

TABULAR FORM

1.	Serial Number	]	Sessions Case No.929/2022
2.	Name of Police Station and Crime No. of the offence	]	Kannur Town Police Station Crime No.853/2022

DESCRIPTION OF THE ACCUSED

3. Name	4. Father's Name	5. Occupation	6. Residence	7. Age
Rijesh C	Geetha (Mother)	--	Chingan House, PO Pallikkunnu, Ramatheru, Kannur City	40/22

DATE OF

8.	Occurrence	]	20-06-2022
9.	Complaint	]	17-08-2022
10.	Apprehension of the accused	]	20-06-2022
11.	Release on bail	]	04-08-2022
12.	Commitment	]	23-11-2022
13	Commencement of trial	]	20-12-2024
13A	Commencement of evidence	]	02-07-2025
14.	Close of trial	]	27-04-2026
15.	Sentence/Order	]	05-05-2026
16.	Service of copy of judgment or finding on accused	]	05-05-2026
17	Explanation for delay	]	B diary extract attached
18	Period of detention undergone during investigation, inquiry or trial for the purpose of Section 428 Cr.P.C.]	--

Addl. Sessions Court -I, Thalassery,
Dated: 05-05-2026.

Sd/
SPECIAL JUDGE/
ADDITIONAL SESSIONS JUDGE-I

IN THE COURT OF SESSIONS THALASSERY DIVISION

Present: Sri. Philip Thomas, Special Judge for the trial of offences against
women and children/ Addl. Sessions Judge-I

Tuesday, the 05th day of May, 2026/15th Vaisakha, 1948

SESSIONS CASE No.929 OF 2022

(Committed by Smt. Ambili S, Judicial First Class Magistrate-I, Kannur in
C.P. No.44/2022 in Crime No.853/2022 of Kannur Town Police Station)

Complainant	] State: SHO, Kannur Town Police Station] (Prosecution conducted by Shri. Jayaramdas E,] Addl.Public Prosecutor, Thalassery)
Accused	] Rijesh C, S/o. Geetha, aged 40/22,] Chingan House, PO Pallikkunnu,] Ramatheru, Kannur City
	] (Accused defended by Adv. Jayakrisnan T V)
Charge	] u/s.307 IPC
Plea of the accused	] Not Guilty
Finding of the Judge	] Guilty u/s.324 IPC and he is convicted] thereunder.] Not guilty under section 307 IPC and is] acquitted of the offence under section 235] Cr.PC.
Sentence/Order	] (i) The offender is released on probation of] good conduct u/s. 4(1) of the Probation Of] Offenders Act on his entering into a bond for] Rs.50,000/- with two solvent sureties, to appear] and receive sentence when called upon during a] period two years, and in the meantime to keep] the peace and be of good behaviour;]

	<p>(ii) The offender in the interests of the offender and of the public, the offender is kept under the supervision of the District Probation Officer, Kannur for a period of two years;</p> <p>(iii) During the above period of supervision, the offender shall refrain from intoxicants, psychotropic substances and liquor;</p> <p>(iv) To ensure the observation of the conditions, the offender shall enter into a bond for Rs. 50,000/- with two solvent sureties each for the like sum.</p> <p>(v) The offender is also ordered to pay compensation of Rs.10,000/- u/s.5(1) of the Probation of Offenders Act. If the amount is realised the same shall be paid to PW2 after the appeal period.</p>
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JUDGMENT

This case is charge sheeted by the Inspector of Police, Kannur Town Police Station in Crime No.853/2022 of that Police Station alleging the offence punishable under section 307 IPC.

2. The prosecution case is that on 20.06.2022 at 4pm, due to the previous enmity that the accused had against CW2, voluntarily caused grievous hurt to her at the public road in front of the house of Hareendran E P S/o.Mukundan, by hitting on her neck with a screwdriver, with the intention and knowledge and under such circumstance that had his act caused death of CW2, he would have been guilty of murder. Hence, the accused committed the aforesaid offences.

