

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 30th day of April, 2026/ (10th day of Vaisakha, 1948 S.E)	
<u>C.C.850/25</u>	
Complainant	: State rep. by Sub Inspector of Police, Valapattanam Police Station (in Cr. No.736/25 (By APP, Gr-II, Kannur)
Accused	: Vijayan.P.P, S/o.Kuttiyan, Age 69/25, Inmate Govt, Oldage Home, Chal, Azhikode, Kannur city.
Offence	: u/s 118(i) BNS.
Pleading	: Not Guilty.
Finding	: Not Guilty.
Sentence or Order	: The accused is found not guilty of the offences punishable u/s 118(i) BNS and he is acquitted u/s 248 (1) of Cr. P.C. He is set at liberty and his bail bonds stand cancelled.

<u>Description of Accused</u>					
Sl. No	Name	Father's Name	Occupation	Residence	Age
1	Vijayan.P.P	S/o.Kuttiyan	Oldage Home, Chal	69/25

Date of:-	
Offence	: 17/8/2025
Complaint	: 18/2025
Apprehension	: custody
Released on bail	: custody
Commencement of trial	: 08/12/2025
Close of trial	: 29/4/2026
Sentence/Order	: 30/04/2026

Service copy of judgment	:
--------------------------	---	-------

J U D G M E N T

1. The case is charge sheeted by the Sub Inspector of Police Valapattanam in Crime No. 736/25 for the offences punishable u/s 118(i) BNS.

2. **Case of prosecution in brief is as follows:** On 17/8/2025 at 13.15 hours at Oldage Home in Chal, Azheekode, due to enmity, accused beat CW1 with walking stick and inflicted injury to him. Therefore the accused is alleged to have committed the aforementioned offences.

3. The accused is in custody. 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 118(i) BNS 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 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 in prosecution of their common object voluntarily caused hurt to PW1 with deadly weapon by beating him and thereby committed an offence punishable u/s.118(i) BNS.?

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

7. Point No.1 : PW1 is the defacto complainant. He deposed that the incident was happened on 17/8/2025 at 13.15 hours. He preferred FIS, which is marked as Ext.P1. He had sustained injury in this incident. However, he could not identify the assailants. 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 as contemplated U/s 154 of Evidence Act. But nothing could be brought out to discredit the evidence of PW1 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.2: In view of finding on point No.1, accused is found not guilty of the offences punishable u/s. 118(i) BNS. 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. 118(i) BNS and he is set at liberty. His bail bonds stand cancelled.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court, this the 30 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	Padmanabhan.E.K	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

Nil

sd/-
Judicial First Class Magistrate-II
Kannur

//true copy//

Judicial First Class Magistrate-II
Kannur