

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

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

***Thursday the 26<sup>th</sup> day of March, 2026/ 05<sup>th</sup> day of Chaithra 1948 S.E.***

**CC 1822/2016.**

|                |                                                                                                                                                                                                                                                                                                  |
|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Complainant    | : State represented by the Sub Inspector of Police, Thiruvalla as per Crime No. 2668/2015 of Thiruvalla Police Station.<br><br>[By Smt. Devi M G, Assistant Public Prosecutor, Grade – I, Thiruvalla]                                                                                            |
| Accused        | : 1. K P Kurian, Aged 51/15<br>S/o Kurian Pothan<br>Resided at IPC Ebenezer Church Parsonage, Amballoor Muri, Kuttapuzha Village.<br><br>2. Sheeba Kurian, Aged 49/15<br>W/o K P Kurian<br>Resided at IPC Ebenezer Church Parsonage, Amballoor Muri, Kuttapuzha Village.<br>(By Adv. Siby James) |
| Offences       | : Under sections 323 and 341 r/w section 34 of the Indian Penal Code.                                                                                                                                                                                                                            |
| Plea           | : Not Guilty.                                                                                                                                                                                                                                                                                    |
| Finding        | : Not Guilty.                                                                                                                                                                                                                                                                                    |
| Sentence/Order | : <b><i>Accused are acquitted under section 255(1) of the Code.</i></b>                                                                                                                                                                                                                          |

**DESCRIPTION OF THE ACCUSED**

| <b><i>Name</i></b> | <b><i>Father's<br/>name</i></b> | <b><i>Occupation</i></b> | <b><i>Residence</i></b> | <b><i>Age</i></b> |
|--------------------|---------------------------------|--------------------------|-------------------------|-------------------|
| K P Kurian         | Kurian<br>Pothan                | Not Applicable           | Kuttapuzha              | 51/15             |
| Sheeba Kurian      | W/o K P<br>Kurian               | Not Applicable           | Kuttapuzha              | 49/15             |

**RELEVANT DATES**

| <b>Offence</b>        | <b>Complaint</b> | <b>Apprehension</b>          | <b>Release on<br/>bail</b>   | <b>Commencement<br/>of Trial</b> |
|-----------------------|------------------|------------------------------|------------------------------|----------------------------------|
| 29/10/2015            | 25/10/2017       | 27/08/2022                   | 27/08/2022                   | 27/08/2022                       |
| <b>Close of trial</b> |                  | <b>Sentence of<br/>order</b> | <b>Explanation for delay</b> |                                  |
| 24/03/2026            |                  | 26/03/2026                   | No delay                     |                                  |

This case having been finally heard on 24/03/2026, 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 341 r/w section 34 of the Indian Penal Code (hereinafter as IPC) as per Crime No. 2668/2015 of Thiruvalla Police Station.*
  
2. *The prosecution case as unraveled from the final report is as follows :-* On 29/10/2015 at 8.00 A.M., while CW1 was making arrangements for a funeral at IPC Ebenezer Church, Amalloor, the 1<sup>st</sup> accused had hurled abuses at him and beaten on his shoulder and had caught hold of his neck. When he fell down, the 2<sup>nd</sup> accused had stamped on his abdomen. When CW1 had got up the 1<sup>st</sup> accused had wrongfully restrained him and the 2<sup>nd</sup> accused had twice beaten on his left cheek. Accused had thus committed the aforesaid offences.
  
3. On the basis of the Ext.P1 First Information Statement given by CW1, CW6, Sub Inspector of Police, Thiruvalla Police Station registered the case as Crime No. 2668/2015 and CW7, 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) and case was taken on file as CC 1822/2016.
  
4. On appearance of the accused Nos.1 and 2 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. They were defended by lawyer of their 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 341 r/w section 34 of the Indian Penal Code* to which they 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 and PW2*, marked *Ext. P1*. CW2 and CW7 had expired before the commencement of the trial. Other witnesses were given up by the learned Assistant Public Prosecutor. After completion of the prosecution evidence, the accused were examined under section 313(1)(b) of the Code so as to enable them to explain about the incriminating circumstances that had surfaced against them. They denied all the incriminating circumstances appearing in evidence against them and pleaded innocence. No evidence was adduced from the side of the defence.
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 29/10/2015 at 8.00 A.M., voluntarily caused hurt to CW1 by beating and stamping him and thereby committed the offence punishable u/s. 323 IPC?*
  2. *Whether the accused had on 29/10/2015 at 8.00 A.M., wrongfully restrained CW1 and thereby committed the offence punishable u/s. 341 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.
  
9. CW1 was examined as PW1. He stated on oath that he had sustained injury in the alleged incident which took place on 29/10/2015 at 8.00 A.M., near to Amalloor IPC Hall, Thiruvalla. He went for attending a funeral at the church. At that time, the 1<sup>st</sup> accused had ran towards him and beaten on his left hand and had also caught hold of his neck. He had hurled abuses at him. When he fell down the 2<sup>nd</sup> accused had stamped on his abdomen. The 2<sup>nd</sup> accused had also twice beaten on his cheek. The accused had also restrained him. He had sought treatment at Government Hospital and had lodged the Ext.P1. At that time, he was serving as Vice President at the church. The 1<sup>st</sup> accused was terminated from the church and he was illegally residing in the parsonage. The 1<sup>st</sup> accused had also lodged several false cases against the members of the church. He was attacked for being the vice president of the church and as well for engaging in the activities of the church. During cross examination PW1 deposed that he was falsely implicated in several cases by the accused.
  