3. The final report was filed before the Judicial First Class Magistrate Court-I, Kannur and the case was taken on file as CP 44/2022. The case was committed to the Hon'ble Sessions Court, Thalassery after completing all the legal formalities. In the Sessions Court, the case was numbered as this case and was made over to this Court for trial.

4. On issuing summons, the accused appeared. The accused was defended by a counsel of his own choice. Heard and charge u/s. 307 IPC was framed against the accused. The charge was read over and explained to the accused. He pleaded not guilty.

5. The Prosecution cited CWs 1 to 24 and out of them CW1, 2, 7,9,12, 11, 15, 20, 17, 18, 19, 4, 14, 13, 23 and 24 were examined as PWs1 to 16 and Exts.P1 to 23 and MOs1 to 9 were also marked. The learned Special Public Prosecutor gave up the remaining witnesses.

6. After closing the Prosecution evidence, the accused was questioned under section 313 Cr. PC. He denied all the incriminating evidence adduced against him by the Prosecution and stated that he has nothing to say.

7. Heard under Section 232 of the Code of Criminal Procedure. As there was evidence against the accused, it was found that the accused was not entitled to be acquitted u/s. 232 Cr. PC. Hence, he was called upon to enter on his defence evidence and to adduce evidence. No evidence adduced on the side of the defence.

8. The following points arise for determination:-

(1) Whether the accused caused hurt to PW2 as alleged by the prosecution?

(2) If so, whether the accused is guilty of the offence of attempting to commit murder of PW2 as alleged by the prosecution?

(3) What is the order or sentence to be passed?

9. **Point Nos. (i) & (ii)** :- To avoid repetition of discussion of evidence and for sake of convenience, these points are discussed together.

10. PW1 is the de facto complainant and the husband of the injured in the incident. He deposed that he resides at Ramatheru, Puzhathi and that his wife Anita sustained injuries in the incident that occurred on 20.06.2022 at about 03:45 p.m., near his house on the road, in front of the house of Manoj. While he was at home, he heard a cry from the road and ran towards there. On reaching there, he realised that the woman crying aloud was his wife, who was lying on the ground. He saw the accused sitting on her body and stabbing her with a star screwdriver. By the time he reached the spot, the workers of KSEB had also arrived there. They pulled him away from the body of his wife, and on seeing him, the accused ran away from the scene after throwing away the screwdriver. Immediately thereafter, he called his neighbour Nikhil, and together they took his wife to AKG Hospital, Kannur. In the incident, his wife had sustained serious injuries.

11. He further testified that about one month prior to the incident, the mother of the accused had committed suicide, and the accused, under a misunderstanding that his wife was responsible for his mother's death,

attacked her. On the same day, he gave Ext. P1 statement to the police at the hospital, as his wife was not in a condition to speak. On the same day, the police arrested the accused, and he identified him at the police station. On the next day, at about 09:15 a.m., the Police along with the scientific assistant and the fingerprint expert, came to the place of occurrence and collected blood samples. He also deposed that he showed the place of occurrence to the police. The police recovered the screwdriver which the accused had thrown away near the place of occurrence. He identified MO1 as the screw driver used by the accused to stab his wife.

12. PW2 is the injured in the case. She deposed that on 20.06.2022 at about 03:45 p.m., she went along with PW12 to collect some cotton clothes from the house of Padmavathy, a neighbour. When they returned, the accused was standing near the gate of Padmavathy. As Janaki and she walked towards her house, the accused followed her and asked why his mother had committed suicide and whether there had been any issues between them. She replied that there was no issue between them. Hearing this, he again asked why his mother had committed suicide.

13. Seeing a screwdriver in his hand, she believed that he would do something against her, and so she moved quickly towards her house. PW12 was walking ahead of her. Suddenly, the accused pushed her down and when she fell on the ground, he sat on her body and stabbed her with a screwdriver on the right side of her neck, saying that she would be killed and should not be allowed to live. By that time, people including her husband and KSEB workers gathered there, and the accused ran away.

