

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE,
PAYYANNUR**

Present: Kum. Lakshmi Priya. T.K.,
Judicial First Class Magistrate.

Tuesday, the 26th day of May, 2026/05th day of Jyaishta, 1948

CALENDER CASE No.1573/2025

Complainant : The SHO, Payyannur Police Station,
Crime No.1149/2025

(By APP Grade – I, Payyannur)

Accused : 1. Biju. P., S/o Thamban C. V.,
Aged 47/25, Paleri House, Maniyara,
Korom amosm, Payyannur.

2. Padmarajan K U, S/o Pamanabhan,
Aged 37/25, Kizhakke Uthamanthi
House, Kizhakke Kovval, Annur,
Vellur amsom.

(By Adv. Sri. T. V Ajayakumar & Adv. Sri.
Arjun. C. H.)

Offence : U/s 126(2),118(1) r/w 3(5) of BNS.

Plea : Not Guilty.

Finding : Not Guilty.

Sentence or Order : Both accused are acquitted u/s 271(1) of
BNSS.

No material objects were seized and produced
by the police.

DESCRIPTION OF ACCUSED

Sl. No.	Name of the P.S.& Cr. of offence	Name	Father's Name	Occupation	Residence	Age
1.	Payyannur PS, Cr.No.1149/25,	Biju P	Thamban C V	Korom	47/25

2. Payyannur PS, Padmarajan K UPadmanabhan Vellur 37/25
Cr.No.1149/25,

Date of:

1. Occurrence	: 10.09.2025
2. Complaint	: 25.09.2025
3. Apprehension	: 16.03.2026
4. Release on bail	: 16.03.2026
5. Commitment	: ...
6. Commencement of trial	: 13.05.2026
7. Commencement of evidence	: 13.05.2026
8. Close of trial	: 21.05.2026
9. Sentence or order	: 26.05.2026
10. Service copy of judgment	: Copy is ready
11. Explanation for delay	: No delay
12. Period of detention undergone during investigation, inquiry or trial for the purpose of section 428 CrPC	: ...

This case came up for consideration during today's proceedings and the court delivered the following:

J U D G M E N T

This is a case instituted upon the final report filed by Sub Inspector of police Payyannur Police Station in Cr. No. 1149/2025 for the offence punishable u/s 126(2), 118(1) r/w 3(5) of BNS.

2. **Prosecution case in brief is as follows:** On 10.09.2025 at 13.45 hours near Grand Hyper Market situated at Central bazar, Payyannur, accused Nos.1 & 2, sales executives of Milk Mist company, in furtherance of the common intention, wrongfully restrained CW1, who is the Kozhikode area manager of Milk Mist company, the 1st accused beat CW1 in his head with a piece of brick

and the 2nd accused hit his forehead and hand and caused injury to him. Thereby the accused have committed the aforesaid offences.

3. On appearance of accused they are released on bail. Copies of all relevant prosecution records were furnished to them u/s 230 of BNSS. After hearing both sides, charge u/s 126(2),118(1) r/w 3(5) of BNS was framed and read over and explained to accused to which they pleaded not guilty and claimed to be tried.

4. In order to prove the prosecution case PW1 was examined and Ext P1 was marked. PW1/defacto-complainant did not support the prosecution case. Since there is no material evidence, the Learned Asst. Public Prosecutor has rightly given up the remaining witnesses and the prosecution evidence closed. Since there are no incriminating circumstances against the accused, the questioning of the accused u/s 351 (1)(b) of BNSS is dispensed with. No evidence was adduced from the side of defence.

5. Heard both sides.

6. Points arose for consideration:

1) Whether the accused in furtherance of their common intention wrongfully restrained PW1 and thereby committed the offence u/s 126(2) r/w 3(5) of BNS?

2) Whether the accused in furtherance of their common intention voluntarily caused hurt to PW1 with a piece of brick and inflicted injury to him and thereby committed the offence punishable under section 118(1) r/w 3(5) of BNS?

3) If so, what is the proper order or sentence?

7. Points No.1 & 2: - These points are considered together for the sake of convenience. CW1 is the defacto-complainant and he is examined as PW1. He deposed that on 10.09.2025 at 01.45 hours, a group of persons wrongfully restrained and beat his head, forehead and hand with a piece of brick from near the Grand Hyper Market, Payyannur central bazar and he sustained injury in the incident. He has taken treatment from Payyannur Taluk hospital and later he has filed a complaint before Payyannur police station which is marked as Ext.P1. He further deposed that he has not known the assailants as a group of persons are there. He further deposed that he has no complaints against the accused as the matter has been settled between them. He miserably failed to support the prosecution case.

8. Hence the learned Asst. Public Prosecutor is permitted to put question as contemplated u/s 157 of Bharatiya Sakshya Adhinyam 2023, but nothing could be brought out in support of the prosecution case. Since PW1 turned hostile to the prosecution and there are no other material witnesses to be examined and the examination of other remaining witnesses will be considered as futile exercise the learned Asst. Public Prosecutor has rightly given up the remaining witnesses. The prosecution had not adduced any other evidence to bring home the guilt of the accused beyond reasonable doubt and therefore these points are answered against the prosecution.

9. **Point No.3:** In view of my findings on points No. 1 and 2 accused are found not guilty of the offences punishable u/s 126(2),118(1) r/w 3(5) of BNS.

In the result,

Both accused are found not guilty of the offence punishable u/s. 126(2),118(1) r/w 3(5) of BNS and accordingly they are acquitted of the offence u/s 271(1) of BNSS. Their bail bonds stand cancelled and they are set at liberty.

No material objects were seized and produced by the police.

(Dictated to Confidential Assistant, transcribed and typed her, corrected and pronounced by me, in open court this on the 26th day of May, 2026)

Sd/-
Judicial First Class Magistrate,
Payyannur.

APPENDIX:
WITNESSES FOR THE PROSECUTION

PW1 Shyju P, Defacto complainant

EXHIBITS FOR THE PROSECUTION :

Ext.P1/PW1 F I Statement dtd. 25.09.25

MATERIAL OBJECTS MARKED : Nil.

WITNESSES FOR THE DEFENCE : Nil.

EXHIBITS FOR THE DEFENCE : Nil.

MATERIAL OBJECTS FOR THE DEFENCE : Nil.

Sd/-
Judicial First Class Magistrate
Payyannur.

//True copy//

Judicial First Class Magistrate
Payyannur.