

<b>IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE -II KANNUR</b>	
Present: Sri. Raphael.E.V, Judicial First Class Magistrate-II, Kannur	
Dated this the Tuesday, the 28th day of April 2026 ( 8th day of Vaisakha 1948 S.E )	
<b><u>C.C 153/21</u></b>	
Complainant	: State rep. by Sub Inspector of Police, Irikkur Police Station (in Cr. No.305/20) (By APP, Gr-II, Kannur)
Accused	: Sreejith, S/o. Kunhikannan, aged 35/20, Kumbathi (H), Padiyur amsom, Perumannu. (By Adv: Sri.Nigil.T )
Offence	: u/s 294(b) , 324, 326 of IPC
Pleading	: Not Guilty.
Finding	: Not Guilty.
Sentence or Order	: The accused is found not guilty of the offences punishable u/s 294(b) , 324, 326 IPC and he is acquitted u/s 248 (1) of Cr. P.C. He is set at liberty and his bail bond stands cancelled.

<u>Description of Accused</u>					
Sl. No	Name	Father's Name	Occupation	Residence	Age
1	Sreejith	S/o. Kunhikannan	.....	Padiyur	35/20

Date of:-	
Offence	: 16/11/2020
Complaint	: 18/11/2020
Apprehension	: 19/01/2021
Release on bail	: 19/01/2021

Commencement of trial	:	06/01/2022
Close of trial	:	24/4/2026
Sentence/Order	:	28/4/2026
Service copy of judgment	:	.....

### **J U D G M E N T**

1. The case is charge sheeted by the Sub Inspector of Police Irikkur in Crime No.305/20 for the offences punishable u/s 294(b) , 324, 326 IPC.

2. **Case of prosecution in brief is as follows:** On 16/11/2020 at 11.10 pm at Perumannu Arikkarakkal River Bank in Padiyur amsom, the accused due to previous enmity towards the defacto complainant, uttered obscene words, voluntarily caused hurt to him by beating with an oar on his stomach and legs whereby he sustained grievous injury such as fracture on right pointing finger and middle finger. Thereby the accused is alleged to have committed the offence punishable U/s.294(b) , 324, 326 IPC.

3. The accused appeared before the Court on receiving summons. He was enlarged on bail. Copies of relevant prosecution records were furnished to him. 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. Hence, charge was framed u/s 294(b) , 324, 326 of the IPC against the accused. When charge was read over to the accused in Malayalam, he pleaded not guilty and claimed to be tried. Case was posted for evidence.

4. On the side of the prosecution, PW1 was examined and Ext.P1 and 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, their 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 had uttered obscene words PW1 thereby committed offence punishable u/s.294(b) IPC ?

2. Whether the accused had voluntarily caused hurt to PW1 and thereby committed offence punishable u/s.324 IPC?

3. Whether the accused voluntarily caused grievous hurt to PW1 by beating with wooden stick and caused grievous hurt and thereby committed offence punishable u/s.326 IPC ?

4. If the offences are proved, what is the order or sentence?

7. **Point No.1 to 3:** PW1 is the defacto complainant, deposed that some persons attacked him on 16/11/2020 at 11.10 pm. He availed treatment form the hospital and preferred Ext.P1 FIS. He further stated that matter settled bwtween the parties. 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 their evidence. 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 prove the guilt of the accused and therefore these points answered against the prosecution.

8. **Point No.4 :-** In view of finding on point No.1 to 3, accused is found not guilty of the offences punishable u/s. 294(b) , 324, 326 of the IPC. Hence this point does not arise for consideration.

In the result,

The accused is acquitted u/s 248 (1) of Cr.P.C for the offences punishable u/ss. 294(b) , 324, 326 of the IPC and he is set at liberty. His bail bonds stand cancelled.

Property shall be destroyed after appeal period.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court, this the 28th day of April 2026).

sd/-  
Judicial First Class Magistrate-II  
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	Subhash.K.P	Eye witness

#### **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	FIS

**B. Defence Exhibits**

Nil

**C. Court Exhibits**

Nil

**D. Material Objects**

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