

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

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

Thursday, this the 16th day of April, 2026.
26th day of Chaithra, 1948 (S.E)

Calendar Case No. 348/2021.

Complainant : State Rep. By the Sub Inspector of Police,
Alathur Police Station, In Crime No.
804/2021 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.	Pratheesh Babu	K.T Appu	Driver	Madampara veedu, Madampara desom, Kunissery, Erimayur I village, Palakkad.	42

(BY Adv. Sri. A. Brijesh)

Offence : Punishable u/ss. 447 and 324 of the
Indian Penal Code.

Pleading : Not guilty

Findings : Not guilty

Sentence or Order : The accused is found not guilty and is acquitted
u/s. 248 (1) of the Code of Criminal Procedure,
1973.

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DATE OF

Occurrence	Complaint	Apprehension	Released on bail	Commencement of trial	Close of trial	Sentence or Order
24.08.2021	08.10.2021	25.03.2023	25.03.2023	18.09.2023	26.03.2026	16.04.2026

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

J U D G M E N T

The accused was put on trial for the offences punishable u/ss. 447 and 324 of the Indian Penal Code on the basis of the final report submitted by the Sub Inspector of Police, Alathur police station, in crime No. 804/2021.

2. The prosecution case, in brief, is as follows:- PW1 destroyed the fence erected by the accused's family members at a Purambokke property in front of PW1's house. Due to this vengeance, on 04.08.2021 at 05.30 hours, the accused criminally trespassed into the compound of PW1's house situated at a place called Madampara and voluntarily caused hurt to PW1 by beating on his right hand and neck with a bamboo stick. Thus, the accused is alleged to have committed the above-mentioned offences.

3. On issuance of process, the accused appeared before this court, and he was released on bail. Copies of all records relied on by the prosecution were served on the accused u/s. 207 Cr.P.C. After hearing both sides, charge for the offences punishable u/ss. 447 and 324 I.P.C was framed, read over, and explained to the accused, to which he pleaded not guilty and claimed to be tried.

4. On behalf of the prosecution, PW1 and PW2 were examined and Exbt.P1 document was marked. As there was no incriminating evidence against the accused, questioning of the accused u/s. 313 (1) (b) Cr.P.C is dispensed with. Neither oral nor documentary evidence was adduced on behalf of the accused.

5. Heard both sides.

6. Now, the points that arose for determination are:-

1. Whether the accused criminally trespassed into the compound of PW1's house and thereby committed an offence punishable u/s. 447 I.P.C?
2. Whether the accused voluntarily caused hurt to PW1 by beating on his right hand and neck with a bamboo stick and thereby committed an offence punishable u/s. 324 I.P.C?
3. Sentence or Order?

7. **Point Nos. (1) and (2):-** For the sake of brevity and convenience, these points are taken up together for discussion. PW1 is the injured, and through him, the First Information Statement is marked as Exbt.P1. He stated that the incident happened on 24.08.2021 at 05.30 p.m in front of his house situated at Madampara. Further, he stated that the accused never assaulted him. He added that the matter has been settled between the parties and that he has no complaint against the accused. Thereby, he

turned hostile to the prosecution case. PW2, the wife of PW1, is cited as an ocular witness. She turned hostile to the prosecution case by stating that she has not witnessed the incident. In the cross-examination of the learned Assistant Public Prosecutor, nothing material to connect the accused with the alleged incident could be brought out. Considering the evidence given by PW1 and PW2, the fact that they have settled the case. The learned Assistant Public Prosecutor has given up the remaining witnesses. Thus, the prosecution failed to prove the case beyond a reasonable doubt. Hence, these points are found against the prosecution.

8. **Point No. (3)**:- In view of my findings on points No.1 and 2, this point does not arise for consideration.

In the result, the accused is found not guilty of the offences punishable u/ss. 447 and 324 of the Indian Penal Code and is acquitted u/s.248 (1) of the Code of Criminal Procedure, 1973. His bail bond stands cancelled, and he is set at liberty.

The property (item No. 349/2021) involved in this case ie, a bamboo stick, shall be destroyed 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 16th day of April, 2026.

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

APPENDIX**Witnesses Examined for prosecution:-**

Rank	Name of Witness	Date of Examination	Category of Witness
PW 1	Premnath, S/o. Gopinathan, Erimayur II village, Palakkad.	26.03.2026	Injured and complainant
PW 2	Snehalatha, W/o. Premnath, Erimayur II village, Palakkad.	26.03.2026	Ocular witness

Exhibits marked for Prosecution:-

Sl.No.	Exhibit Number	Description of Exhibit	Proved by/ Attested by
1.	Exhibit P1	First Information Statement dated 02.09.2021.	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.