

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE,
MATTANNUR

Present:- Smt.Shahina.N.V,
Judicial First Class Magistrate

Dated this the 08th day of May 2026 / 18th day of Vaisakha 1948

CC.No.190/2018

- Complainant : State, Sub Inspector of Police,
Muzhakkunnu Police station (Crime No.621/2017)
*(Represented by Sini.P.V, Assistant Public
Prosecutor, Mattannur)*
- Accused : A1. Basheer, S/o.Hameed,
Rafeena Mansil, Shivapuram.

A2. Abdul Rahman Omban,
Suhaira Manzil, Sivapuram.
: *(Represented by Adv.K.A.Philip)*
- Offence : Punishable under Section 394 r/w 34 of IPC
- Pleading : Not guilty
Finding : Not guilty
- Sentence or Order : Accused are acquitted under Section 248(1) Cr.PC
for the offence punishable under Section 394 r/w
34 of IPC

Sl. No.	Name of Police station and Crime No. of the offence	Description of accused.				
		Name	Father's name	Occupation	Residence	Age
1.	Muzhakkunnu	Basheer	Hameed	- -	Shivapuram	39/17
2.	Cr.No.621/17	Abdul Rahman Omban	Ibrahim	Business	Shivapuram	38/17

<i>Date of:</i>				
Occurrence	Complaint	Apprehension	Release on bail	Commitment
05-10-2017	09-01-2018	05-10-2017	28-11-2017	- -
Commencement of trial	Commencement of evidence	Close of trial	Sentence or order	Service of copy of judgment or finding on accused
17-09-2019	12-01-2024	05-05-2018	08-05-2018	- -
Explanation of delay	Period of detention undergone during investigation, inquiry or trial for the purpose of Section 428 Cr.PC.			
No delay	- -			

This case having been finally heard on this the 05th day of May 2026 the court on 08th day of May 2026 delivered the following.

J U D G M E N T

1. This is a case charge sheeted by the Sub Inspector of Police, Muzhakkunnu Police station, against the accused in crime No.621/2017, alleging the offences punishable under Section 394 r/w 34 of Indian Penal Code (Hereinafter referred in short as 'IPC').

2. Prosecution case in brief is as follows: On 05.10.2017 at 6.30 p.m., while CW2 was walking along the roadside at Kadukappalam in Muzhakkunnu Amsom after returning from her work at Grand Bazar Shop, Iritty, Accused No.1 and Accused No.2, in furtherance of their common intention to commit robbery, came on a black coloured Pulsar motorcycle and snatched away the gold chain

weighing three sovereigns and valued at ₹70,000/- from the neck of CW2. In the course of the said act, the accused voluntarily caused hurt to CW2 by beating on her neck and thereby committed the offence punishable under Section 394 read with Section 34 IPC.

3. The accused persons were enlarged on bail. They were served with copies of all relevant prosecution records. After hearing both sides and perusing the records, the court framed charge against the accused for the offences punishable under Section 394 r/w 34 of IPC, which was read over and explained to the accused, to which they pleaded not guilty and claimed to be tried.

4. From the side of prosecution, PW1 and PW2 were examined and Exbt.P1 to Exbt.P13 were marked. As there was no incriminating evidence against the accused, the examination of the accused under Section 313(1)(b) of Cr.PC 351(1)(b) of BNSS was dispensed with.

5. The defence did not adduce any evidence.

6. Heard both sides and perused the records.

7. The points that arise for consideration are: -

(1) Whether the accused voluntarily caused hurt to PW2 while committing robbery and thereby committed an offence under Section 394 r/w 34 of IPC?

(2) Sentence or order?

