

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

Present: Smt. Vinita.V.Pai., Judicial First Class Magistrate – I,

Dated this the 25th day of May, 2026.

(The 04th day of Jyaishta, 1947 of Saka Era)

CALENDAR CASE NO. 168 OF 2021

State represented by the Sub Inspector of Police Perinthalmanna police station Cr.08/2021 (By Sri. Navabkhan E, APP. Perinthalmanna)	:	Complainant
A1. Abdul Basheer, Age. 34/21, S/o. Muhammadali, Aalikkal House, Perinthalmanna. A2. Sadik, Age. 28/21, S/o. Abdul Asees, Parakkal House, Perinthalmanna. (By Adv.Sri.V. Muhammed Rafeeqe)	:	Accused
Offences	:	u/ss. 341, 323, 324, 294(b) and 427 r/w 34
Plea	:	Not guilty
Finding	:	Not guilty
Order	Accused is acquitted u/s.248(1) Cr.P.C.	

Description of the accused

Sl.No	Name	Father's Name	Occupation	Residence	Age
1	Abdul Basheer	Muhammadali		Aalikkal	34/21
2	Sadik	Abdul Asees		Parakkal	28/21

Date of

Occurrence	Complaint	Appearance or apprehension	Release on bail	Commencement of trial	Close of trial	Sentence or order
06.01.21	07.01.21	14.01.21	14.01.21	20.02.26	20.05.26	25.05.26

This case having been finally heard on 20.05.2026, this day the court delivered the following:

JUDGMENT

This case is taken file on the final report submitted by the Inspector of Police, Perinthalmanna Police Station, against the accused in crime No.08/2021 alleging commission of the offences punishable under section u/ss. 341, 323, 324, 294(b) and 427 r/w 34.

2. The prosecution case, in brief, is as follows:- On 06.01.2021 at 08.00 p.m at Perinthalmanna, Jubilee road, the accused wrongfully restrained PW1 and PW2 and uttered obscene words at them and voluntarily caused hurt to them by beating and stabbing with a key and threw the mobile phone and broke it. Thus, the accused are alleged to have committed the aforesaid offences.

3. On the basis of FIS given by PW1, CW9 registered the crime and filed final report after completing investigation.

3. Pursuant to the filing of the final report, cognizance was taken on the aforesaid offences. On issuance of summons, the accused appeared before the court. Copies of the relevant records were furnished to them and they were released on bail. Accused were defended by a counsel of their choice. After perusing records and hearing both, charge for offences under sections 341, 323, 324, 294(b) and 427 r/w 34 were framed, read over and explained to the accused in Malayalam. They pleaded not guilty and claimed to be tried.

4. From the side of the prosecution, PW1 to PW4 were examined and Ext.P1 was marked. As there was no incriminating evidence against the accused questioning of accused u/s.313(1)(b) Cr.P.C was dispensed with.

5. Accused called upon to enter into his defence. No evidence has been adduced from the side of accused.

6. Heard both sides.

7. The following points arise for consideration:-

1. Whether the accused wrongfully restrained PW 1 and PW2 as alleged?
2. *Whether accused voluntarily caused hurt to PW1 and PW2 as alleged?*
3. *Whether accused voluntarily caused hurt to PW1 by stabbing with a key as*

alleged?

4. *Whether the accused uttered obscene words at PW 1 as alleged?*
5. *Whether the accused have committed mischief to the mobile phone of PW1 and PW2 as alleged?*
6. What are the offences if any, proved to have committed by the accused?
7. If the accused is found guilty, what should be the proper sentence?
8. **Point No. 1 to 6 :-**

PW1 is the informant and injured. He gave a statement to the police regarding the incident. Ext.P1 is the F.I.S. He deposed that, there was no such incident and he could not identify the accused and he has no grievance in this matter. He turned to the hostile to the prosecution. PWs 2 to 4 are the occurrence witnesses. They turned hostile to the prosecution and could not identify the assailants. They further deposed that, they have no grievance in this matter.

9. On consideration of the entire evidence on record, it is seen that the injured and occurrence witnesses examined turned hostile to the prosecution and deposed against the prosecution case. Considering the circumstances that there cannot be any successful prosecution, the learned A.P.P has given up the examination of the remaining witnesses. I am also satisfied that the examination of them will not serve any purpose. There is absolutely no material before the court to connect the accused with the occurrence. In the above circumstance, the accused cannot be said to have committed the offence alleged against the accused. In the result, points are found against the prosecution.

10. **Point No.7:-** This point does not arise for consideration since the point Nos.1 to 6 found against the prosecution.

In the result, accused is found not guilty of the offences u/ss. 341, 323, 324, 294(b) and 427 r/w 34 of IPC and they are acquitted of the same u/s.248(1)of Cr.P.C. Bail bonds stand cancelled and accused are set at liberty.

Property received in this case as item 80/21 shall be released to the its owners.

(Dictated to the Confidential Assistant transcribed and typed by her, corrected and pronounced by me in open court on this the 25th day of May, 2026)

Judicial First Class Magistrate -I
Perinthalmanna

APPENDIX

Prosecution witness

PW1	Arjun	Informant and injured
PW2	Melvin.MJ	Occurrence Witness
PW3	Kamarussaman	Occurrence Witness
PW4	Syam Krishnan	Occurrence Witness

Defence witness : Nil

Court witness : Nil

Prosecution Exhibits:

1	Ext.P1/PW1	FIS dated 06.01.2021
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Defence Exhibits : Nil

Court Exhibits : Nil

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