

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

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

Monday, the 27th day of April, 2026
(07th day of Vaisakha, 1948)

CC No. 828/2019

Complainant : State of Kerala represented by the
Sub- Inspector of Police, Karukachal P. S
in **Crime 61/2019.**

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

Description of accused

SL. No.	Name	Father's Name	Age	Occupation	Residence
A1.	Sujatha	Babu (Husband)	43/19	...	Cheenkanikkal (H), Parackal Colony, Nedumkunnam Kara, Nedumkunnam Village. Now residing at, Kalayippadikkal (H), Champakara Pallippadi, Manthuruthy P. O.
A2.	Malathi	Rajappan (Husband)	50/19	...	Punnamoottil (H), Ranni Pazhavangadi Kara, Adichippuzha P. O, Ranni Pazhavangadi Village.
A3.	Maya	Murukan (Husband)	32/19	...	Punnamoottil (H), Ranni Pazhavangadi Kara, Adichippuzha P. O, Ranni Pazhavangadi Village.
A4.	Bijimol	Babu	21/19	...	Cheenkanikkal (H), Parackal Colony, Nedumkunnam Kara, Nedumkunnam Village. Now residing at, Kalayippadikkal (H),

					Champakara Pallippadi, Manthuruthy P. O.
A5.	Binumol	Babu	20/19	...	Cheenkannikkal (H), Parackal Colony, Nedumkunnam Kara, Nedumkunnam Village. Now residing at, Kalayippadikkal (H), Champakara Pallippadi, Manthuruthy P. O.

(By Adv. Sri. P. T Johnson)

Offence : U/ss. 294(b), 323, 324, 506(ii) r/w 34 of IPC.
Plea : Not Guilty.
Finding : Not Guilty.
Sentence/Order : 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
12.01.19	12.01.19	15.01.19	15.01.19	...	07.03.24	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	27.04.26	...	Officer on leave

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.61/19 against the accused persons alleging the

commission of offences punishable under sections 294(b), 323, 324 & 506(ii) 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 persons in furtherance of their common intention to cause hurt to CW1, on 12.01.2019 at 07.00 p.m, the 1st accused entered into a verbal altercation with CW1 who was standing in front of Kalayipadi house, near Champakara Pallipady Bhagomin Nedumkunnam Kara, Nedumkunnam Village. The other accused then pelted stones at CW1 and assaulted CW2 and CW3. The accused also criminally intimated to kill CW1 to CW3. Thereby the accused persons are alleged to have committed the offences punishable u/ss. 294(b), 323, 324 & 506(ii) r/w 34 of IPC.

3. On the basis of the statement given by the informant to CW8, CW10 registered first information report and a crime was registered as crime 61/2019 u/ss. 294(b), 323, 324 & 506 (ii) 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. 294(b), 323, 324 & 506 (ii) r/w 34 of IPC. Cognizance was taken for the offences punishable u/ss. 294(b), 323, 324 & 506 (ii) r/w 34 of IPC and the case was initially taken on file as CC 1489/2019 on the file of Judicial First Class Magistrate Court-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. On appearance of the accused persons, they were heard on the question of framing charge and after perusal of prosecution records charge was framed u/s.240 of Cr.P.C for the offence punishable u/s. 294(b), 323, 324 & 506 (ii) r/w 34 of IPC. It was read over and explained to the accused persons to which they 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 828/2019 on 21.06.2025.

4. From the side of prosecution, PW1 to PW3 were examined and Ext.P1 was marked. CW4 to CW12 were given up by APP. 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 uttered obscene words at PW1 to PW3 and thereby committed the offence punishable u/s.294(b) r/w 34 of IPC?
- (ii) Whether the accused persons in furtherance of their common intention caused hurt to PW1 to PW3 and thereby committed the offence punishable u/s.323 r/w 34 of IPC?
- (iii) Whether the accused 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 ?
- (iv) Whether the accused in furtherance of their common intention criminally intimidated PW1 to PW3 and thereby committed the offence punishable u/s. 506 (ii) r/w 34 of IPC ?
- (v) If found guilty, order as to sentence?

7. **Point Nos.(i) to (iv)**: Since these points are interconnected, they are considered together in order to avoid repetition. The informant/injured was examined as PW1. She deposed that she gave statement to the police which is marked as Ext.P1. She further deposed that she had sustained injuries in the alleged incident that occurred on 12.01.2019 at 07.00 p. m at her house at Chamapakara pallipady Bhagom. However, she turned hostile to the prosecution case by deposing that she could not identify who had attacked him as it was dark at

night. PW2 and PW3 also deposed that they had sustained injuries in the alleged incident but does not know who had assaulted as it was dark. 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 persons with the offences in any manner so as to establish the guilt of the accused persons. Hence, point Nos. (i) to (iv) are found against the prosecution.

9. **Point No. (v):** In view of point Nos. (i) to (iv), this point does not arise for consideration. Hence, the accused persons are found not guilty for the offences punishable under sections 294(b), 323, 324 & 506(ii) 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 294(b), 323, 324 & 506(ii) r/w 34 of IPC. Bail bond executed by the accused persons stand cancelled and they are set at liberty.

Material object produced and entered as T. 26/26 (Wooden stick) 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 27th 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	Santha	Informant/Injured
PW2	Shyama	Injured/Occurrence witness
PW3	Salu	Injured/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	First Information Statement dated 14.01.2019

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/-

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