

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 2184/2016**

Complainant : State of Kerala represented by the Additional
Sub Inspector of Police, Pulikeezhu.
(Crime No. 173/2015)
[By Smt. Devi M G, Assistant Public Prosecutor,
Grade – I, Thiruvalla].

Accused : Shyam Lal, Aged 27/15
S/o Lalan
Naduvile Thoppil Colony, Thikkapuzha,
Parumala, Kadapra Village.
(By Adv. Rajalakshmi R)

Offences : Under sections 341 and 323 of the Indian Penal
Code.

Plea : Not Guilty.

Finding : Not Guilty.

Sentence/Order : Accused is acquitted under section 278(1)
of BNSS.

DESCRIPTION OF THE ACCUSED

Name	Father's name	Occupation	Residence	Age
Shyam Lal	Lalan	Not Applicable	Kadapra	27/15

RELEVANT DATES

Offence	Complaint	Apprehension	Release on bail	Commencement of Trial
13/03/2015	27/09/2016	31/07/2024	31/07/2024	31/07/2024
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), 341 and 323 of the Indian Penal Code (hereinafter as IPC) as per Crime No. 173/2015 of Pulikeezhu Police Station.***
2. ***The prosecution case as unfolded from the final report is that:-*** On 13/03/2015 at 7.00 P.M., hurled abuses at CW1 and had caught hold of his neck and had beaten on his left cheek. The accused had thus committed the aforesaid offences.
3. On the basis of the First Information Statement given by CW1, CW7, Sub Inspector of Police, Pulikeezhu Police Station registered the case as Crime No. 173/2015 and CW8, Additional Sub Inspector of Police, Pulikeezhu Police Station 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 the offences punishable under sections 341 and 323 of the Indian Penal Code and case was taken on file as CC 2184/2016. 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 230 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. 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 341 and 323 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 and PW2**. PW1 and PW2 had turned hostile to the prosecution. The presence of CW1 could not be secured as he was at abroad in connection with his employment at the time of trial. 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 351(1)(b) of the BNSS 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 had on 13/03/2015 at 7.00 P.M., had caught hold of neck of CW1 and wrongfully restrained him and thereby committed the offence punishable u/s. 341 of IPC?*
2. *Whether the accused had on 13/03/2015 at 7.00 P.M., voluntarily caused hurt to CW1 by beating on his left cheek and thereby committed the offence punishable u/s. 323 IPC?*
3. *Is 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 :-**

Both 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 341 and 323 of the Indian Penal Code.

CW2 was examined as PW1 and CW3 was examined as PW2. 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, both the material witnesses had turned hostile to the prosecution. There is absolutely nothing on record to implicate the accused with the offences alleged. The prosecution could not prove the charges against the accused. The guilt of the accused stands 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 341 and 323 of the Indian Penal Code and is acquitted of the above offence under section 278(1) of BNSS. 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 : Sreekumar examined on 16/12/2025.

PW2 : Rajamma examined on 09/02/2026.

Exhibits for the prosecution:

NIL

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