14. She further testified that she was taken to AKG Hospital, Kannur, in the car of Nikhil, and that the accused acted in this manner with the intention of murdering her. She stated that there were no issues between herself and the mother of the accused, and that he stabbed her under the misunderstanding that his mother had committed suicide because she had informed the mother of the accused about his involvement in an arson case and his questioning by the police in connection with that case. She identified MO1 as the screw driver and MO2 as the maxi worn by her at the time of the incident. She identified the accused who stood in the dock as the person who stabbed her with the screw driver.

15. PW12 deposed that she accompanied PW2 when she went to Padmavathy's house. She also deposed in tune with the evidence of PW2 and testified that she saw the accused stabbing PW2 with a screw driver.

16. PW3 is a neighbour of PW1 and PW2. He deposed that the incident in the case happened on 20.06.2022 and during that period he was working in Info Park and was working from home. He also deposed that he did not see the incident in the case. Hearing the hue and cry, he went to the place of occurrence and saw PW2 lying on the road. Immediately, he took her to hospital accompanied by her husband.

17. PW14 is the doctor who examined PW2 and prepared her wound certificate Ext.P14. PW14 deposed that on 20.06.2022 at 04.33 p.m. while he was working as Chief Medical Officer in AKG Memorial Hospital, Kannur, he examined PW2 and issued Ext.P14 wound certificate. He further testified that on examination a lacerated wound over the right side of the neck measuring 1x0.5cm lateral to the sternocleidomastoid muscle on the right side was seen. The alleged history was assault by one Rijesh with a

screwdriver at around 04.00 p.m. at Azhikodan Nagar housing Colony on the same day. PW14 opined that the injury could be caused as alleged and that the injury was simple in nature. He also deposed that the injury could be caused by MO1.

18. The remaining question is whether the accused inflicted the injury with the intention of causing the death of PW2, or of causing such bodily injury as he knew to be likely to cause her death, or whether the injury inflicted was sufficient in the ordinary course of nature to cause death, or that he knew it to be so imminently dangerous that it must, in all probability, cause death or such bodily injury likely to cause death; and if death had occurred, he would have been guilty of the offence of murder, thereby attracting the offence under Section 307 IPC.

19. The evidence of PW2 that she was stabbed by the accused with a screwdriver is corroborated by the evidence of PWs 2 and 12. Further, the evidence of PW1, PW2 and PW12 are corroborated by the evidence of PW3 that he took PW2 to the hospital in his car accompanied by PW1. Also, the evidence of PW2 is further corroborated by the evidence of PW14, doctor and Ext. P14, wound certificate. Though all these witnesses were cross examined elaborately by the defence counsel, there is nothing to disbelieve the evidence of any of these witnesses. In that circumstance, it is to be found that the Prosecution has succeeded in proving that the accused caused hurt to PW2 as alleged.

20. Now the remaining question is whether the accused inflicted the injury with the intention of causing the death of PW2 or causing such bodily injury as he knew to be likely to cause the death of PW2 or the injury

inflicted was sufficient in the ordinary course of nature to cause her death or that he knew that it was so imminently dangerous that it must in all probability cause the death or such bodily injury likely to cause death, and if death had occurred he would have been guilty of the offence of murder to attract the offence under Section 307 IPC. The remaining question is whether the accused inflicted the injury with the intention of causing the death of PW2, or of causing such bodily injury as he knew to be likely to cause her death, or whether the injury inflicted was sufficient in the ordinary course of nature to cause death, or that he knew it to be so imminently dangerous that it must, in all probability, cause death or such bodily injury likely to cause death; and if death had occurred, he would have been guilty of the offence of murder, thereby attracting the offence under Section 307 IPC.

21. From Exhibit P14 wound certificate and as deposed by PW14, it is seen that she had sustained a lacerated wound over the right side of the neck measuring 1x0.5cm lateral to the sternocleidomastoid muscle. Also, PW14 deposed that the injury was simple in nature. Considering the nature of the injury, it can very well be found that the accused had no intention of causing the death of PW2, or an injury likely to cause her death. Also, the injury is not one sufficient in the ordinary course of nature to cause death. In these circumstances, the prosecution has failed to prove that the accused committed the offence of attempt to commit murder punishable under Section 307. On the other hand, the prosecution has succeeded in proving that the accused inflicted an injury with a deadly weapon namely, the screwdriver.

