

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE –CHITTUR

Present: Smt. Lathika Mohan
Judicial First Class Magistrate ,Chittur.

Dated this the 2nd day of June, 2026

CALENDAR CASE No. 85/2020

Complainant : State: Represented by the Sub Inspector
of Police, Pudunagaram Police Station
in Crime No.07/2020.
(By: Kum. Vaheetha. T.A., A.P.P., Chittur)

Accused : 1. Muhammed Ashik, aged 19/20 years,
S/o Latheef, Kattutheruvu, Pudunagaram.
2. Siraj, aged 20/20 years, S/o Abdul Hakkim,
Laksham Veedu, Mangodu, Pudunagaram.
(By Smt. Greeshma U, Advocate, Chittur)
3. Akbar, aged 18/20 years, S/o Iqbal,
Kattutheruvu, Pudunagaram.
(By Sri. M Abuthahir, Advocate, Chittur)
4. Muhammed Suhail, aged, 18/20 years,
S/o Muhammed Sulthan, Kattutheruvu,
Pudunagaram.
(By: Sri. N.S. Bivin, Advocate, Chittur)

Offence : Punishable under Ss. 341, 323, 324 r/w 34 of Indian
Penal Code, 1860.

Plea : Not Guilty

Finding : Not Guilty

Sentence/order : Accused no. 1 to 4 are found not guilty of the offence
punishable under Sections 341, 323, 324 r/w 34 of Indian Penal Code, 1860 and
they are acquitted of the above said offences under S. 248(1) CrPC. Bail bonds of
the accused stands cancelled. They are set at liberty forthwith.

DESCRIPTION OF ACCUSED

Name	age	Father's name	..	Calling	Residence
Muhammed Ashik	19	Latheef	..	..	Pudunagaram
Siraj	20	Abdul Hakkim	..	..	Pudunagaram
Akbar	18	Iqbal	...	..	Pudunagaram

Muhammed Suhail	18	Muhammed Sulthan	..	..	Pudunagaram
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DATE OF

Occurrence	Complaint	Apprehension	Released on bail	Commencement of trial	Close of trial	Sentence or Order
01.01.20	3.02.20	05.01.20	05.01.20	22.01.25	26.05.26	02.06.26

JUDGMENT

The accused are put on trial for the offence punishable under Sections 341, 323, 324 r/w 34 of Indian Penal Code, 1860 by the Sub Inspector of Police, Pudunagaram Police Station, in Crime No.07/2020.

2. The prosecution case in brief are as follows.

3. The accused persons, on 01.01.2020 at 1.30 P.M., due to their enmity towards PW1, in furtherance of the common intention as SDPI workers, wrongfully restrained PW1 and his friend near Kattutheruvu School, 1st accused hit PW1 with an iron rod causing contusion on his left hand, 2nd and 3rd accused hit him on his body with their hands and stomped on him, 4th accused pelted stone on him causing injury to PW1 and his friend and thereby the accused committed the above said offence.

4. On appearance of the accused copies of prosecution records were given to accused under Section 207 of The Code of Criminal Procedure, 1973. The accused were granted bail. After considering the police report and the documents filed along with the report and after examination of that report and documents and after hearing the prosecution and the accused charge under Sections 341, 323, 324 r/w 34 of Indian

Penal Code, 1860 were framed, read over and explained to accused to which they pleaded not guilty and claimed to be tried.

5. To prove the prosecution case PW1 to 3 were examined and Ext. P1 was marked. PW1 to PW3 turned hostile to prosecution case. All the remaining witnesses were given up by the learned APP and the prosecution evidence was closed. Since there was no incriminating circumstances appearing in evidence against the accused in this case, questioning of accused under Section 313 (1) (b) of The Code of Criminal Procedure, 1973 is dispensed with. No evidence was adduced on the side of defence.

6. Heard both sides.

7. The following points arise for determination and consideration:

- 1) Did the accused in furtherance of their common intention, wrongfully restrained PW1 from proceeding in any direction near Kattutheruvu School, as alleged by the prosecution?
- 2) Did the accused in furtherance of their common intention, hit PW1 on his body and stomped on him, as alleged by the prosecution?
- 3) Did the accused in furtherance of their common intention, hit PW1 with an iron rod and pelted stone on him causing injury to him, as alleged by the prosecution?
- 4) What offence if any committed by the accused? If so, what should be the proper sentence?

8. Point nos. 1 to 3:- As the matter to be discussed in these points are inter related these points are considered together for the sake of convenience. PW1 is the defacto complainant in this case. Ext. P1 first information statement was marked through him.

According to him on the date of occurrence, some people blocked his bike and quarreled with him. He turned hostile to the prosecution case and stated that he was not attacked by anyone and does not know the persons who quarreled with him.

9. PW2 is the friend of PW1 who is also cited as an injured in the case. He turned hostile to the prosecution case and stated that he did not sustain any injury and that he does not know anything about the incident alleged by the prosecution. PW3 who is cited as an eye witness, turned hostile to prosecution case and stated that they did not see any such incident as alleged by the prosecution.

10. After evaluating the entire evidence in this case, this court find that there is nothing in evidence to prove that PW1 and PW2 was assaulted by anyone. There is absolutely no evidence to prove that the accused assaulted PW1 and PW2. There is nothing in evidence to prove that the accused are the assailants who assaulted PW1 and PW2. PW3 who was cited as eye witness deposed that he has not witnessed the incident. Even though APP vehemently cross examined them, nothing was brought out from them in support of the case of the prosecution. None of the witnesses examined by the prosecution has deposed anything against the accused. They have not adduced any evidence that the accused wrongfully restrained PW1 and hit him with dangerous weapon. So the identity of the accused in this case is not proved. Without proving the identity of the accused they could not be made liable for the alleged offence. Hence the prosecution failed to prove the case against accused beyond reasonable doubt and

therefore these points are found against the prosecution.

11. Point No. 4: In the light of findings in Point No.1 to 3, Point No.4 does not arise for consideration as the prosecution failed to prove guilt against the accused beyond reasonable doubt.

- In the result,

- 1) Accused no. 1 to 4 are found not guilty for the offence punishable under Sections 341, 323, 324, r/w 34 of Indian Penal Code, 1860 and they are acquitted for the above said offence under Section 248(1) of The Code of Criminal Procedure, 1973.
- 2) Their bail bonds shall stand cancelled and they are set at liberty forthwith.
- 3) The property produced and entered in property register as PR 24/2020 are 2 iron rods and 1 granite piece. The granite piece, being valueless shall be destroyed on expiry of appeal period or when an appeal is presented after the disposal of appeal. The iron rods shall be confiscated and sold in auction as per law on expiry of appeal period or when an appeal is presented after the disposal of appeal.

(Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in open court on this the 2nd day of June, 2026)

Sd/-
Judicial First Class Magistrate,
Chittur.

APPENDIX

WITNESSES EXAMINED FOR THE PROSECUTION.

Prosecution witness no.	Name of witness	Description
1.	Najmal	Defacto complainant

2	Ramesh	Eye witness
3.	Karthik	Eye witness

EXHIBITS MARKED BY THE PROSECUTION: NIL

WITNESSES EXAMINED AND EXHIBITS MARKED BY THE DEFENCE : NIL

MATERIAL OBJECTS MARKED : NIL.

Sd/-

JUDICIAL FIRST CLASS MAGISTRATE,
CHITTUR.

- true copy-

JUDICIAL FIRST CLASS MAGISTRATE,
CHITTUR.