

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

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

Monday, the 20th day of April, 2026
(30th day of Chaithram, 1948)

CC No.781/2019

Complainant : State of Kerala represented by the Sub-Inspector of Police, Karukachal PS in **Crime 1578/2018.**

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

Description of accused

SL. No.	Name	Father's Name	Age	Occupation	Residence
A1.	Seena	Jayaraj (Husband)	36/18	-	Kalayipadickal (H), Manthuruthy P. O, Nedumkunn Kara, Nedumkunnam Village.
A2.	Jayaraj	Rajan	36/18	-	Kalayipadickal (H), Manthuruthy P. O, Nedumkunn Kara, Nedumkunnam Village.

(By Adv. Sri. P. T Johnson)

Offence : Under sections 323 & 324 r/w 34 of IPC

Plea : Not Guilty.

Finding : Not Guilty.

Sentence/Order : Both accused persons 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
14.12.18	14.12.18	14.12.18	14.12.18	...	11.12.23	08.04.26

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
17.04.26	20.04.26	...	No delay

J U D G M E N T

This is a case charge sheeted by the Sub Inspector of Police, Karukachal Police Station in crime No. 1578/2018 against the accused persons alleging the commission of offences punishable under sections 323 & 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 on 14.12.2018 at 09.00 a. m the first accused assaulted CW1 using a wooden stick and pushed him down. When she attempted to get up, the second accused again assaulted him and caused injuries. The alleged incident occurred in front of Kalayipadickal house bearing No. XV/94 of Nedumkunnam Grama Panchayath near Champakkara Colony – Champakkara Pallipadi Road in Nedumkunnam Kara, Nedumkunnam Village. Thus, the accused persons are alleged to have committed the offences punishable u/ss. 323 & 324 r/w 34 of IPC.

3. On the basis of the information given by the informant to CW8, he registered first information report and a crime was registered as crime 1578/2018 u/ss. 323 & 324 r/w 34 of IPC. After investigation final report was filed before the

court alleging the commission of offences punishable u/ss. 323 & 324 r/w 34 of IPC. Cognizance was taken for the offences punishable u/ss. 323 & 324 r/w 34 of IPC and the case was initially taken on file as CC 1130/2019 on the file of JFCM-I, Changanacherry. 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 for the offences punishable under sections 323 & 324 r/w 34 of IPC to which the accused persons pleaded not guilty and claimed to be tried. As per the O.M No.1306/25 dated 19.03.2025 of the Hon'ble Chief Judicial Magistrate Court, Kottayam, the file was transferred to this court and it was taken on file as CC 781/2019 on 23.05.2025.

4. From the side of prosecution, PW1 was examined and Ext. P1 was marked. Since there were no incriminating circumstances against the accused persons, examination of the accused persons 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 their common intention voluntarily caused hurt to PW1 and thereby committed the offence punishable u/s.323 r/w 34 of IPC?

(ii) Whether the accused persons in furtherance of their common intention caused hurt to PW1 by using a wooden stick 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. She deposed that she sustained injuries in the alleged incident and gave statement to the police which is marked as Ext.P1. She further deposed that the alleged incident occurred in the year 2018. However she turned hostile to the prosecution case by deposing that she does not know who had assaulted her as there were a numbers of persons present at the time of the alleged incident. 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 witness 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 persons with the offence in any manner so as to establish the guilt of the accused persons. 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 persons are found not guilty for the offences punishable under sections 323 & 324 r/w 34 of IPC and they are liable to be acquitted for the said offences.

In the result:-

Both the accused persons are acquitted U/s.248(1) Cr.P.C for the offences punishable under sections 323 & 324 r/w 34 of IPC. Bail bond executed by the accused persons stand cancelled and they are set at liberty.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in the open court on this the 20th day of April, 2026).

Sd/-

**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		Informant

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 14.12.2018

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	

Sd/-

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