

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

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

Thursday the 19th day of March, 2026/ 28th day of Phalguna 1947 S.E.

CC 2516/2016

Complainant : State of Kerala represented by the Sub
Inspector of Police, Thiruvalla as per
Crime No. 1979/2015 of Thiruvalla Police
Station.
[By Assistant Public Prosecutor, Thiruvalla].

Accused : Reghu, Aged 48/16
S/o Pachan Thankachan
Mannathu House, Mamanathu Colony,
Anjilithanam Muri, Kunnanthanam Village.
(By Adv. Vinu M Thomas)

Offences : Under sections 323 and 506(i) of the Indian
Penal Code.

Plea : Not Guilty.

Finding : Not Guilty.

Sentence/Order : Accused is acquitted under section 255(1) of
Code.

DESCRIPTION OF THE ACCUSED

| Name | Father's name | Occupation | Residence | Age |
|-------------|----------------------|-------------------|------------------|------------|
| Reghu | Pachan Thankachan | Not Applicable | Kunnanthanam | 48/16 |

RELEVANT DATES

| Offence | Complaint | Apprehension | Release on bail | Commencement of Trial |
|----------------|------------|-------------------|-----------------------|-----------------------|
| 26/12/2015 | 02/11/2017 | 31/08/2022 | 31/08/2022 | 04/03/2024 |
| Close of trial | | Sentence of order | Explanation for delay | |
| 16/03/2026 | | 19/03/2026 | No delay | |

This case having been finally heard on 16/03/2026, 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 and 506(i) of the Indian Penal Code (hereinafter as IPC) as per Crime No. 1979/2015 of Thiruvalla Police Station.*
2. *The prosecution case as unraveled from the final report is as follows :-*
Accused due to previous enmity with CW1 and with intention to cause bodily injury to him had on 26/12/2015 at 20.45 hours., had hurled abuses at him and beaten on his back and left cheek with his hands. When CW2 had intervened in between, the accused had beaten on his back and had threatened to kill both CW1 and CW2. The accused had thus committed the aforesaid offences.
3. On the basis of the Ext.P1 First Information Statement given by CW1, CW5, Sub Inspector of Police, Thiruvalla Police Station registered the case as Crime No.

1979/2015 and 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 offences under sections 323 and 506(i) of the Indian Penal Code and the case was taken on file as CC 2516/2016. 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 him as envisaged under section 207 of the Code. He was enlarged on bail. Accused was defended by lawyer of his choice. After hearing both sides and on perusal of entire prosecution records, particulars of the offences were read over and explained to the accused under **sections 323 and 506(i) of the Indian Penal Code** to which he pleaded not guilty and claimed to be tried.
5. To bring home the guilt of the accused, prosecution had examined **PW1 to PW3** and marked **Ext.P1**. PW1 to PW3 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 313 (1)(b) of the Code 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 had on 26/12/2015 at 20.45 hours., voluntarily caused hurt to CW1 and CW2 by beating them with his hands and thereby committed the offence punishable u/s. 323 IPC?*
2. *Whether the accused had on 26/12/2015 at 20.45 hours., threatened CW1 and CW2 and thereby committed the offence punishable u/s. 506(i) of 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 punishable under sections 323 and 506(i) of the Indian Penal Code.

CW1 was examined as PW1. He identified his signature in the Ext.P1 FIS. 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 and CW2 was examined as PW3. They had turned hostile by deposing that they had not witnessed the incident in this case and had not given any statement before police about the incident.

In this case, all the material witness 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 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 findings 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 is found not guilty of the offences punishable under sections 323 and 506(i) of the Indian Penal Code and he is acquitted of the above offences under section 255(1) of Code. The bail bond of the accused stands cancelled and he is set at liberty.

Dictated to the Confidential Asst., typed by her, corrected and pronounced by me in open Court on this the 19th 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 : Robi J Paul.

PW2 : Joby.

PW3 : Sachin Soman.

Exhibits for the prosecution:

P1 : FIS through PW1.

Witnesses for the defence:

Nil

Exhibits for the defence:

Nil

Material Objects marked:

Nil

// True copy //

Judicial Magistrate of the First Class,

Thiruvalla