window pane of the complainant's house, thereby damaging the same and causing wrongful loss of Rs.600/-. By kicking and assaulting the complainant, the 1st accused also caused humiliation mental agony and defamation to her. Thus, accused Nos. 1 to 3 acted as abettors and facilitators to each other in the commission of the aforesaid offences and thereby committed the offences punishable under sections 341,427 r/w 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, CW9 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 u/s.204 Cr.P.C. On appearance of the accused, he was enlarged on bail. The copies of all relevant prosecution records were furnished to him under section 207 of the Code of Criminal Procedure, 1973. After hearing both parties, charge u/s. 341,427 r/w 34 of the Indian Penal Code were framed, read over and explained to them to which he pleaded not guilty and claimed to be tried.

5. On the side of the prosecution, PW1 and PW2 were examined and FIS was marked Ext.P1. As the material witnesses failed to support the prosecution case, the learned Assistant Public Prosecutor gave up remaining witnesses. 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 12.04.2023 at night 10:00PM, in furtherance of their common intention wrongfully restrained PW1 and thus committed the offence punishable under section 341 r/w 34 of the Indian Penal Code?*
2. *Have the accused persons, on the same day at the same time, in furtherance of their common intention, mischief the loss of Rs. 600/-to PW1 and thus committed the offence punishable under section 427 r/w 34 of the Indian Penal Code?*
3. *If the accused is found guilty, what is the order as to sentence?*

8. Points No. 1 to 2 :- For the sake of convenience and to avoid repetition, and for brevity, these points are considered together.

9. The defacto complainant was examined as PW1. The First Information Statement is marked as Ext.P1. PW1 categorically deposed that she did not know the culprits.

10. PW2 is an occurrence witnesses. He deposed that he did not know the accused persons. He denied the entire prosecution case.

10. 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 4 are found against the prosecution.

11. Point No. 3 :- In view of the finding in Point No.1 and 2, the accused are found not guilty of the offence punishable under sections 341, 427 r/w 34 of the Indian Penal Code and they are acquitted under section 278(1) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. Their bail bond stands 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 04th day of May, 2026.

Sd/-

Judicial Magistrate of First Class, Kadakkal

APPENDIX**List of Prosecution/Defence/Court Witnesses****A. Prosecution Witnesses**

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
PW1	Bindhu (CW1)	Complainant/Occurrence Witness
PW2	Anil Kumar(CW2)	Complainant/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 24.04.2026

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	

Sd/-

Judicial Magistrate of First Class, Kadakkal

//True Copy//

Judicial Magistrate of First Class, Kadakkal