

**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 Phalgun, 1947 S.E)

C.C. 882/2022

Complainant	:	State rep. by Sub Inspector of Police, Kannur Town Police Station (in Cr. No.835/22 of Kannur Town P S) (By Sri. Satheesan P, APP Gr-I, Kannur)
Accused	:	1.Radhakrishnan Ponnudiyan, age 57/22, S/o. Raghavan Ponnudiyan House, Thaliyil(P.O) Kalliasseri, Kannur 2. Sumesh.P.K, age 45/22 S/o. Balan, Karayapurath House Irinavu (P.O), Anchampeedika,Kannur. (By Adv. Sri. V.M.Thomas)
Offence	:	u/ss. 341, 323 and 324 r/w 34 of IPC
Pleading	:	Not Guilty.
Finding	:	Not Guilty.
Sentence or Order	:	The accused are found not guilty of the offences punishable u/ss 341, 323 and 324 r/w 34 IPC and they are acquitted u/s 248 (1) of Cr. P.C. They are set at liberty and their bail bonds stand canceled.

Description of Accused

Sl. No	Name	Father's Name	Occupation	Residence	Age
1	Radhakrishnan Ponnudiyan	Raghavan	Coolie	Ponnudiyan House, Thaliyil(P.O)	57/22

2	Sumesh.P.K	Balan	Photographer	Karayapurath House, Irinavu (P.O)	45/22
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Date of:-		
Offence	:	14.06.2022
Complaint	:	15.06.2022
Apprehension	:	NIL
Release on bail	:	22.06.2023
Commencement of trial	:	15.05.2025
Close of trial	:	13.03. 2026
Sentence/Order	:	18.03.2026
Service copy of judgment	:

J U D G M E N T

The case is charge sheeted by the Sub Inspector of Police, Kannur Town police station in Crime No. 835/22 for the offences punishable u/ss. 341, 323 and 324 r/w34 of IPC

2. **Case of prosecution in brief is as follows:-** On 14.06.2022 at 11.35 hours, near a tea shop named 'Season Cool and Hot' at Yogasala road in Kannur ansom, due to the enmity towards CW1 the 1st accused in furtherance of his common intentions shared with 2nd accused wrongfully restrained CW1 and beat his face with his hands and also hit his chest and back with granite stone and kicked his abdomen. Further, the 2nd accused tore PW1's shirt and beat his chest and back with a granite stone. Thereby, the accused are alleged to have committed offences punishable under Sections 341, 323 and 324 r/w 34 of the Indian Penal Code, 1860.

3. The accused appeared before the Court on receiving summons. They 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 offences. Hence, charge was framed under Sections 341, 323 and 324 r/w 34 of IPC against the accused. When charge was read over to the accused in Malayalam, they pleaded not guilty and claimed to be tried. The accused were defended by a lawyer of his choice. Case was posted for evidence.

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 14.06.2022 at 11.35 hours, near a tea shop named 'Season Cool and Hot' at Yogasala road in Kannur amsom, due to the enmity towards PW1, the accused in furtherance of their common intention wrongfully restrained PW1 as alleged?
- 2) Whether the accused in furtherance of their common intention voluntarily caused hurt to PW1 by beating him with his hands as alleged?
- (3) Whether the accused in furtherance of their common intention voluntarily caused hurt to PW1 by hitting with a granite stone which is a dangerous weapon as alleged?
- 4) If the offence is proved, what is the order or sentence ?

7. **Point No.1 to 3** :- PW1, the informant, deposed that on 14.06.2022 at 11.35 a.m, some person 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. Further,

the accused in this case did not attack him. PW1 turned hostile to the prosecution. 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.4:-** In view of finding on point Nos.1 to 3, the accused are found not guilty of the offence punishable u/ss. 341, 323 and 324 r/w 34 of IPC. Hence this point does not arise for consideration.

In the result,

The accused are acquitted u/s 248 (1) of Cr.P.C for the offence punishable u/ss. 341, 323 and 324 r/w 34 IPC and they are set at liberty. Their bail bonds stand cancelled.

Properties received as R.P. No. 276/22, Shirt (1 No) and R.P. No 265/22 Granite stone (1 No) shall be destroyed after the appeal period is over.

(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
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		witness, Medical witness, Other witness
PW1	Ajith.K	Informant/Injured

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 15.07.2022

B. Defence Exhibits:

NIL

C. Court Exhibits:

NIL

D. Material Objects:

NIL

Sd/-

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