

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE -III KANNUR	
Present:- Smt. Jomy Anu Isaac, Judicial First Class Magistrate-III, Kannur	
Dated this the Tuesday, the 31st day of March, 2026 (10th day of Chaithra, 1948 S.E)	
<u>CC 1/ 2021</u>	
Complainant	: State rep. by Sub Inspector of Police, Mayyil Police Station Cr. No. 71/21 (By Sri. Sujith Kumar K, APP, Gr-II)
Accused	Abdul Salam K. P, S/o Muhammed : Jameelas, Kayaralam, Mayyil P.O, Kannur (by Adv. T. M. Phalgunan)
Offence	: u/s 448, 341 and 323 of IPC.
Pleading	: Not Guilty.
Finding	: Not Guilty.
Sentence or Order	: The accused is found not guilty of the offences punishable u/s 448, 341 and 323 of IPC and he is acquitted u/s 255(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.	Abdul Salam K. P	Muhammed	--	Kayaralam	--

Date of:-		
Offence	:	04.03.2021
Complaint	:	04.03.2021
Apprehension	:	16.09.2021
Release on bail	:	16.09.2021
Commencement of trial	:	16.09.2021
Close of trial	:	26.03.2026
Sentence/Order	:	31.03.2026
Service copy of judgment	:

JUDGMENT

The accused was put on trial for the offences punishable under Sec. 448, 341 and 323 of IPC, on the basis of Final Report filed in Cr. No. 71/21 by the Sub Inspector of Police, Mayyil Police Station.

2. This case was originally taken on file as CC. 382/21 on the file of Judicial First-Class Magistrate Court -II, Kannur. Subsequently, the case was transferred to this court and the case was taken on file as above.

3. **Case of prosecution in brief is as follows:** On 04.03.2021 at 12.30 hours near Juma Masjid at Mayyil town at Kayaralam amsom, due to non payment of pending rent the accused was trespassed into the shop namely, 'Tharangini Cassettes' bearing No.VI/726 of Mayyil Panchayath and wrongfully restrained CW1 and voluntarily caused hurt to him by twisted his hand and pressed his shoulder and pushed him down and caused grievous hurt

to him. Therefore, accused is alleged to have committed the offences under Sec. 448, 341 and 323 of IPC

4. The accused had appeared before Judicial First Class Magistrate Court- II, Kannur on receiving summons. He was enlarged on bail. Copies of relevant prosecution records were furnished to him. Particulars of offences u/s 448, 341 and 323 of IPC were read over to the accused, to which he pleaded not guilty and claimed to be tried. Thereafter the case was transferred to this court.

5. On the side of the prosecution, PW1 was examined and Exhibit P1 was marked. As he turned hostile to the prosecution, the remaining witnesses were rightly given up by the learned APP. Since there is no incriminating evidence against the accused, his examination u/s. 313(1)(b) of Cr.P.C was dispensed with. No evidence has been adduced from the side of the accused.

6. Both sides were heard.

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

- 1) Whether the accused criminally trespassed into the into the shop namely, 'Tharangini Cassettes' bearing No.VI/726 of Mayyil Panchayath as alleged ?
- 2) Whether the accused wrongfully restrained PW1 as alleged ?
- 3) Whether the accused voluntarily caused hurt to PW1 by twisted his hand and pressed his shoulder and pushed him down and caused grievous hurt to him as alleged ?
- 4) If the offences are proved, what is the order or sentence?

8. **Point No.1 to 3:-** PW1 is the de facto complainant and injured in this case. He deposed that he was obstructed and attacked by someone. He identified the FIS, which is marked as Ext.P1. However, he explicitly deposed that he didn't state before police that the accused had attacked him and turned hostile to the prosecution. Though learned APP was permitted to put questions as contemplated u/s. 154 of Evidence Act, nothing was brought to discredit evidence of PW1. On an analysis of entire evidence on record, I find that PW1 and accused had settled the matter out of Court and prosecution had not adduced any evidence to bring home the guilt of the accused. Therefore these points are answered against the prosecution.

9. **Point No.4:-** In view of findings on points No.1 to 3, accused is found not guilty of the offences punishable u/s. 448, 341 and 323 of IPC. Hence accused have to be acquitted.

In the result, the accused is acquitted u/s 255(1) of Cr.P.C for the offences punishable u/s 448, 341 and 323 of IPC and he is set at liberty. His bail bond stands cancelled.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court, this the 31st day of March, 2026)

Sd/-
Judicial First Class Magistrate-III
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	Prakashan 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, dated. 04.03.2021

B. Defence Exhibits

Nil

C. Court Exhibits

Nil

D. Material Objects

Nil

Sd/-

Judicial First Class Magistrate-III
Kannur

//True copy//

Judicial First Class Magistrate-III
Kannur