

In the Court of Session, Palakkad Division
Present: Sri. R. Vinayaka Rao, Additional Sessions Judge-I
(Special Judge)

Thursday, the 23rd day of April, 2026/03rd day of Vaisakha, 1947 S.E.

Criminal Miscellaneous Petition No.02/2026 in Sessions Case No.792/2024 and
Order on the question of framing of charge in S.C.792/2024
(Crime No. 424/2020 of Kuzhalmannam Police Station)

Petitioners/Accused :

1. Abbas, aged 44 years, S/o.Kadhar Moideen, Green House, Moothrad, Kalappetty, Kuzhalmannam.
2. Jaleesa, aged 34 years, w/o.Abbas, green House, Moothrad, Kalappetty, Kuzhalmannam.

Vs:

Respondent/Complainant :

State of Kerala - Represented by the Sub Inspector of Police,
Kuzhalmannam Police Station.

This application came up on this day for orders. Upon perusing the application and after hearing Sri.P.Gopinath, Advocate for the Petitioners and the Special Public Prosecutor on behalf of the State, this court passed the following:-

ORDER

The above case is charge sheeted by the Additional Sub Inspector of Police of Kuzhalmannam Police Station against the accused for offence u/s.324 r/w 34 of Indian Penal Code.

2. The case of the prosecution is as follows :- On 01.06.2020 at 12.30 PM at a place called Moothrad, Kalappetty, Kuzhalmannam Panchayath, Alathur Taluk, while CW1 and her children were sitting in the hall of Tharavadu house of the husband of CW1, A1 and A2 by a plastic chair hit CW1 and her children and caused injuries to them and thus the accused have committed the above said offences.

3. After completing the investigation the final report was filed before

the Judicial First Class Magistrate Court – I, Palakkad and the learned Magistrate initially took the case on file as CC.1023/2020. Bail was granted to A1 and A2 when case was pending before the Magistrate Court. Subsequently after examination of CW1 as PW1, the learned Magistrate found that the court had no jurisdiction to try the offence and accordingly she converted the case as CP and after complying the procedure committed the case to the Court of Session, Palakkad. The Court of Session, Palakkad took the case on file in the above said number and later made over the case to this court for trial and disposal. When case file was received by this court, summons were issued to the accused and they entered appearance. They were represented by a counsel. The accused filed the above Crl.M.P.

4. No report is seen filed by the Additional Public Prosecutor. Heard the Counsel for the accused and the learned Additional Public Prosecutor in the above Crl.M.P as well as on questioning of framing of charge.

5. Following points arise for consideration by this Court :

1. *Whether a charge is liable to be framed against the petitioner ?*
2. *Whether the above Crl.M.P. is to be allowed or not ?*
3. *The proper order to be passed in the above case ?*

6. **The Point Nos.1 & 2** :- According to the counsel for the accused merely because children are victims and witnesses in the case, there need not be a trial by the Children's Court and accordingly relied on the ruling in **2024 KHC Online -1569** and he prayed to passed orders regarding the trial to be conducted before the Judicial First Class Magistrate Court – I, Palakkad.

7. On the other hand the Additional Public Prosecutor contended that when child is involved and when rights of children are violated the Children's Court has jurisdiction to try the above case.

8. On going through the records. I find that as children's rights are alleged to have been violated as the allegations is that the accused alleged to have hit minor children by the plastic chair resulting in injury, the above case can be tried by this Court and there is no necessity to transfer the case to the Judicial First Class Magistrate Court as prayed. I find that this court has jurisdiction to try the above case. This point is accordingly found against the accused.

9. **Point No.3** :- In view of the findings in the above points, the above CrI.M.P. will have to be dismissed and a charge is liable to be framed against the accused for offence u/s.324 of Indian Penal Code.

In the result, the above petition is dismissed. It is found that a charge for offence u/s.324 r/w Sec.34 of Indian Penal Code is liable to be framed against the accused.

Dictated to Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 23rd day of April, 2026.

Sd/-

Special Judge/Additional Sessions Judge – I

*Typed by : Mridhula.K.S.
Compared by : Abhishek.G..
Copy ready on :23.04.2026*

**Fair/Copy of Order
in Crl.M.P.No.02/2026.
SC No.792/2024.
Dated :23.04.2026.**