

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

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

Monday the 06th day of April, 2026/ 16th day of Chaithra 1948 S.E.

CC 2512/2016

Complainant	:	State of Kerala represented by the Sub Inspector of Police, Keezhvaipur as per Crime No. 1695/2016 of Keezhvaipur Police Station. [By Assistant Public Prosecutor, Thiruvalla].
Accused	:	1. Joji Mathew, Aged 20/15 S/o P M Mathew Kutty Pallithazhathu House, Nalloor Padam, Anicadu Village and Muri. 2. Janesh Kumar, Aged 28/15 S/o Vasu Thunduparambil House, Nalloor Padam, Anicadu Village and Muri. 3. Shiju, Aged 29/15 S/o Kuttan Pallithazhe House, Nalloor Padam, Anicadu Village and Muri. 4. Jomon Joseph, Aged 28/15 S/o Joseph Pallithazhathu House, Nalloor Padam, Anicadu Village and Muri. (By Adv. Sijin K Raj)

Offences : Under sections 341, 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>
Joji Mathew	P M Mathew Kutty	Not Applicable	Anicadu	20/15
Janesh Kumar	Vasu	Not Applicable	Anicadu	28/15
Shiju	Kuttan	Not Applicable	Anicadu	29/15
Jomon Joseph	Joseph	Not Applicable	Anicadu	28/15

RELEVANT DATES

Offence	Complaint	Apprehension	Release on bail	Commencement of Trial
07/11/2015	19/10/2016	08/11/2021	08/11/2021	29/02/2024
Close of trial		Sentence of order	Explanation for delay	
04/04/2026		06/04/2026	No delay	

This case having been finally heard on 04/04/2026, 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), 341, 323 and 324 r/w section 34 of the Indian Penal Code (hereinafter as IPC) as per Crime No. 1602/2016 of Keezhvaipur Police Station.*
2. *The prosecution case as unraveled from the final report is as follows :-* Accused Nos.1 to 4 due to previous enmity with CW1 and in furtherance of their common intention to cause bodily injury to him had on 07/11/2015 at 12.00 P.M., wrongfully restrained CW1 who was traveling in a motorcycle with CW2 and the 1st accused had beaten on his right cheek and had caught hold of his neck and pushed him. When CW1 fell to the ground. Accused Nos.2 and 3 had stamped him and the 3rd accused had beaten on his left leg with a stick. The accused had thus committed the aforesaid offences.
3. On the basis of the Ext.P1 First Information Statement given by CW1, CW8, Sub Inspector of Police, Keezhvaipur Police Station registered the case as Crime No. 1695/2016 and had had 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 341, 323 and 324 r/w section 34 of the IPC and case was taken on file as CC 2512/2016. 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 Nos.1 to 4 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 341, 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 and PW2** and marked **Ext.P1**. PW1 and PW2 had turned hostile to the prosecution. CW3 had expired before the commencement of the trial. 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 them. 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 07/11/2015 at 12.00 P.M., wrongfully restrained CW1 and thereby committed the offence punishable u/s. 341 of IPC?*
 2. *Whether the accused in furtherance of their common intention had on 07/11/2015 at 12.00 P.M., voluntarily caused hurt to CW1 by beating and stamping him and thereby committed the offence punishable u/s. 323 IPC?*

3. *Whether the accused in furtherance of their common intention had on 07/11/2015 at 12.00 P.M., voluntarily caused hurt to CW1 by beating him with a stick and thereby committed the offence punishable u/s. 324 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 341, 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 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.

CW2 was examined as PW2. He had turned hostile by deposing that he had not witnessed the incident in this case and had not given any statement before police about the incident.

In this case both 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 341, 323 and 324 r/w section 34 of the Indian Penal Code and they are acquitted of the above offences 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 06th 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 : Anilkumar T S examined on 10/07/2025.

PW2 : Tomichan examined on 10/07/2025.

Exhibits for the prosecution:

P1 : FIS through PW1 dated 08/11/2015.

Witnesses for the defence:

Nil

Exhibits for the defence:

Nil

Material Objects marked:

Nil

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Judicial Magistrate of the First Class

Thiruvalla