

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-I,  
CHANGANACHERRY**

Present:- Sri.Anil Kumar. T.S, Judicial I Class Magistrate.

Dated this the, 19<sup>th</sup> day of March, 2026  
28<sup>th</sup> day of Phalguna, 1947

**CC No.4169/2019**

- Complainant : State represented by the Sub Inspector of Police, Chingavanam Police Station in Crime No.1144/2019.  
(By Smt.Rishna Rahim, APP Changanacherry)
- Accused A1 Shebin Prakash, Aged 27/19, S/o Prakash, Elavanam kuzhy (H), Neerickadu P.O, Ayarkkunnam. **(no more)**  
A2 Aneesh Kamaraj, Aged 22/19, S/o Kamaraj, Anil Bhavan (H), Neelamperoor P.O, Kurichy.  
(By Adv.E A Sajikumar)
- Offence : U/s.323, 324, 341 and 427 r/w 34 of the Indian Penal Code, 1860 and Sec.3(2)(e) of PDPP Act.
- Plea : Not guilty
- Finding : Not guilty
- Sentence/Order : A2 is acquitted u/s.248(1) of Cr.P.C. His bail bond stands discharged and he is set at liberty. Case against A1 abated.

**Date of:-**

Offence	Report of complaint	Apprehension/ Appearance of accused	Release on bail	Commencement of trial	Close of trial	Sentence of order	Explanation for delay and remarks
21.05.19	21.05.19	23.05.19	23.05.19	11.03.25	16.03.26	19.03.26	---

**Description of Accused**

Name of accused	Age	Father's Name	Caste or Religion	Calling	Residence	Taluk
Shebin Prakash	---	---	---	---	---	---
Aneesh Kamaraj	22/19	Kamaraj	Hindu	---	Anil Bhavan	Changanacherry

This case having been finally heard on 16.03.2026 and posted for judgment to 19.03.2026 and the court on the same day delivered the following:-

**J U D G M E N T**

The final report in this case has been filed by the Sub Inspector of Police, Chingavanam Police Station against the accused persons, in crime No.1144/2019 alleging the offences punishable u/s.323, 324, 341 and 427 r/w 34 of the Indian Penal Code, 1860 and Sec.3(2)(e) of PDPP Act.

2) Prosecution case in brief is as follows:- On 21.05.2019 at 06.00 p.m, the defacto complainant tried to repel A1 from the action of stunting his bike on the Earyilkkadavu-Manippuzha Bypass road, due to this animosity, the accused persons wrongfully restrained him, A1 hit with his *idivala* on the head of the defacto complainant. During the scuffle between the accused persons and the defacto complainant, the smart phone of the defacto complainant got damaged and he lost his rudraksha mala and thereby sustained loss of Rs.5,000/- to him. Thus, the accused have committed the offences punishable under sections 323, 324, 341 and 427 r/w 34 of the Indian Penal Code, 1860 and Sec.3(2)(e) of PDPP Act.

3) In this case, final report was filed before this court and cognizance of the above offences was taken by this court. Thereafter, summons was issued to the accused persons. The accused persons appeared before the court and they were enlarged on bail. The accused were furnished with copies of all relevant prosecution records. After hearing both sides and after considering the prosecution records, charge under above offences were framed against the accused persons. The same was read over and explained to them. They pleaded not guilty to the charge and claimed to be tried. A1 died and case against him was abated.

4) The prosecution has examined PW1. Ext.P1 FIS was marked. PW1 retracted from the prosecution case and the learned APP has given up examination of the remaining witnesses. As no incriminating circumstances were brought out against the accused, his examination under S.313 (1) (b) Cr.P.C was dispensed with.

5) Heard both sides.

6) The following points arise for determination:-

- i. Whether A1 voluntarily caused hurt to CW1 on 21.05.2019 at 06.00 p.m on Earyilkkadavu-Manippuzha Bypass road and thereby committed offence u/s.323 of IPC as alleged?
- ii. Whether A1 voluntarily caused hurt to CW1 with a dangerous weapon on the aforesaid day at the above mentioned place, at aforesaid time and thereby committed offence punishable u/s.324 of IPC as alleged?
- iii. Whether the accused persons, in furtherance of their common intention, wrongfully restrained CW1 on the aforesaid day at the above mentioned place, at aforesaid time and thereby committed offence punishable

u/s.341 IPC as alleged?

- iv. Whether the accused persons, in furtherance of their common intention, caused loss of Rs.4,000/- to CW1 due to the scuffle on the aforesaid day at the above mentioned place, at aforesaid time and thereby committed offence u/s.427 of IPC as alleged?
- v. Whether A1, had caused a loss to the Government and thereby committed the offence punishable under section 3(2)(e) of PDPP Act?
- vi. Sentence or order, if any ?

7) **Point nos.1 to 5:-** For the sake of convenience point nos.1 to 5 are considered together. Defacto complainant was examined as PW1. Ext.P1 is the FIS given by PW1. He admitted his signature in Ext.P1. But, PW1 turned hostile to the prosecution by stating that he did not know who inflict the injury. Further he deposed that he has no complaints against the accused persons and further he deposed that he is not interested to proceed the case against the accused.

8) Since, PW1 turned hostile to the prosecution case, the remaining witnesses were rightly given up by the learned Assistant Public Prosecutor. Considering the available evidence, I am of the view that prosecution failed to prove the allegation levelled against the accused persons. These points are found against the prosecution.

9) **Point no.6:-** In view of the finding on point nos.1 to 5, A2 is found not guilty of the offences punishable u/s.323, 324, 341 and 427 r/w 34 of the Indian Penal Code, 1860 and Sec.3(2)(e) of PDPP Act.

In the result, A2 is found not guilty of the offences punishable under sections

323, 324, 341 and 427 r/w 34 of the Indian Penal Code, 1860 and Sec.3(2)(e) of PDPP Act and he is acquitted under section 248(1) of the Code of Criminal Procedure, 1973. His bail bond stands discharged and he is set at liberty. Case against A1 abated.

Item No.1 in the property list (motor cycle bearing Reg.no.KL-05-AN-526) No.T.615/19 shall be made absolute after the period of appeal. Item No.2 in the property list (idivala) No.T.615/19 shall be destroyed after the period of appeal.

*(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court, this the 19<sup>th</sup> day of March 2026)*

Judicial First Class Magistrate – I  
Changanacherry

**APPENDIX:**

**Witness for the prosecution:**

PW1/CW1 - Sri.Deepu K Babu - 03.03.2026

**Exhibits for the prosecution:**

P1- FIS marked through PW1 on 03.03.2026

**Witness and Exhibits for the defence :**

Nil

Judicial First Class Magistrate -1  
Changanacherry

