

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 Monday, the 23 rd day of March, 2026 (3 rd day of Chaithra 1948 S.E)	
<u>C.C.1348-22</u>	
Complainant	: State rep. by Sub Inspector of Police, Valapattanam Police Station (in Cr. No. 669/22) (By APP, Gr-II, Kannur)
Accused	: 1. Shajith.P.P, S/o.Lakshmanan, Age 41/22, Puthiyapurayil (H), Kappilay Peedika, Azhikode South, Baliapattanam. 2. Shaheer.P.P, S/o.Lakshmanan, Age 41/22, Puthiyapurayil (H), Kappilay Peedika, Azhikode South, Baliapattanam. 3. Prabhakaran.M, S/o.Karuvan, Age 53/22, Kingginikood, Neerkadavu,, Azhikode South amsom, Baliapattanam, Kannur. 4. Jishnu @ Kithu, S/o.Shajith.P.P, Age 26/22, Puthiyapurayil (H), Kappilay Peedika, Azheekode South amsom, Baliapattanam. (by Adv: Sri.B.P.Saseendran)
Offence	: u/s 451, 341, 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/s 451, 341, 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 bond stands cancelled.

<u>Description of Accused</u>					
Sl. No	Name	Father's Name	Occupation	Residence	Age
1	Shajith.P.P	S/o.Lakshmanan	.....	Azheekode South	41/22
2	Shaheer.P.P	S/o.Lakshmanan	.....	Azheekode South	41/22
3	Prabhakaran.M	S/o.Karuvan	.....	Azheekode South	53/22
4	Jishnu @ Kithu	S/o.Shajith.P.P	.....	Azheekode South	26/22

Date of:-	
Offence	: 20/10/2022
Complaint	: 02/11/2022
Apprehension	: 07/3/2024
Release on bail	: 07/3/2024
Commencement of trial	: 19/3/2025
Close of trial	: 18/3/2026
Sentence/Order	: 23/3/2026
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.669/22 for the offences punishable u/s 451, 341, 324 r/w 34 IPC.

2. **Case of prosecution in brief is as follows:** On 20/10/2022 at 22.00 hours at Neerkadavu Azheekode amsom, due to enmity, accused trespassed in to the house of defacto complainant wrongfully restrained defacto complainant, beat on his head with metal torch and inflicted injury to him. Therefore the accused is alleged to have committed the aforementioned offences.

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 offence. Hence, particulars of offence read over and explained to accused u/s 451, 341, 324 r/w 34 of the IPC against the accused. When charge was read over to the accused in Malayalam, they 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 trespassed in to the house of PW1 thereby committed offence punishable u/s.451r/w 34 IPC ?

2. Whether the accused had wrongfully restrained PW1 thereby committed offence punishable u/s.341 r/w 34 IPC ?

3. Whether the accused had voluntarily caused hurt to PW1 by beating him with dangerous weapon and thereby committed offence punishable u/s.324 r/w 34 IPC?

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

7. **Point No.1 to 3** : PW1, defacto complainant, deposed that the one person attacked him on 20/10/2022 at 22.00 hours. He availed treatment from the hospital and preferred Ext.P1 FIS. He further stated that he did not know the assailant. 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 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 are found not guilty of the offences punishable u/s. 451, 341, 324 r/w 34 of the 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 offences punishable u/ss. 451, 341, 324 r/w 34 of the IPC and they are set at liberty. their bail bonds stand cancelled.

Property (metal Torch) shall be confiscated after appeal period.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court, this the 23rd 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	Jithesh.C	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

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