22. **Point No. (iii)** :- Based on the findings on Point Nos. (i) and (ii), the accused is found guilty of the offence punishable under section 324 IPC

and he is convicted thereunder. He is found not guilty of the offence under section 307 IPC and is acquitted of the offence under section 235 Cr.PC.

(Dictated to the Confidential Assistant transcribed and typed by her corrected and pronounced by me in open Court on the 5th day of May, 2026).

SPECIAL JUDGE/
ADDL. SESSIONS JUDGE – I

23. Heard on the question of sentence. He submitted that he may be pardoned.

24. Heard. In this case the report of the District Probation Officer has been obtained. On considering his report and having regard to the circumstances of the case including the nature of the offence and the character of the offender, this court is of the opinion that it is expedient to release him on probation of good conduct u/s. 4(1) of the Probation Of Offenders Act. Further, the court is of the opinion that in the interests of the offender and of the public it is expedient to direct the offender to remain under the supervision of a probation officer for a period of two years on conditions under sections 4 (3) and (4) of the Probation of Offenders Act. In the incident PW2 had sustained injuries and was admitted to hospital. In that circumstance, the accused is ordered to pay compensation of Rs.10,000/- to PW2.

25. Hence, the offender is released on probation of good conduct u/s. 4(1) of the Probation Of Offenders Act on his entering into a bond for Rs.50,000/- with two solvent sureties, to appear and receive sentence when

called upon during a period two years, and in the meantime to keep the peace and be of good behaviour. Further, in the interests of the offender and of the public, the offender is kept under the supervision of the District Probation Officer, Kannur for a period of two years. During this period of the supervision, the offender shall refrain from intoxicants, psychotropic substances and liquor. To ensure the observation of the conditions, the offender shall enter into a bond for Rs.50,000/- with two solvent sureties each for the like sum. The offender is also ordered to pay compensation of Rs.10,000/- u/s.5(1) of the Probation of Offenders Act. If the amount is realised the same shall be paid to PW2 after the appeal period.

In the result,

(i) The offender is released on probation of good conduct u/s. 4(1) of the Probation Of Offenders Act on his entering into a bond for Rs.50,000/- with two solvent sureties, to appear and receive sentence when called upon during a period two years, and in the meantime to keep the peace and be of good behaviour;

(ii) The offender in the interests of the offender and of the public, the offender is kept under the supervision of the District Probation Officer, Kannur for a period of two years;

(iii) During the above period of supervision, the offender shall refrain from intoxicants, psychotropic substances and liquor;

(iv) To ensure the observation of the conditions, the offender shall enter into a bond for Rs. 50,000/- with two solvent sureties each for the like sum.

(v) The offender is also ordered to pay compensation of Rs.10,000/- u/s.5(1) of the Probation of Offenders Act. If the amount is realised the same shall be paid to PW2 after the appeal period.

(vi) MO1 to MO9 being valueless shall be destroyed.

(Dictated to the Confidential Assistant transcribed and typed by her corrected and pronounced by me in open Court on the 5th day of May, 2026).

Sd/
SPECIAL JUDGE/
ADDITIONAL SESSIONS JUDGE-I

APPENDIX:-

WITNESSES FOR THE PROSECUTION:-

Rank		Eye witness/ police witness/ expert witness/ Medical witness/other witness.
PW1	Shri. Purushothaman V	: Eye witness
PW2	Smt.Anitha K	: Eye witness (victim)
PW3	Shri.Nikhil Madhu	: Other witness
PW4	Shri.Viju P	: Other witness
PW5	Dr.Bendhu T, Casualty Medical Officer, District Hospital, Kannur	: Medical witness
PW6	Dr.Helna A K , Scientific Officer, District Crime Branch, Kannur City	: Expert witness
PW7	Smt.Latha E O K, Village Officer, Village Office, Pallikkunnu	: Other witness

