

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE -I
KANNUR**

Present:- Sri Mohammed Ali Shahshad,
Judicial First Class Magistrate-I, Kannur

Dated this the Wednesday, the 18th day of March, 2026
(27th day of Phalguna, 1947 S.E)

C.C. 782/2021

Complainant	: State rep. by Sub Inspector of Police, Kannur Town Police Station (in Cr. No.1669/21 of Kannur Town P S) (By Sri. Satheesan P, APP Gr-I, Kannur)
Accused	1.Jafar Shani.K.P, aged 32/21 : S/o. Shamsudheen, Shamna Manzil Udaya nagar (P.O), Haripuram, Pullur, Kasaragod. 2. Jassir.M, aged 33/21, (Absconding) S/o. Ummer, Al-Hidaya, Ayinikkad Iringal (P.O), Payyoli, Kozhikode. 3. Shamsudheen, age 62/21 S/o. Mohammed, Shamna Manzil, Udaya Nagar (P.O), Haripuram Pullur, Kasaragod. (A1 and 3 by Adv. Sri. T.C.Ranjith & A2 by Adv. Smt. Sonia Mohan)
Offence	: u/ss. 279, 341, 323 and 506 r/w 34 of IPC
Pleading	: Not Guilty.
Finding	: Not Guilty.
Sentence or Order	: The accused Nos.1 & 3 are found not guilty of the offences punishable u/ss 279, 341, 323 and 506(i) IPC and they are acquitted u/s 255 (1) of Cr. P.C. They are set at liberty and their bail bond stands canceled. Case against A2 is split up and refiled as CC.No. 907/2021

<u>Description of Accused</u>					
Sl. No	Name	Father's Name	Occupation	Residence	Age
1	Jafar Shani.K.P	Shamsudheen	Driver	Udaya nagar (P.O), Haripuram, Kasaragod	32/21
2	Jassir.M (Absconding)	Ummer	--	Iringal (P.O), Payyoli,	33/21
3	Shamsudheen	Mohammed	Driver	Udaya Nagar (P.O), Haripuram	62/21

Date of:-	
Offence	: 15.10.2021
Complaint	: 18.10.2021
Apprehension	: ----
Release on bail	: 15.07.2022
Commencement of trial	: 18.07.2024
Close of trial	: 13.03.2026
Sentence/Order	: 18.03.2026
Service copy of judgment	:

JUDGMENT

The case is charge sheeted by the Sub Inspector of Police, Kannur Town police station in Crime No. 1669/21 for the offences punishable u/ss. 279, 341, 323, 506(i) r/w 34 of IPC

2. **Case of prosecution in brief is as follows:-** On 15.10.2021 at about 23.30 hrs, at Caltex, Kannur, on the northern side of the Mele Chovva–Kannur road near to a shop named “TIME OUT WATCH WORK,” the accused No. 1 drove a car bearing No. KL 60 R 6926, along with other accused, in a rash or negligent manner and while overtaking the ambulance bearing No. KL 60 S 9565 from the left, brushed against the Ambulance. Further, the accused persons in furtherance of their common

intention, abused CW1 in obscene language and threatened to kill him. Further, the accused No. 1 wrongfully restrained CW1 and beat CW1 and the accused No. 2 caught his neck and the accused No.3 assisted and assisted them. Therefore, the accused are alleged to have committed offences under Sections 279, 341, 323, 294(b), 506 r/w 34 IPC.

3. The accused appeared before the Court on receiving summons. This Court had not taken cognizance for the offence U/s. 294(b) of IPC. A1 and A3 were enlarged on bail. Copies of relevant prosecution records were furnished to them. After hearing both sides and after perusing the materials available before the Court, it is found that there is ground for presuming that the accused had committed the offence. When particulars of offence were read over to the accused, they pleaded not guilty. The accused were defended by a lawyer of his choice. Case was posted for evidence. A2 was absconding.

4. On the side of the prosecution, PW1 was examined and Ext. P1 was marked. Since material witnesses not supported the prosecution, the remaining witnesses were given up by the learned APP. Since there is no incriminating evidence against the accused, his examination u/s. 313(1) (b) of Cr.P.C is dispensed with. No evidence has been adduced from the side of the accused.

5. Both sides were heard.

6. Now the points that arise for consideration are:-

- 1) Whether the accused on 15.10.2021 at 23.30 hours near Caltex in furtherance of his common intention with other accused, drove his car bearing registration No. KL 60 R 6926 with passengers in a rash or negligent manner endangering human life as alleged?

- 2) Whether the accused on the same time, place and date, in furtherance of their common intention wrongfully restrained PW1 as alleged?
- 3) Whether the accused on the same time, place and date, in furtherance of their common intention voluntarily caused hurt to PW1 by beating him as alleged?
- (4) Whether the accused on the same time, place and date, in furtherance of their common intention intimidated PW1 as alleged?
- (5) If the offence is proved, what is the order or sentence ?

7. **Point No.1 to 4** :- PW1, the informant, deposed that on 15.10.2021, while he was coming from Kanhangad to Thrissur in his ambulance, and when reached at Caltex, Kannur one car was hit his ambulance and someone attacked him and he preferred FIS, which is marked Ext.P1. However, he does not know the assailants. According to him, the matter is settled between him and the accused and he has no grievances against the accused. PW1 turned hostile to the prosecution. Further, the accused did not attack him. The learned APP was permitted to put questions to PW1 as contemplated U/s 154 of Evidence Act. But nothing could be brought out to discredit his evidence before this court. Since PW1 turned hostile to the prosecution, the examination of remaining witness will be a futile exercise and APP rightly given up remaining witnesses. The prosecution had not adduced any evidence to bring home the guilt of the accused and therefore these points answered against the prosecution.

8. **Point No.5**:- In view of finding on point Nos.1 to 4, the accused No.1 and 3 are found not guilty of the offence punishable u/ss. 279, 341, 323 and 506(i)r/w 34 of IPC. Hence these points does not arise for consideration.

In the result,

The accused No.1 and 3 are acquitted u/s 255 (1) of Cr.P.C for the offence punishable u/ss. 279, 341, 323 and 506(i) r/w 34 IPC and they are set at liberty. Their bail bonds stand cancelled. Case against A2 is split up and refiled as CC. 907/2021.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court, this the 18th day of March, 2026).

Sd/-

Judicial First Class Magistrate-I
Kannur

APPENDIX

List of Prosecution/Defence/Court Witnesses

A. Prosecution Witnesses

Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, Other witness
PW1	Priyesh.E	Informant/Defacto complainant

B. Defence Witnesses:

NIL

C. Court Witnesses

NIL

List of Prosecution/Defence/Court Exhibits

A. Prosecution Exhibits

Sl.No.	Exhibit number	Description
1.	Ext.P1/PW1	First Information Statement dated 18.10.2021

B. Defence Exhibits:

NIL

C. Court Exhibits:

NIL

D. Material Objects:

NIL

Sd/-

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