

IN THE COURT OF THE JUDICIAL MAGISTRATE OF FIRST CLASS,
PATTAMBI

Present:- Smt. Neema Noor Mohamed, Judicial Magistrate of First Class.

Friday, this the 22nd day of May, 2026/ 1st day of Jyeshtha, 1948 S.E.

Calendar Case No. 454/2018.

State represented by the Sub Inspector of Police, Pattambi Police Station in crime No. 340/2019. (By Smt. Resmi.V.S, Grade II A.P.P)		Complainant
Kammukutty.K, aged 49/19 years, S/o. Alavi, Kadakkodan House, Kallamangalam P.O, Kadampuzha. (By Adv. Sri. T. Ramanunni.)		Accused
Offence	Punishable under sections 341, 323, 324 and 294(b) of IPC.	
Plea	Not guilty	
Finding	Not guilty	
Sentence or order	The accused is found not guilty for the offences punishable under sections 341, 323, 324 and 294(b) of the Indian Penal Code and is acquitted of these offences under section 248(1) Cr.P.C. The bail bond executed by the accused stand cancelled and he is set at liberty forthwith. The property produced before the court as PR 36/18 shall be confiscated after the period of appeal.	

DATE OF

Offence	Complaint	Apprehension	Release on Bail	Commencement of Trial	Close of Trial	Order	Explanation for delay
01/01/18	02/01/18	12/03/19	12/03/19	08/05/26	21/05/26	22/05/26	No delay

DESCRIPTION OF ACCUSED

Name	Father's Name	Age	Residence	Taluk
Kammukutty.K	Alavi	49/19	Kadampuzha	Tirur

J U D G M E N T

This is a case instituted upon the final report submitted by the Sub Inspector of Police, Pattambi Police Station in crime No. 340/2019 against accused alleging the

commission of offences punishable under Sections 341, 323, 324 and 294(b) of IPC.

2. The summary of the prosecution case is as follows: On 01/01/2018 at 14.15 hours, in connection with the dispute arising out of financial issues between the accused and CW1, the accused wrongfully restrained CW1 at Thekkumuri and slapped on his face. The accused also hit on the left wrist of CW1 using a iron pipe and uttered obscene words to him. The accused struck the CW1 on the head, causing him to lose consciousness and collapse. Thus the accused alleged to have committed the aforesaid offences.

3. On receipt of First Information Statement from CW1, CW8 registered the First Information Report and after completing investigation, CW9 filed the final report before the court.

4. On appearance of the accused before the court, he was released on bail. He was represented by a counsel of his choice. Copies of all relevant prosecution records were furnished to him under section 207 of Cr.P.C. After hearing both parties and perusing the records, charge framed for the offence under section 341, 323, 324 and 294(b) IPC and was read over and explained to the accused to which he pleaded not guilty and claimed to be tried. In spite of repeated coercive steps taken against CW1, he did not appear before the court to adduce evidence and reported no more.

5. In order to prove the prosecution case, the Investigating Officer cited 9 witnesses. Among which PW1 and PW2 were examine. Remaining witnesses were given up by the learned APP.

6. In the absence of any incriminating evidence, examination of accused under Section 313(1)(b) Cr.P.C. for enabling the accused personally to explain any circumstances appearing in the evidence against him was dispensed with. Accused was then called upon to enter upon his defence and produce evidence. He did not adduce any oral or documentary evidence.

7. After hearing both sides the following points arise for consideration;

1. *Whether the accused wrongfully restrained CW1 as alleged by the prosecution?*
2. *Whether the accused voluntarily caused hurt to CW1 as alleged by the prosecution ?*
3. *Whether the accused voluntarily caused hurt to CW1 with any dangerous weapon as alleged by the prosecution ?*
4. *Whether the accused uttered obscene words to CW1 as alleged by the prosecution ?*
5. *Whether the accused committed any of the above offences with which he is charged ?*
6. *If the accused is found guilty, what should be the proper sentence or order?*

8. **Point Nos. 1 to 5:-** For the sake of convenience these points can be considered together. Evidence in this case consists of oral testimony of PW1 and PW2. PW1 and PW2 are cited as the eye witness to the incident. PW1 and PW2 deposed in the similar fashion that there was an altercation between CW1 and accused, but they did not witness the incident. They added that they did not give any statement before the police against the accused. Thereby PW1 and PW2 turned hostile to the prosecution case. Though PW1 and PW2 were further examined by the

learned Assistant Public Prosecutor with the permission of the court under Sec. 154 of the Indian Evidence Act and also as per the proviso to Sec. 162(1) of Cr.P.C, nothing could be brought out to incriminate the accused.

9. It is clear that the evidence of PW1 and PW2 will not prove the prosecution case. Moreover, the remaining witnesses were given up by learned Asst. Public Prosecutor. I am also satisfied that examination of those witnesses will not serve any purpose. So from the materials on records, I am of the view that prosecution has not succeeded in proving the guilt of the accused. As such the points under consideration are only to be answered against the prosecution. Points are answered accordingly.

10. **Point No. 6:-** In view of the findings on foregoing points, this point did not require adjudication.

In the result

1. ***The accused is found not guilty for the offences punishable under sections 341, 323, 324 and 294(b) of IPC and is acquitted of these offences under section 248(1) Cr.P.C.***
2. ***The bail bond executed by the accused stand cancelled and he is set at liberty forthwith.***
3. ***The property produced before the court as PR 36/18 shall be confiscated after the period of appeal.***

Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in open court, this the 22nd day of May, 2026.

Sd/-
Judicial Magistrate of First Class,
Pattambi.

APPENDIX

Witnesses examined for the Prosecution:-

PW1:	Manzoor.N.T, aged 40 years, S/o. Ali.N.T, Pattambi, Pattambi.	Eye witness CW2
PW2:	T.P. Mohanan, aged 64 years, S/o. Koppan, Pattambi, Pattambi.	Injured CW2

Witnesses examined for the Defence:- NIL

Exhibits marked for Prosecution:- NIL

Exhibits marked for Defence:- NIL

// True Copy //

Sd/-
Judicial Magistrate of First Class,
Pattambi.

Judicial Magistrate of First Class,
Pattambi.