10. CW3 was examined as PW2. He stated that on the alleged day of the incident there was a funeral at his church. The 1<sup>st</sup> accused was a pastor at his church and he was having enmity with the members of the church for transferring him from the church. The 1<sup>st</sup> and 2<sup>nd</sup> accused had hurled abuses at PW1 and had beaten him and pushed him. In cross examination he stated that he is implicated in around 18 cases by the 1<sup>st</sup> accused. He is residing near the church. At the time of the incident he was the secretary of the church.
  
11. It is the case of the prosecution that accused Nos.1 and 2 had beaten PW1 and

the 2<sup>nd</sup> accused had stamped on his abdomen and had wrongfully restrained him. The available evidence on record reveals that the 1<sup>st</sup> accused was the pastor of Amalloor IPC Ebenezer Church wherein PW1 was serving as Vice President and PW2 as the Secretary at the time of the incident. It is also brought on record that there existed dispute between the members of the church including PW1 and PW2 with the 1<sup>st</sup> accused. It had come out during the cross examination of PW1 and PW2 that several cases were lodged against them by the accused. The prosecution relies on the evidence of PW1 and PW2 for proving the occurrence. Going through the materials on record, I am of the considered opinion that the evidence on record is not sufficient to establish the guilt of the accused in the light of the rival relationship between the parties. Thus, prosecution had failed to prove its case beyond reasonable doubt. Therefore, the guilt of the accused stands not proved. Hence points are stands not proved and are found against the prosecution.

**12. Point No. 3:**

On the basis of the findings on Point Nos.1 and 2, the question of sentence is out of consideration. Therefore this point is also found against the prosecution and in favour of the accused.

***In the result the accused are found not guilty of the offences punishable under sections 323 and 341 r/w section 34 of the Indian Penal Code and they are acquitted under section 255(1) of the 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 26<sup>th</sup> day of March, 2026.

*Sd/-*

*Judicial Magistrate of the First Class,  
Thiruvalla*

**A P P E N D I X**

**A. Prosecution Witness**

| <b>Rank</b>  | <b>Name</b>                               | <b>Whether Eye witness,<br/>Police Witness, Expert<br/>Witness, Medical<br/>Witness, Other<br/>Witness</b> |
|--------------|-------------------------------------------|------------------------------------------------------------------------------------------------------------|
| <b>PW1 :</b> | <b>Achankunju examined on 15/03/2023.</b> | <b>Occurrence witness</b>                                                                                  |
| <b>PW2 :</b> | <b>Sippy examined on 18/09/2025.</b>      | <b>Occurrence witness</b>                                                                                  |

**B. Defence Witness**

| <b>Rank</b> | <b>:</b> | <b>Name</b> | <b>Whether Eye<br/>witness, Police<br/>Witness, Expert<br/>Witness, Medical<br/>Witness, Other<br/>Witness</b> |
|-------------|----------|-------------|----------------------------------------------------------------------------------------------------------------|
| <b>Nil</b>  | <b>:</b> | <b>Nil</b>  | <b>Nil</b>                                                                                                     |

**C. Court Witness**

| <b>Rank</b> | <b>:</b> | <b>Name</b> | <b>Whether Eye<br/>witness, Police<br/>Witness, Expert<br/>Witness, Medical<br/>Witness, Other<br/>Witness</b> |
|-------------|----------|-------------|----------------------------------------------------------------------------------------------------------------|
| <b>Nil</b>  | <b>:</b> | <b>Nil</b>  | <b>Nil</b>                                                                                                     |

**List of Prosecution/Defence/Court Exhibits****A. Prosecution Exhibits**

| <b>Sl.No</b> | <b>:</b> | <b>Exhibits Number</b>  | <b>Description</b> |
|--------------|----------|-------------------------|--------------------|
| <b>P1</b>    | <b>:</b> | <b>FIS through PW1.</b> |                    |

**B. Defence Exhibits**

| <b>Sl.No</b> | <b>:</b> | <b>Exhibits Number</b> | <b>Description</b> |
|--------------|----------|------------------------|--------------------|
|              | <b>:</b> | <b>Nil</b>             | <b>Nil</b>         |

**C. Court Exhibits**

| <b>Sl.No</b> | <b>:</b> | <b>Exhibits Number</b> | <b>Description</b> |
|--------------|----------|------------------------|--------------------|
|              | <b>:</b> | <b>Nil</b>             | <b>Nil</b>         |

**D. Material Objects**

| <i>Sl.No</i> | : | <i>Exhibits Number</i> | <i>Description</i> |
|--------------|---|------------------------|--------------------|
|              | : | <i>Nil</i>             | <i>Nil</i>         |

**Sd/-**

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

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

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