

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

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

***Monday the 16<sup>th</sup> day of March, 2026/ 25<sup>th</sup> day of Phalguna 1947 S.E***

**CC 1950/2017.**

Complainant : State represented by the Sub Inspector of Police, Keezhaipur as per Crime No. 1701/2017 of Keezhvaipur Police Station. [Smt. Devi M G, Assistant Public Prosecutor, Grade-I, Thiruvalla]

Accused : 1. Suresh Kumar, Aged 44/17  
S/o Muthayya Lakshmanan  
Kochettu House, Anjilithanam,  
Kunnanthanam Village.

2. Subash Kumar, Aged 40/17  
S/o Muthayya Lakshmanan  
Kochettu House, Anjilithanam,  
Kunnanthanam Village.  
(By Adv. P K Ravi)

Offences : Under sections 323, 324 and 326 r/w section 34 of the Indian Penal Code.

Plea : Not Guilty.

Finding : Not Guilty.

Sentence/Order : Accused are acquitted under section 271(1) of the BNSS.

**DESCRIPTION OF THE ACCUSED**

<i>Name</i>	<i>Father's name</i>	<i>Occupation</i>	<i>Residence</i>	<i>Age</i>
Suresh Kumar	Muttayya Lakshmanan	Not Applicable	Kunnanthanam	44/17
Subash Kumar	Muttayya Lakshmanan	Not Applicable	Kunnanthanam	40/17

**RELEVANT DATES**

Offence	Complaint	Apprehension	Release on bail	Commencement of Trial
23/09/2017	27/06/2018	31/08/2024	31/08/2024	03/10/2024
Close of trial		Sentence of order	Explanation for delay	
12/03/2026		16/03/2026	No delay	

This case having been finally heard on 12/03/2026, the court on this day delivered the following:-

J U D G M E N T

1. *The accused faces indictment for the offences punishable under sections 294(b), 323, 324 and 326 r/w section 34 of the Indian Penal Code (hereinafter as IPC) as per Crime No. 1701/2017 of Keezhvaipur Police Station.*
  
2. *The prosecution case as unraveled from the final report is as follows :-*  
Accused Nos.1 and 2 due to previous enmity with CW1 and in furtherance of their common intention to cause bodily injury to him had on 23/09/2017 at 22.15 hours., at Anjilithanam - Mammanthu Colony Road, had hurled abuses at him and the 1<sup>st</sup> accused had hit on the back and left side of the hip of CW2. When CW1 had intervened in between, the 1<sup>st</sup> accused had beaten on his left hand with a stick causing fracture to his wrist. The 2<sup>nd</sup> accused had also hurled abuses at him. Accused had thus committed the aforesaid offences.
  
3. On the basis of the Ext.P1 First Information Statement given by the defacto complainant, CW8, Sub Inspector of Police, Keezhaipur Police Station registered the case as Crime No.1701/2017 and CW10, Sub Inspector of Police, Keezhaipur 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) and case was taken on file as CC 1950/2017.
  
4. On appearance of the accused Nos.1 and 2, copies of all the prosecution records were furnished to them as envisaged under section 230 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred as BNSS). 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, 324 and 326 r/w section 34 of the Indian Penal Code** to which he pleaded not guilty and claimed to be tried. The offence under section 294(b) of IPC was deleted since ingredients of the offence was not attracted in this case.

5. To bring home the guilt of the accused prosecution examined **PW1 to PW4**, marked **Ext.P1**. The presence of CW2 could not be recorded as he was laid up at the time of the trial. PW1 to PW4 had turned hostile to the prosecution. Therefore other witnesses were given up by the learned Public Prosecutor as their evidence will not improve the prosecution case. After the closure of the prosecution evidence, the examination of accused under section 351(1)(b) of the BNSS was dispensed with since no incriminating circumstances had surfaced against him. 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 11/12/2012 at 7.45 A.M., voluntarily caused hurt to CW2 by hitting on his back and hip and thereby committed the offence punishable u/s. 323 IPC?**
  2. **Whether the accused in furtherance of their common intention had on 23/09/2017 at 22.15 hours., voluntarily caused hurt to CW1 by beating him with a stick and thereby committed the offence punishable u/s. 324 of IPC ?**

3. *Whether the accused in furtherance of their common intention had on 23/09/2017 at 22.15 hours., had voluntarily caused grievous hurt to CW1 by beating him with a stick and thereby committed the offence punishable u/s. 326 of IPC?*
4. *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 to 3:-**

These points can be considered jointly for the sake of convenience. The case of the prosecution is that accused had committed the offences punishable under sections 323, 323 and 326 r/w section 34 of the Indian Penal Code.

CW1 who was examined as PW1 deposed that he had sustained injury in the alleged incident and had lodged the Ext. P1 FIS. He also stated that he does not know who had assaulted him. He further stated that he had settled the dispute with the accused and does not intend to proceed with the case.

CW3 was examined as PW2, CW4 was examined as PW3 and CW5 was examined as PW4. They turned hostile by deposing 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 had turned hostile to the prosecution. It has come out in evidence that PW1 had settled the dispute with the accused. The prosecution could not prove the charges against the accused. The guilt of the accused stands not proved. Hence point Nos. 1 to 3 stands not proved and are found against the prosecution.

9. Point No. 4:-

On the basis of the findings on Point Nos.1 to 3, 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, 324 and 326 r/w section 34 of the Indian Penal Code and they are acquitted of the above offences under section 271(1) of the BNSS. 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 16<sup>th</sup> day of March, 2026.

Sd/-

*Judicial Magistrate of the First Class*

*Thiruvalla*

A P P E N D I X

Witnesses for the prosecution:

- PW1 : Sam Kurian examined on 01/12/2025.  
 PW2 : Reji examined on 01/12/2025.  
 PW3 : Cherian Varghese examined on 11/12/2025.  
 PW4 : Rajesh Kurian examined on 11/12/2025.

Exhibits for the prosecution:

- P1 : FIS through PW1 dated 24/09\*2017.

Witnesses for the defence:

NIL

**Exhibits for the defence:**

**NIL**

**Material Objects marked:**

**NIL**

***// True copy //***

***Judicial Magistrate of the First Class,  
Thiruvalla***