

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE - I
ETTUMANOOR**

**Present: Smt.Swetha Sasikumar
Judl. I Class Magistrate-I, Ettumanoor**

**Dated: Tuesday, the 16th day of June, 2026
26th Jyaishtam, 1948**

CALENDAR CASE No. 769/2024

Complainant		State represented by the Sub Inspector of Police, Ettumanoor Police Station, in Crime No. 390/2024 (Rep.By Smt. Rashmi Ramesh, APP, Ettumanoor)
Accused	1	Shaji Joseph, age 55/24 years S/o. Joseph, Vadakkemala House Vettimukal Bhagom Kizhakkumbhagom Kara Ettumanoor Village Kottayam District (Rep. By Adv: Sheena.M)
Offences		Under sections 341, 323, 324 and 326 of Indian Penal Code
Plea		Not guilty
Finding		Not guilty
Sentence or Order		The accused is acquitted for the offences punishable under sections 341, 323, 324 and 326 of Indian Penal Code under section 271(1) of Bharatiya Nagarik Suraksha Sanhita

DESCRIPTION OF THE ACCUSED

Name	Father's Name	Occupation	Residence	Age
Shaji	Joseph	-	Vettimukal	55/24

DATE OF

Occurrence	Complaint	Apprehension or appearance	Release on bail	Commencement of trial
29.02.2024	01.03.2024	01.03.2024	18.03.2024	22.11.2025
Close of trial		Sentence or Order	Explanation for delay	
11.06.2026		16.06.2026	No delay	

This case has been finally heard on 11.06.2026 and this court passed the following on the 16th day of June, 2026.

J U D G M E N T

1. This case is instituted upon final report filed by the Sub Inspector of Police, Ettumanoor Police Station, in Crime No. 390/24 for the offences punishable under sections 341, 323, 324 and 326 of Indian Penal Code.

2. **Prosecution case, in brief, is as follows:** The wife of the complainant took a loan from the firm named M/s.Max Value Credits and Investments and informant was the collection agent deputed for receiving the money. The accused ridiculed the informant that he deceived the firm and the wife of accused by not depositing the amount to the firm, disputes arose between them. Due to this enmity at 04:00 p.m on 29.02.2024, the accused caught hold of PW1's neck and also attacked him with an iron bar and with his hand thereby causing pain and fracture to his wrist. Thus, the accused committed the aforesaid offences.

3. Upon taking cognizance, summons was issued to the accused person. In response, he appeared before the court. Upon the accused person's appearance, copies of the relevant prosecution records were furnished to him in compliance with section 230 of BNSS. After considering the police report, documents submitted along with that report and after hearing both sides, on being satisfied that there were grounds to proceed against the accused person, charge was framed, read over and explained to the accused for offences punishable under sections 341, 323, 324 and 326 of Indian Penal Code, to which he pleaded not guilty and claims to be tried.

4. In order to prove the prosecution case, PW1 was examined and

Ext. P1 was marked. When examined, this sole material witness turned hostile to the prosecution case. Though permission was granted to the learned Assistant Public Prosecutor to examine PW1 under section 157 of Bharatiya Sakshya Adhiniyam and under the proviso to section 181(1) of BNSS, nothing could be brought out to incriminate the accused persons. At that juncture, the learned Assistant Public Prosecutor gave up all other remaining witnesses.

5. The material witness examined by the prosecution did not speak anything incriminating against the accused person, and since there were no incriminating circumstances against the accused, the examination of the accused under section 351 (1) (b) of BNSS was dispensed with. Though the accused was directed to adduce evidence, he did not adduce any evidence.

6. Heard both sides.

7. The points that arise for consideration are :

- (i) Whether the accused, on 29.02.2024 at 04:00 p.m at Vettimukal Bhagom, Kizhakkumbhagom Kara, Ettumanoor Village, wrongfully restrained PW1 and thereby committed an offence punishable under section 341 of Indian Penal Code?
- (ii) Whether the accused, on 29.02.2024 at 04:00 p.m at Vettimukal Bhagom, Kizhakkumbhagom Kara, Ettumanoor Village, voluntarily caused hurt to PW1 and thereby committed an offence punishable under section 323 of Indian Penal Code?
- (iii) Whether the accused on 29.02.2024 at 04:00 p.m at Vettimukal Bhagom, Kizhakkumbhagom Kara, Ettumanoor Village, voluntarily caused hurt to PW1 with an iron bar and thereby committed an offence punishable under section 324 of Indian Penal Code?
- (iv) Whether the accused, on 29.02.2024 at 04:00 p.m at Vettimukal Bhagom, Kizhakkumbhagom Kara, Ettumanoor Village,

voluntarily caused grievous hurt using an iron bar, which is a dangerous weapon and thereby committed an offence punishable under section 326 of Indian Penal Code?

(v) If so, what shall be the order or sentence ?

8. **Point Nos. (i) to (iv)** : For avoiding the repetition and for brevity, these points are considered together. informant was examined as PW1. He deposed that on 29.02.2024, he was attacked by a person and thereby he sustained injuries. Against the above said incident he filed Ext.P1 petition before the police. Though he admitted the prosecution case, he failed to depose about the identity of the assailant as accused person.

9. Though PW1 was examined by the learned Assistant Public Prosecutor with permission under section 157 of Bharatiya Sakshya Adhiniyam and under the proviso to section 181(1) of BNSS, nothing would be brought to incriminate the accused person.

10. As I have stated above, material witness examined by the prosecution had given destructive version before the court and he did not support the prosecution case. No other evidence has been adduced by the prosecution to prove that the accused has committed the offences charged against him. Moreover, it is revealed during the examination of PW1 that the matter was settled between the accused and informant out of court. Considering the above discussion, I am satisfied that the prosecution has failed to prove the offences charged and alleged against the accused person beyond reasonable doubt. Thus, these points are found against the prosecution.

11. **Point No. (v):-** In the result, the accused is found not guilty of the offences punishable under sections 341, 323, 324 and 326 of Indian Penal Code, and he is acquitted under section 271 (1) of Bharatiya Nagarik Suraksha Sanhita. His bail bond stands cancelled, and he is set at liberty forthwith.

(Dictated to the Confidential Assistant transcribed and typed by her, corrected and pronounced by me in open Court on this the 16th day of June, 2026

Judicial First-Class Magistrate-I,
Ettumanoor

A P P E N D I X

Witnesses for prosecution:-

PW1 – Abhidev K.M, age 24/2024 years, S/o.Mahadevan, Kamalalayam House, Pala P.O, Mevida Village, Kottayam District

Exhibits for prosecution:-

Ext.P1 01.03.2024 FIS proved by PW1 on 4.06.2026

Material Object: T. 372/2024

Witnesses for defence:- Nil

Exhibits for defence:- Nil

Judicial First Class Magistrate-I,
Ettumanoor