

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 31 st day of March, 2026 (10 th day of Chaithra, 1948 S.E)	
<u>CC. 218/ 23</u>	
Complainant	: State rep. by Sub Inspector of Police, Chakkarakkal Police Station, Cr. No. 1099/23 (By Sri. Sujith Kumar K, APP Gr-II)
Accused	: 1. Bijesh C, Aged. 45/23 S/o Kunhappa Nair, Mavila Veetil, Thazhe House, Chelora, P.O. Mowanchery. 2. Jijoy T. J, Aged. 38/23 S/o Joseph, Yeshodha Bhavan, Chelora, P.O. Kappad. 3. Prasanth U, Aged. 40/23 S/o Prabhakaran K.V, Priya Nivas, Chelora, P. O. Mowanchery (by Adv. Dyuthisenan A)
Offence	: u/s 341, 323, 324 and 294(b) 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 341, 323, 324 and 294(b) r/w 34 of IPC and they are acquitted

	u/s 271 (1) of BNSS. They are set at liberty and their bail bonds stand cancelled.
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<u>Description of Accused</u>					
Sl. No	Name	Father's Name	Occupation	Residence	Age
1.	Bijesh C	Kunhappa Nair	--	Mowanchery.	45/23
2.	Jijoy T. J	Joseph	--	Kappad.	38/23
3.	Prasanth U	Prabhakaran	--	Mowanchery.	40/23

Date of:-	
Offence	: 05.11.2023
Complaint	: 06.11.2023
Apprehension	: 15.02.2024
Release on bail	: 15.02.2024
Commencement of trial	: 05.07.2025
Close of trial	: 26.03.2026
Sentence/Order	: 31.03.2026
Service copy of judgment	:

JUDGMENT

The accused persons were put on trial for the offences punishable under Sec. 341, 323, 324 and 294(b) r/w 34 of IPC, on the basis of Final Report filed in Cr.No. 1099/23 by the Sub Inspector of Police, Chakkarakkal Police Station.

2. This case was originally taken on file as CC. 1539/23 on the file of Hon'ble Chief Judicial Magistrate Court, Thalassery. 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 05.11.2023 at 20.30 hours at Kayipeedika at Chelora amsom at the road margin, the accused persons in furtherance of their common intention, due to the enmity towards CW2 and accused No. 1, they wrongfully restrained CW1 and CW2 on a public road margin. Further the accused No.2 abused CW2 by uttering obscene words and accused No.1 wrongfully restrained CW1 and voluntarily caused hurt to CW1 by beating with a wooden stick, which is a dangerous weapon and accused No. 2 voluntarily caused hurt by beating with hands. Therefore, accused are alleged to have committed the offences under Sec. 341, 323, 324 and 294(b) r/w 34 of IPC.

4. The accused were appeared before the Hon'ble Chief Judicial Magistrate Court, Thalassery on receiving summons. They were enlarged on bail. Copies of relevant prosecution records were furnished to them. Thereafter the case was transferred to this court. Charge was framed u/s 341, 323, 324 and 294(b) r/w 34 of IPC against the accused and read over to them, to which they pleaded not guilty and claimed to be tried.

5. On the side of the prosecution, PW1 and PW2 were examined and Exhibit P1 was marked. Since the defacto complainant did not support 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. 351 of BNSS 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 persons in furtherance of their common intention wrongfully restrained PW1 and PW2 as alleged ?
- 2) Whether the accused persons in furtherance of their common intention voluntarily caused hurt to PW1 and PW2 as alleged ?
- 3) Whether the accused persons in furtherance of their common intention voluntarily caused hurt to PW1 by beating with a wooden stick, which is a dangerous weapon ?
- 4) Whether the accused persons in furtherance of their common intention uttered obscene words against PW1 as alleged?
- 5) If the offences are proved, what is the order or sentence?

8. **Point No.1 to 4:-** PW1 is the de facto complainant and injured in this case. He deposed that, on 05.11.2023 at 08.30 PM, he was obstructed and attacked by someone. He identified the FIS, which is marked as Ext.P1. However, he could not identify the assailants due to darkness. Further he explicitly deposed that he didn't state before police that the accused had attacked him. The matter was settled in mediation. PW1 turned hostile to the prosecution.

9. PW2 is also injured in this case. She deposed that, someone attacked her and PW1. She could not identify the assailants. She has also turned hostile to the prosecution. Though learned APP was permitted to put questions as contemplated u/s. 157 of BSA, nothing was brought to discredit evidence of PW1 and PW2. On an analysis of entire evidence on record, I find that the prosecution had not adduced any evidence to bring home the guilt of the accused and therefore these points are answered against the prosecution.

10. **Point No.5** :- In view of finding on points No.1 to 4, accused are found not guilty of the offences punishable u/s. 341, 323, 324 and 294(b) r/w 34 of IPC. Hence this point does not arise for consideration.

In the result, the accused are acquitted u/s 271 (1) of BNSS for the offences punishable u/s 341, 323, 324 and 294(b) r/w 34 of IPC and they are set at liberty. Their bail bonds stand cancelled. Destroy material objects produced if any.

(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	Sanoop V	Eye witness
PW2	Sreya Suresh	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. 06.11.2023

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