8. Point No.1: To prove the prosecution case, the prosecution has cited CW1 to CW18 as witnesses. Out of them, CW1 was examined as PW1 and CW2 was examined as PW2. PW1 is the then Police Officer of Muzhakkunnu Police Station, who detected the crime, registered the FIR in this case and, after completing the investigation, laid the charge sheet before the court. Exts.P1 to P13 were marked through PW1. According to PW1, while he was conducting vehicle inspection duty, he received information regarding the alleged incident, pursuant to which he apprehended both the accused persons and seized the gold chain alleged to have been robbed as well as the motorcycle in which the accused had allegedly travelled.

9. PW2, the de facto complainant and owner of the gold chain allegedly robbed in the incident, deposed that she did not know the assailants who had stolen her gold chain and that she had not given any statement before the police identifying the accused persons. Her evidence further reveals that the matter has been settled between the parties. However, she specifically stated that she was not deposing falsely in order to help the accused persons.

10. On analyzing the evidence of PW1 and PW2, it is evident that they were turned hostile to the prosecution and deposed against the prosecution case. As PW1 to PW3 turned hostile to the prosecution, the remaining witnesses were

given up by the learned Assistant Public Prosecutor. In the said circumstances, the court is satisfied that examining the remaining witnesses will not improve the prosecution case. Considering the above discussions and upon perusal of the entire case records, the court does not find any reliable evidence before the court to connect the accused with the alleged incident against them. Therefore, the accused cannot be said to have committed the offences alleged against them. Thus, the prosecution has failed to prove the case against the accused beyond reasonable doubt. Hence, points No.1 and 2 are found against the prosecution.

11. Point No.2: In view of the findings on Point No.1, Accused No.1 and Accused No.2 are found not guilty of the offences punishable under Section 394 read with Section 34 of the IPC. Hence, Accused No.1 and Accused No.2 are acquitted of the aforesaid offences under Section 248(1) of the Cr.P.C. The bail bonds executed by the accused stand cancelled, and they are set at liberty forthwith.

12. Interim custody of gold chains (Sl.No.1 in RP.No.563/2017 in List-I & Sl.No.1 in RP.No.563/2017 in List-II) as per CMP.4209/2017 is made absolute, Interim custody of motorcycle (Sl.No.2 in RP.No.563/2017 in List-I,) as per order in CMP.215/2018 is made absolute and dress received as Sl.No.1 and 2 in RP.No.563/2017 in List-III, being valueless, shall be destroyed in accordance with the law after the expiry of the appeal period.

(Dictated to the Confidential Assistant, transcribed and typed by him, corrected and pronounced by me in open court, this the 08th day of May 2026)

Sd/-
Judicial First Class Magistrate,
Mattannur.

APPENDIX

PROSECUTION WITNESSES:

Rank	Name	Whether Eyewitness, Police witness, Expert witness, Medical witness, Other witness
PW1	Rajesh	Police official – Investigation officer
PW2	Usha	Injured

DEFENCE WITNESSES: Nil

COURT WITNESSES: Nil

PROSECUTION EXHIBITS :

Sl.No.	Exhibit Number	Description
1.	Exhibit P1 / PW	Arrest memo and inspection memo of A1
2.	Exhibit P2 / PW	Arrest memo and inspection memo of A2
3.	Exhibit P3 / PW1	Seizure mahazar dated 05-10-17
4.	Exhibit P4 / PW1	FIR
5.	Exhibit P5 / PW	Seizure mahazar dated 06-10-17
6.	Exhibit P6 / PW	Seizure mahazar
7.	Exhibit P7 / PW	Property list (3 in Nos.)
8.	Exhibit P8 / PW1	Scene mahazar

9.	Exhibit P9 / PW	Site plan
10.	Exhibit P10 / PW	Sales certificate of vehicle
11.	Exhibit P11 / PW	Wound certificate of CW2
12.	Exhibit P12 / PW	Section alteration report
13.	Exhibit P13 / PW	Photographs

DEFENCE EXHIBITS : Nil

COURT EXHIBITS : Nil

MATERIAL OBJECTS : Nil

Sd/-
Judicial First Class Magistrate,
Mattannur

-/True copy/-

Judicial First Class Magistrate,
Mattannur

/vt