

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE -II,
KANJIRAPPALLY**

Present :-Niyatha Prasad,
Judicial First Class Magistrate – II, Kanjirappally

Saturday, the 04th day of April, 2026
(14th day of Chaithram, 1948)

CC No.185/2023

Complainant : State of Kerala represented by the Sub- Inspector
of Police, Manimala PS in **Crime 04/23**.

(By Sri. Shajahan K.S, APP-II, Kanjirappally)

Description of accused

SL. No.	Name	Father's Name	Age	Occupation	Residence
A1	Bidhun@Unni	Deveswaran @Rajendran	32/23	...	Vattakkavil (H), Vattakkavu Bhagam, Vellavoor P. O, Vellavoor Village.
A2	Amal	Sreeni	27/23	...	Pulluvettampathalil (H), Vattakkavu Bhagam, Vellavoor P. O, Vellavoor Village.
(By. Adv. R. Rahul)					
A3	Suresh	K. B Soman	34/23	...	Vattakkavil (H), Vattakkavu Bhagam, Vellavoor P. O, Vellavoor Village.

(By Adv. Sri. K. S Sajikumar)

Offence : Under sections 447, 324 r/w 34 of IPC.

Plea : Not Guilty.

Finding : Not Guilty.

Sentence/Order : Accused are acquitted u/s. 248(1) of
Criminal Procedure Code 1973.

Dates of :-

Offence	Complaint	Apprehension	Release on bail	Commitment	Commencement of trial	Commencement of evidence
01.01.23	01.01.23	03.01.23	03.01.23	...	08.07.24	22.01.26

Close of trial	Sentence or order	Service of copy of judgment or finding on accused	Explanation of delay	Period of detention undergone during investigation, inquiry or trial for the purpose of Section 428 Cr.P.C
25.03.26	04.04.26	...	CA not available

J U D G M E N T

This is a case charge sheeted by the Sub Inspector of Police, Manimala Police Station in crime No. 04/23 against the accused alleging the commission of offences punishable under sections 447 & 324 r/w 34 of Indian Penal Code (hereinafter referred as IPC).

2. **The case in the final report in brief is as follows:** Due to the previous animosity the accused persons had towards CW1, the accused in furtherance of their common intention to cause hurt to CW1, on 01.01.2023 at 01.30 a.m, criminally trespassed into the compound of the house of CW1 at Vattakkavu Bhagom in Ward No. II of Vellavoor grama panchayath in Vellavoor Village and assaulted CW1 using an iron rod. Thereby the accused is alleged to have committed the offences punishable u/ss. 447 & 324 r/w 34 of IPC.

3. On the basis of the information given by the informant to CW9 he registered first information report and a crime was registered as crime 04/23 u/ss. 447 & 324 r/w 34 of IPC. After the completion of investigation final report was filed before the court alleging the commission of offences punishable u/ss. 447 &

324 r/w 34 of IPC. Cognizance was taken for the offences punishable u/ss. 447 & 324 r/w 34 of IPC and the case was taken on file as CC 185/2023. Copies of all relevant prosecution records were furnished to the accused persons and thereby the mandate under section 207 of the Code of Criminal Procedure (hereinafter referred to as "Cr.P.C.") was complied with. After hearing on framing of charge, charge was framed after perusing the prosecution records. It was read over and explained to the accused persons u/s. 240(2) Cr.P.C. u/ss. 447 & 324 r/w 34 of IPC to which the accused persons pleaded not guilty and claimed to be tried.

4. From the side of prosecution, PW1, PW2 & PW3 were examined and Ext.P1 was marked. CW4 to CW9 were given up by APP. Since there were no incriminating circumstances against the accused, examination of the accused under section 313(1)(b) Cr.P.C was dispensed with. Neither oral nor documentary evidence was adduced from the side of defence.

5. Heard both sides. Perused the records.

6. The following points arise for consideration: -

- (i) Whether the accused persons in furtherance of the common intention criminally trespassed into the compound of the house of PW1 and thereby committed the offence punishable u/s.447 r/w 34 of IPC ?
- (ii) Whether the accused persons in furtherance of the common intention caused hurt to PW1 by using iron rod which being a dangerous weapon and thereby committed the offence punishable u/s.324 r/w 34 of IPC ?
- (iii) If found guilty, order as to sentence?

7. **Point Nos.(i) & (ii)** : Since these points are interconnected, they are considered together for the sake of brevity. The informant/injured was examined as PW1. He deposed that he gave statement to the police which is marked as Ext.P1. However, he turned hostile to the prosecution case by deposing that he did

not see who caused injury to him as it was dark outside. PW2 and PW3 also turned hostile to the prosecution case by deposing that they neither saw the incident nor gave any statement to the police. Even though learned APP was permitted to put questions under sections 154 of Evidence Act and proviso to section 162(2) Cr.P.C. nothing has come out in support of the prosecution case.

8. Since the material witnesses turned hostile to the prosecution case, the Learned Assistant Public Prosecutor gave up the examination of remaining witnesses in this case and he is justified in doing so. From the above discussion, I am of the view that the prosecution had failed to adduce any evidence to link the accused with the offence in any manner so as to establish the guilt of the accused. Hence, point Nos. (i) & (ii) are found against the prosecution.

9. **Point No. (iii):** In view of point Nos. (i) & (ii), this point does not arise for consideration. Hence, the accused are found not guilty for the offences punishable under sections 447 & 324 r/w 34 of IPC and they are liable to be acquitted for the said offences.

In the result:-

The accused persons are acquitted U/s. 248(1) Cr.P.C for the offences punishable under sections 447 & 324 r/w 34 of IPC. Bail bond executed by the accused stand cancelled and they are set at liberty.

Material object produced and entered as T. 100/23 (Iron rod) shall be destroyed after the expiry of appeal period and if no appeal has been preferred or that any appeal presented has been disposed of.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in the open court on this the 04th day of April, 2026).

**JUDICIAL FIRST CLASS MAGISTRATE-II,
KANJIRAPPALLY**

APPENDIX

List of Prosecution /Defence/Court Witnesses

A. Prosecution witnesses

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
PW1	George Joseph	Informant
PW2	Jijo Joseph	Occurrence witness
PW3	Sujith	Occurrence witness

B. Defence Witness

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
	Nil	

C. Court Witness

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
	Nil	

List of Prosecution/Defence/Court Exhibits

A. Prosecution Exhibits

Sl.No	Exhibit number	Description
1.	P1/PW1	FIS dated 01.01.2023

B. Defence Exhibits

Sl.No	Exhibit Number	Description
	Nil	

C. Court Exhibits

Sl.No	Exhibit Number	Description
	Nil	

D. Material objects

Sl.No	Material object	Description
	Nil	