

**IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE-1,
KOTTAYAM**

Present:Smt. Lilly K, Addl. Sessions Judge - I

Monday 23rd day of March 2026

2nd Chaithra , 1948

Crl. Appeal No.233/2023

(CC No. 1380/2016 of Judicial First class Magistrate, Court-I,
Kottayam)

Appellants:

: **1. Jimesh Mathew,**
aged 35 years,
S/o. Mathew Paulose,
Kariyanmavil Veedu,
Kannadippara Bhagam,
Lakkattoor kara,
Kooroppada Village.

2. Mathew Pathrose,
aged 62 years,S/o. Pathrose,
Kariyanmavil Veedu,
Kannadippara Bhagam,
Lakkattoor kara ,
Kooroppada Village.

By Adv. M.C.Scaria

Respondents:

: **1. State of Kerala** represented by
Public Prosecutor,Kottayam

2.Sub Inspector of Police,
Pampady Police Station

***R1 &R2 By Additional Public
Prosecutor Adv. Meera S .S***

Charge:- Offence Punishable U/s 323,325,341 and 506(i) of IPC.

Finding and Sentence of Lower Court:-

The accused Nos.2 and 3 are found not guilty of offence punishable u/s 294(b) of IPC and they are acquitted for the said offence u/s 248(l) Cr.P.C.. The accused are sentenced to pay a fine of ₹500/- each for offence punishable u/s 341 IPC . The accused are sentenced to undergo Simple Imprisonment for a period of one year each and to pay a fine of ₹1000/- each for a offence punishable u/s 506(i) of IPC. The accused are further sentenced to undergo Simple Imprisonment for a period of one year each and to pay a fine of ₹3000/- each for offence punishable u/s 323 IPC. The accused are further sentenced to undergo Simple Imprisonment for a period of two years each and to pay a fine of ₹3000/- each against A1 is already split up and refiled as CC 711/2019. Case against A4 , A5 and A6 is split up and refiled as C C 928/2023..

Result of Appeal:- The Appeal is allowed.

This Criminal Appeal having been finally heard on 23.03.2026 and the court on the same day delivered the following.

JUDGMENT

Appeal filed under Section 374 of Criminal Procedure Code, by accused Nos.2 and 3, challenging the judgment of conviction

and sentence dated 18.10.2023 in CC No.1380/2016 of Judicial First Class Magistrate Court -I, Kottayam.

2. The trial Court convicted the appellants/accused for offence under Secs.323, 325, 341 and 506(i) IPC. They were sentenced to pay fine of Rs.500/- each for offence under Sec.341 IPC, to undergo simple imprisonment for one year each and fine of Rs.1000/- each for offence under Sec.506(i) IPC, simple imprisonment for one year each and fine of Rs.3000/- each for offence under Sec.323 IPC and simple imprisonment for two years each and fine of Rs.3000/- each for offence under Sec.325 IPC. Appeal was filed challenging the conviction and sentence against accused Nos. 2 and 3. The parties were referred for mediation and a term of settlement was executed.

3. Compounding petition was filed as CrI.M.P.No.3/2026 stating that the matter was settled between the parties. Leave application was filed as CrI.M.P.No.2/2026 in respect of offence under Section 325 of IPC.

4. In view of the settlement of the matter involved in the case, it is found that judgment of conviction and sentence passed by the trial Court against accused Nos.2 and 3 can be set aside.

Statements of PW1 and PW3 the injured were recorded. It was stated by them that the matter was settled and they had no grievance against the accused. It was also stated that PW2, and another injured was no more. Copy of death certificate was also produced. Crl.M.P.No.3/2026, the compounding petition and Crl.M.P.No. 2/2026, the leave application signed by both parties can be allowed. In the said circumstances, the criminal appeal is allowed.

In the result, the criminal appeal is allowed. The judgment of conviction and sentence dated 18.10.2023 against accused Nos.2 and 3 in CC No.1380/2016 of JFCM-I, Kottayam stands set aside. Accused Nos.2 and 3 (appellants) are acquitted under Section 359(8) of BNSS.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open Court, on this the 23rd day of March, 2026.

Sd/-
Lilly K.
Addl. Sessions Judge-I,
Kottayam

APPENDIX NIL

Id/-
Addl. Sessions Judge-1

//True copy//

Sd/-
Lilly K.
Addl. Sessions Judge-I,
Kottayam

Copied by:
Compared by: