

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE I,
ALATHUR.**

Present:- Sri. Induchoodan. A.,
Judicial First Class Magistrate.

Monday, this the 26th day of March, 2026.
5th day of Chaithra, 1947 (S.E)

Calendar Case No. 89/2018.

Complainant : State Rep. By the Sub Inspector of Police,
Alathur Police Station, In Crime No.
1228/2017 of Alathur Police Station.
(BY Sri. Hari Kishan P.R, A.P.P Gr. II,
Alathur)

DESCRIPTION OF ACCUSED

Sl. No.	Name	Father's name	Occupation	Residence	Age
1.	Krishnankutty	Ponnu		Kizhakke veedu, Peruvathakkad, Puthiyankam, Alathur Palakkad.	50
2	Kesavankutty	Ponnu		Kizhakke veedu, Peruvathakkad, Puthiyankam, Alathur Palakkad.	49
3	Unnikrishnan	Chamikutty		Kalathil veedu, Vadukathara, Erimayur, Alathur, Palakkad.	75

(BY Adv. Sri. N.R. Venkitanarayan)

Offence : Punishable u/ss. 323, 324, 506 (ii) r/w
Sec.34 of the Indian Penal Code.

Pleading : Not guilty

Finding : Not guilty

Sentence or Order

: The accused No.1 to 3 are not found guilty for the offences punishable u/ss.323, 324, 506 (ii) r/w Sec.34 of the Indian Penal Code and are acquitted u/s.248 (1) of the Code of Criminal Procedure, 1973. Their bail bond stands cancelled and they are set at liberty.

.....

DATE OF

Occurrence	Complaint	Apprehension	Released on bail	Commencement of trial	Close of trial	Sentence or Order
20.11.2017	22.11.2017	17.08.2019	17.08.2019	16.09.2022	23.03.2026	26.03.2026

This case is coming on for today's proceedings, the court delivered the following:

J U D G M E N T

The accused are put on trial for the offences punishable u/ss.323, 324, 506 (ii) r/w Sec.34 of the Indian Penal Code in Crime No.1228/2017 of Alathur Police Station.

2. The prosecution case is that on 20.11.2017 at about 12.00 noon, accused Nos.1 to 3, in furtherance of their common intention and armed with a deadly weapon namely a fiber stick, trespassed into the agricultural property of PW1 situated at Erimayoor, Kongod, and caused destruction to the banana plants situated below the canal bund. It is the further case of the prosecution that, on account of previous enmity arising out of questioning such destruction, the 1st accused pushed down the

de facto complainant/PW1 and assaulted him on his left shoulder with the fiber stick, and when PW2, the wife of PW1, intervened, the 2nd accused caught hold of her hair, pulled her and pushed her down, and the 3rd accused stepped on her chest, abused them and threatened to kill them. Thus, the accused are alleged to have committed the offences as charged.

3. On appearance of the accused they were enlarged on bail. Copies of all relevant prosecution records were furnished to them u/s.207 Cr.P.C. After hearing both sides and perusing the materials charge for the offences punishable under sections 323, 324, 506 (ii) r/w Sec.34 of the Indian Penal Code was framed, read over and explained to the accused to which they pleaded not guilty.

4. PW1 and PW2 were examined and Exhibit P1 was marked on behalf of the prosecution. The accused were not questioned under section 313 (1) (b) Cr.P.C as there was no incriminating circumstances appearing in evidence against them. No oral or documentary evidence was adduced from the side of defence.

5. From the above facts and evidence the following points arise for consideration: -

1. *Whether the accused No.2, in furtherance of the common intention shared with accused No.1 and 3, voluntarily caused hurt to PW1 by means of a*

dangerous weapon namely fiber stick and thereby committed an offence punishable under Sec. 324 r/w Sec. 34 of I.P.C?

