

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE -II  
KANNUR**

Present: Bhagyalakshmi.V.L,  
Judicial First Class Magistrate-II, Kannur

Dated this the Monday, the 1<sup>st</sup> day of June, 2026  
(11<sup>th</sup> day of Jyeshtha 1948 S.E )

**C.C.1722/2023**

Complainant	: State rep. by Sub Inspector of Police, Irikkur Police Station, (in Cr. No.990/23) (By APP, Gr-II, Kannur)
Accused	: Isaac, S/o. Samuel, Age 58/23, Namburakkal (H), Poovam, Michaboomi, Padiyoor, Kannur. (by Adv: Sri.P.K.Sajeevan)
Offence	: u/s 341, 323, 326 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 IPC and he is acquitted u/s 248 (1) of Cr. P.C. He is set at liberty and his bail bond stands cancelled.

**Description of Accused**

Sl. No	Name	Father's Name	Occupation	Residence	Age
1	Isaac	S/o. Samuel	.....	Padiyoor	58/23

Date of:-

Offence	:	13/10/2023
Complaint	:	15/10/2023
Apprehension	:	06/12/2023
Release on bail	:	06/12/2023
Commencement of trial	:	27/09/2024
Close of trial	:	21/5/2026
Sentence/Order	:	01/6/2026
Service copy of judgment	:	.....

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

The case is charge sheeted by the Sub Inspector of Police Irikkur in Crime No. 990/23 for the offences punishable u/s. 341, 323, 326 IPC.

2. **Case of prosecution in brief is as follows:** On 13/10/2023 at about 14.30 hours at Poovam in Padiyoour amsom, due to enmity, the accused wrongfully restrained the defacto complainant and bit his hand, stabbed with a knife on the shoulder, neck and nose of the defacto complainant causing grievous injury to him. Therefore the accused is alleged to have committed the aforementioned offenses.

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 was found that there was ground for presuming that the accused had committed the offence. Hence, charge was framed u/s 341, 323, 326 IPC against the accused. When the 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 did not support the case of the prosecution, the remaining witnesses were given up by the learned APP. Since there was 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 and all the relevant records were perused.

6. Now the points that arise for consideration are:-

1. Whether the accused wrongfully restrained PW1 and thereby committed the 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 IPC?

3. Whether the accused voluntarily caused grievous hurt to PW1 by stabbing with a knife and caused grievous hurt and thereby committed the 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, the defacto complainant deposed that some persons attacked him on 13/10/2023 at about 14.30 hours and he underwent treatment. He preferred FIS, which is marked as Ext.P1. He deposed that the matter was settled in mediation. He

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 the evidence of PW1 before this court. Since PW1 turned hostile to the prosecution, the examination of remaining witness was found to be a futile exercise and APP had 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 No.1 to 3, accused is found not guilty of the offences punishable u/s. 341, 323, 326 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 IPC and he is set at liberty. His bail bonds stand cancelled.

Property (Knife) shall be confiscated after appeal period.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court, this the 1<sup>st</sup> day of June, 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	John P.D	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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