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)		
CC. 263/23		
Complainant	:	State rep. by Sub Inspector of Police, Chakkarakkal Police Station Cr. No. 347/23 *(By Sri. Sujith Kumar K, APP Gr-II)*
Accused	:	Muhammed Rifan C, Aged. 19/23, S/o Noushad M, Bismi, Odungode, Mammakkunnu, Kunnummal, Mavilayi amsom, Chakkarakkal *(by Adv. N. R. Shanavas)*
Offence	:	u/s 363 of IPC.
Pleading	:	Not Guilty.
Finding	:	Not Guilty.
Sentence or Order	:	The accused is found not guilty of the offence punishable u/s 363 of 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.	Muhammed Rifan C	Noushad M	---	Mammakkunnu	19/23

Date of:-		
Offence	:	04.04.2023
Complaint	:	04.04.2023
Apprehension	:	24.08.2023
Release on bail	:	24.08.2023
Commencement of trial	:	19.09.2023
Close of trial	:	26.03.2026
Sentence/Order	:	31.03.2026
Service copy of judgment	:	.....

JUDGMENT

The accused was put on trial for the offence punishable under Sec. 363 of IPC, on the basis of Final Report filed in Cr.No. 347/23 by the Sub Inspector of Police, Chakkarakkal Police Station.

2. This case was originally taken on file as CC. 659/23 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 04.04.2023 at 08.30 hours at Thakkalipeedika at Valiyannur amsom, the accused kidnapped CW2, who is the minor, below 18 years of age from the custody of CW1 and without the consent of CW1 who is the guardian of CW2. Therefore accused is alleged to have committed the aforementioned offence.

4. The accused was surrendered before the Hon'ble Chief Judicial Magistrate Court, Thalassery. He was enlarged on bail. Copies of relevant

prosecution records were furnished to him. Hence, the charge was framed u/s 363 of IPC against the accused and read over to him, to which he pleaded not guilty and claimed to be tried. Thereafter the case was transferred to this court and the same was refiled as above.

5. On the side of the prosecution, PW1 and PW2 were examined and Exhibit P1 was marked. As they turned hostile to the prosecution case, examination of other witnesses were 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 is 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 kidnapped CW2, who is below 18 years of age without the consent of CW1, who is the guardian of CW2 as alleged?

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

8. **Points No.1**: PW1 is the de facto complainant in this case and she deposed that on 04.04.2023 the accused kidnapped her minor child (PW2) and she preferred FIS which is marked as Ext.P1. She turned hostile to the prosecution. Further she deposed that the marriage of accused and PW2 is fixed and the case has been settled between them.

9. PW2 is the daughter of PW1. She deposed that, she eloped with accused and case was registered for that. She stated that she went with accused on her own will and now their marriage is fixed. Now they are committed for marriage. She has no complaint against the accused. She deposed that she went with accused voluntarily and he had not harassed her. The learned APP is permitted to put questions to PW1 and PW2 as contemplated under Sec.154 of Evidence Act. But nothing could be brought out to discredit the evidence of PW1 to PW3 before this court. Since PW1 and PW2 turned hostile to the prosecution, the examination of remaining witnesses 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 are answered against the prosecution.

10. **Point No.3**:- In view of finding on point No.1, accused is found not guilty of the offence punishable u/s. 363 of 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/s 363 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	Safreena M	Eye witness
PW2	Farhana M@ Fathimathul Farhana	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. 04.04.2023

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