

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

Present: Smt. Arundhathi Dileep, Judicial Magistrate of the First Class

Thursday the 23rd day of April, 2026/ 03rd day of Vaisakha 1948 S.E.

CC 1084/2016

Complainant	:	State of Kerala represented by the Sub Inspector of Police, Thiruvalla. (Crime No. 169/2016) [By Smt. Devi M G, Assistant Public Prosecutor, Grade – I, Thiruvalla].
Accused	:	1. Manesh K Madhu, Aged 23/16 S/o Madhu Valan Parambil House, Thukalasseri Muri, Thiruvalla Village. 2. Kiran, Aged 23/16 S/o Krishnan Kutty Valu Parambil House, Thukalasseri Muri, Thiruvalla Village. (By Adv. Sunil Jacob)
Offences	:	Under sections 323 and 324 r/w section 34 of the Indian Penal Code.
Plea	:	Not Guilty.
Finding	:	Not Guilty.
Sentence/Order	:	Accused are acquitted under section 248(1) of Code.

DESCRIPTION OF THE ACCUSED

<i>Name</i>	<i>Father's name</i>	<i>Occupation</i>	<i>Residence</i>	<i>Age</i>
Manesh K Madhu	Madhu	Not Applicable	Thiruvalla	23/16
Kiran	Krishnankutty	Not Applicable	Thiruvalla	23/16

RELEVANT DATES

Offence	Complaint	Apprehension	Release on bail	Commencement of Trial
17/01/2016	18/06/2016	20/06/2023	20/06/2023	20/06/2023
Close of trial		Sentence of order	Explanation for delay	
20/04/2026		23/04/2026	No delay	

This case having been finally heard on 20/04/2026, the court on this day delivered the following:-

J U D G M E N T

- The accused faces indictment for the offences punishable under sections 294(b), 323 and 324 r/w section 34 of the Indian Penal Code (hereinafter as IPC) as per Crime No. 169/2016 of Thiruvalla Police Station.*

2. ***The prosecution case as unfolded from the final report is that:-*** On 17/01/2016 at 17.30 hours., the accused Nos.1 and 2 due to previous enmity with CW1 and CW2, and in furtherance of their common intention to cause bodily injury to them, hurled abuses at them and the 1st accused had beaten on the cheek of CW1 with his hands and had stamped on his abdomen. Thereafter the 1st accused had beaten on his head and abdomen with a brick piece. When CW2 had tried to ward off the 1st accused, he had pushed him and the 2nd accused had hit and stamped him. The accused had thus committed the aforesaid offences.
3. On the basis of the Ext.P1 First Information Statement given by CW1, CW10, Sub Inspector of Police, Thiruvalla Police Station registered the case as Crime No. 169/2010 and CW11, Sub Inspector of Police, Thiruvalla Police Station conducted the investigation, and laid the final report before the Court. Cognizance was taken by the court under section 190(1)(b) of Code of Criminal Procedure (hereinafter as Code) for the offences punishable under section 323 and 324 r/w section 34 of the Indian Penal Code and case was taken on file as CC 1084/2016. The offence under section 294(b) of IPC was deleted since ingredients of the offence was not attracted in this case.
4. On appearance of the accused before the Court, copies of all the prosecution records were furnished to them as envisaged under section 207 of the Code. They were enlarged on bail. Accused were defended by lawyer of their choice. After hearing both sides and on perusal of entire prosecution records, charge was framed, read over and explained to the accused under ***sections 323 and 324 r/w section 34 of the Indian Penal Code*** to which they pleaded not guilty and claimed to be tried.
5. To bring home the guilt of the accused, prosecution had examined ***PW1 to PW4***

and marked ***Ext.P1***. PW1 to PW4 had turned hostile to the prosecution. Therefore, other witnesses were given up by the learned APP as their evidence will not improve the prosecution case. After the closure of the prosecution evidence, the examination of accused under section 313 (1)(b) of the Code was dispensed with since no incriminating circumstances had surfaced against the accused. No defence evidence was adduced.

6. *Heard both sides. Perused the records.*
7. *From the above facts and the prosecution evidence adduced, the following points arise for consideration :-*
 1. *Whether the accused in furtherance of their common intention had on 17/01/2016 at 17.30 hours., voluntarily caused hurt to CW1 and CW2 and thereby committed the offence punishable u/s. 323 IPC?*
 2. *Whether the accused in furtherance of their common intention had on 17/01/2016 at 17.30 hours., voluntarily caused hurt to CW1 by beating him with a brick piece and thereby committed the offence punishable u/s. 324 IPC?*
 3. *Are the accused liable for conviction? If so, what shall be the appropriate sentence to be imposed in the event of conviction?*
8. *Point Nos.1 and 2:-*

These points can be considered jointly for the sake of convenience. The case of the prosecution is that accused had committed the offences under sections 323 and 324 r/w section 34 of the Indian Penal Code.

CW1 was examined as PW1. He deposed that he had sustained injury in the alleged incident and had lodged the Ext. P1 FIS. He further stated that he had settled the dispute with the accused.

CW2 was examined as PW2. He deposed that he had sustained injury in the alleged incident. He also stated that he does not knew who had assaulted him. He further stated that he had settled the dispute with the accused.

CW3 and CW4 were examined as PW3 and PW4. They deposed that they had not witnessed the alleged incident and had not given any statement before police about the incident.

In this case, all the material witnesses have turned hostile to the prosecution. It has come out in evidence that PW1 and PW2 had settled the dispute with the accused. The prosecution could not prove the charges against the accused. The guilt of the accused stand not proved. Hence point Nos. 1 and 2 stands not proved and are found against the prosecution.

9. **Point No. 3:-**

On the basis of the finding on Point Nos.1 and 2, the question of sentence is out of consideration and this point is also found against prosecution.

In the result accused are found not guilty of the offences punishable under sections 323 and 324 r/w section 34 of the Indian Penal Code and are acquitted of the above offence under section 248(1) of Code. The bail bonds of the accused stand cancelled and they are set at liberty.

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

Sd/-

Judicial Magistrate of the First Class

Thiruvalla

A P P E N D I X

Witnesses for the prosecution:

PW1 : Nikhil Thampi examined on 12/03/2026.

PW2 : Vishnu Sreenivasan examined on 12/03/2026.

PW3 : Sethumon examined on 12/03/2026.

PW4 : Suby John examined on 26/03/2026.

Exhibits for the prosecution:

P1 : FIS through PW1 dated 18/01/2016.

Witnesses for the defence:

Nil

Exhibits for the defence:

Nil

Material Objects marked:

Nil

// True copy //

Judicial Magistrate of the First Class

Thiruvalla