2. *Whether the accused No.2 and 3 in furtherance of the common intention shared with accused No.1, voluntarily caused hurt to PW1 and PW2 by pushing down and by kicking and thereby committed an offence punishable under Sec. 323 r/w Sec. 34 of I.P.C?*
3. *Whether the accused No.3, in furtherance of the common intention shared with accused No.1 and 2 criminally intimidated PW2 and thereby committed offences punishable u/s. 506(ii) r/w Sec.34 of I.P.C?*
4. *If found guilty, what is the proper sentence to be imposed ?*

6. **Points No.1 to 3:-** These points are considered together for brevity and convenience. PW1, who is the de facto complainant, deposed that the alleged incident occurred on 20.11.2017 at his agricultural land at Erimayoor and that there was only a verbal altercation. PW1 admitted his signature in the F.I.S and the same was marked as Exhibit P1. However, PW1 categorically stated before this Court that the accused did not assault or cause any injury to him and that the dispute has been settled with the accused. PW1 further stated that he has no complaint against the accused and the case need not be proceeded with. Hence, PW1 was declared hostile by the

prosecution.

7. PW2, who is the wife of PW1, also did not support the prosecution case. PW2 stated that there was only a quarrel with the accused and that the accused did not assault or cause any injury. PW2 further stated that she had not given any such statement before the police and if such a statement is recorded, the same is not correct. PW2 also stated that the matter has been settled and she does not want to proceed with the case. Hence, PW2 was also declared hostile.

8. Since the star witnesses namely PW1 and PW2 did not support the prosecution case and as the prosecution could not elicit any material in favour of the prosecution even during cross-examination, the remaining witnesses were given up by the prosecution considering that their evidence would not improve the case of the prosecution. There is no other independent oral or documentary evidence to substantiate the allegations.

9. On an overall evaluation, it is evident that the entire prosecution case is primarily based on the version of PW1 and PW2. Both of them have completely resiled from their previous statements and have not supported the prosecution case in any manner. Their evidence would clearly show that the alleged incident, as narrated in the charge, has not been proved before this Court. The hostile testimony of PW1

and PW2 does not advance the case of the prosecution and there is no other legally acceptable evidence to corroborate the prosecution version.

10. In criminal jurisprudence, the burden is always upon the prosecution to prove the guilt of the accused beyond reasonable doubt. In the present case, the prosecution has failed to establish the occurrence of the alleged assault, intimidation and trespass. When the material witnesses themselves have denied the incident and stated that the matter has been settled, no conviction can be based on such evidence. Therefore, this Court finds that the prosecution has failed to prove the charges against the accused beyond reasonable doubt. Accordingly, the accused are entitled to get the benefit of doubt. Hence, these points are found against the prosecution.

11. **Point No. 4:-** In view of my findings on points No.1 to 3, this point does not arise for consideration.

In the result ,

1. *Accused No.1 to 3 are not found guilty of the offences punishable under section 323, 324, 506 (ii) r/w Sec.34 of the Indian Penal Code and they are acquitted of the said offences under section 248 (1) Cr.P.C.*
2. *The bail bonds executed by accused stand cancelled and they are set at liberty.*

The property (item No.464/2017) involved in this case ie, a fiber pipe shall be

destructured after the period of appeal as per the rules.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open court on this the 26th day of March, 2026.

sd/-
Judicial First Class Magistrate - I,
Alathur.

APPENDIX

Witnesses examined on the side of Prosecution:-

Rank	Name of Witness	Date of Examination	Category of Witness
PW 1	Ramakrishnan	18.03.2026	Complainant
PW 2	Lakshmi	18.03.2026	Material witness

Exhibits marked for Prosecution:-

Sl. No.	Exhibit Number	Description of the Exhibit	Proved by/ Attested by
1	Exhibit P1	First Information Statement dated 22.11.2017	PW1

Defence Witness	:	Nil
Defence Exhibits	:	Nil

Material objects Marked		
Sl.No.	Description	Proved by/ Attested by
	NIL	

sd/-

Judicial First Class Magistrate - I,
Alathur.

//True copy//

Judicial First Class Magistrate - I,
Alathur.