PW8	Shri.Shajith K K, Asst.Sub Inspector, Kannur Town Police Station	: Police witness
PW9	Shri.Lithesh V R , CPO, Kannur Town Police Station	: Police witness
PW10	Shri.Mahesh P, CPO, Kannur Town Police Station	: Police witness
PW11	Shri.Sujith A,CPO, Kannur Town Police Station	: Police witness
PW12	Smt. O Janaki	: Eye witness
PW13	Dr.Priya R. Casualty Medical Officer, District Hospital, Kannur	: Medical witness
PW14	Dr.Rammohhan, Chief Medical Officer, AKG Memorial Hospital, Kannur	: Medical witness
PW15	Shri. Naseeb C H, Sub Inspector of Police, Kannur Town Police Station	: Police witness
PW16	Shri. Sreejith Koderi, Inspector SHO, Kannur Town Police Station	: Police witness

EXHIBITS FOR THE PROSECUTION:-

Sl. No.	Date	Exhibit number	Description
1	20-06-2022	P1//PW1	First Information Statememnt
2	20-06-2022	P1(a)//PW15	Body note
3	21-06-2022	P2//PW4	Scene Mahazar
4	20-06-2022	P3//PW5	Certificate of collection of material objects from the body of a person for chemical examination.

5	20-06-2022	P4//PW5	Report to be forwarded with material objects sent for chemical analysis
6	Date nil	P5//PW5	Bottle cover
7	21-06-2022	P6//PW6	Receipt for the collection of evidence issued Dr.Helna A K Scientific Officer, DCRB, Kannur City.
8	21-06-2022	P6(a)//PW6	Sample seal of Dr.Helna A K Scientific Officer, DCRB, Kannur City.
9	26-07-2022	P7//PW7	Site Plan
10	21-06-2022	P8//PW9	Seizure Mahazar
11	22-06-2022	P9//PW10	Seizure Mahazar (Maxi)
12	08-07-2022	P10//PW10	Seizure Mahazar (blood sample of the victim)
13	08-07-2022	P11//PW13	Certificate of collection of material objects from the body of a person for chemical examination.
14	08-07-2022	P12//PW13	Report to be forwarded with material objects sent for chemical analysis
15	08-07-2022	P13//PW13	Brown cover used for EDTA bottles
16	22-06-2022	P14//PW14	Wound Certificate of Anitha
17	20-06-2022	P15//PW15	First Information Report
18	21-06-2022	P16//PW16	Seizure Mahazar (blood stain)
19	20-06-2022	P17//PW16	Arrest memo
20	20-06-2022	P18//PW16	Inspection memo
	21-06-2022	P19//PW16	Report regarding adding full name and address of accused
21	27-07-2022	P20//PW16	Forwarding note
22	11-08-2022	P21//PW16	Report regarding deleting section 324 IPC
23	11-08-2022	P22//PW16	Report regarding correction of Crime No. in FIR
24	26-06-2023	P23//PW16	Forensic Report

WITNESS FOR THE DEFENCE:- None

EXHIBITS FOR THE DEFENCE:- Nil

MATERIAL OBJECTS:-

MO1	Screw driver
MO2	Maxie
MO3 Series	EDTA bottles (2 Nos.)
MO4	Sealed packets (soil and dried leaves)
MO5	Blood stained polythene cover
MO6	EDTA bottle
MO6(a)	EDTA bottle
MO7	Pants of accused
MO8	Beniyan
MO9	Underwear

Sd/
SPECIAL JUDGE/
ADDITIONAL SESSIONS JUDGE-I

CKS/

**IN THE COURT OF SESSION,
THALASSERY**

SESSIONS CASE No.929/2022

JUDGMENT

DATED: 05.05.2026

1. The Registrar, (Subordinate Judiciary),
High Court of Kerala, Kochi-682031.
2. The Chief Judl. Magistrate,
Thalassery.
3. The District Collector, Kannur.
4. The Supdt. of Police, Kannur.
5. The Chemical Examiner,
Thiruvananthapuram.
6. The Supdt., Central Prison, Kannur.
7. The Public Prosecutor, Thalassery.
8. The Accused