

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE -II KANNUR	
Present: Sri. Raphael.E.V, Judicial First Class Magistrate-II, Kannur	
Dated this the Thursday, the 19th day of March, 2026/ (28 th day of Phalguna, 1947 S.E)	
<u>C.C.709/23</u>	
Complainant	: State rep. by Sub Inspector of Police, Valapattanam Police Station (in Cr. No.372/23) (By APP, Gr-II, Kannur)
Accused	: Kaniyankandy Sharath, S/o.sasidharan, Age 37/23, Kaniyankandy (H), Chirakkal amsom, Kunnumkai, Kannur city (by Adv: Sri.Manoj.P)
Offence	: u/s 341, 323, 326, 506(i) IPC.
Pleading	: Not Guilty.
Finding	: Not Guilty.
Sentence or Order	: The accused is found not guilty of the offences punishable u/s 341, 323, 326, 506(i) IPC and he is acquitted u/s 248 (1) of Cr. P.C. He is set at liberty and his bail bond stands cancelled. Accused is in custody.

<u>Description of Accused</u>					
Sl. No	Name	Father's Name	Occupation	Residence	Age
1	Kaniyankandy Sharath	S/o.sasidharan	Chirakkal	37/23

Date of:-	
Offence	: 9/4/2023
Complaint	: 18/4/2023
Apprehension	: 5/5/2023
Release on bail	: custody
Commencement of trial	: 13/2/2026
Close of trial	: 18/3/2026
Sentence/Order	: 19/3/2026
Service copy of judgment	:

J U D G M E N T

The case is charge sheeted by the Sub Inspector of Police Valapattanam in Crime No. 372/23 for the offences punishable u/s. 341, 323, 326, 506(i) IPC.

2. **Case of prosecution in brief is as follows:** On 9/4/2023 at about 19.45 hours at Kunnumkai in Chirakkal amsom, due to previous enmity, the accused wrongfully restrained the defacto complainant and voluntary caused grievous hurt to him by beating deadly weapon of showel on his leg and finger and inflicted injury to him. Therefore the accused is alleged to have committed the aforementioned offenses.

3. Accused is in judicial custody. 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. Hence, charge was framed u/s 341, 323, 326, 506(i) 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 to PW4 were examined and Ext.P1 and 2 were 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 wrongfully restrained PW1 and thereby committed offence punishable u/s.341 IPC ?

2. Whether the accused voluntarily caused hurt to PW1 by beating him and thereby committed offence punishable u/s.323 PC?

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

4. Whether the accused had criminal intimidation to PW1 and thereby committed offence punishable u/s.506(i) IPC ?

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

7. **Point No.1 to 4:** PW1 is the eye witness in this case. He deposed that he did not see the incident. PW2 is the attesting witness to scene mahazar in this case. He put his signature in Ext P1 scene mahazar and marked as Ext P1. PW3 is an eye witness in this case. He deposed before the court that he did not see the incident. PW4 is defacto complainant, deposed that some one attacked him on 9/4/2023 at about 7.45 pm and he availed treatment. He preferred FIS, which is marked as Ext.P2. He could not identify the assailant. He categorically deposed that the accused did not attack him. He turned hostile to the prosecution. The learned APP is permitted to put questions to PW1 to 4 as contemplated U/s 154 of Evidence Act. But nothing could be brought out to discredit the evidence of PW1 to 4 before this court. Since PW1 to 4 to 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 No.1 to 4, accused is found not guilty of the offences punishable u/s. 341, 323, 326, 506(i) 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. 341, 323, 326, 506(i) IPC and he is set at liberty. His bail bonds stand cancelled.

Property (showel) shall be confiscated after appeal period.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court, this the 19th day of March, 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	Sadanandan	Eye witness
PW2	Dhanesh	Other witness
PW3	Sujesh	Eye witness
PW4	Arun	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/PW2	Scene mahazar
2.	Ext.P2/PW4	FIS

B. Defence Exhibits

Nil

C. Court Exhibits

Nil

D. Material Objects

nil

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