

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF FIRST
CLASS IRINJALAKUDA**

Present : **Smt. Deepa Mohanan, Judicial First Class Magistrate.**

Dated this, Thursday, the 30th day of April, 2026/ 10th Vaisakham
1948 S.E.

C.C. 3124/2016

Complainant : State Rep. By the Deputy Superintendent of
police, Chalakudy in crime No. 1072/2016 of
Kodakara police station.

(By A.P.P. Sr. Grade, Irinjalakuda)

Accused : Ravi @ Kannur Ravi, aged 50/16, S/o
Kumaran, Maniyath house, Puliparakunnu
desom, Kodakara village.

(Rep. By Adv. A.A. Biju)

Offence : U/ss. 447,324 of IPC.

Plea : Not Guilty.

Finding : Accused is found not guilty of offences
punishable under sections 447,324 of IPC.

Sentence or : Accused is acquitted under sections 248(1) of
Order Cr.PC.

Description of the Accused

Sl. No.	Name and Rank of the accused	Father's Name	Occupation	Residence	Age
1.	A1-Ravi @ Kannur Ravi	Kumaran	-	Puliparakunnu	50/16

Dates on which

Occurrence	Complaint	Apprehension/ Appearance	Release on bail	Commencement of trial	Commencement of evidence	Close of trial	Sentence or Order	Period of Detention undergone during investigation, inquiry or trial for the purpose of section 428 of Cr.P.C.
09-08-16	07-09-16	31-08-16	31-08-16	12-06-19	04-09-23	27-04-26	30-04-26	-

This case having been finally heard on 27-04-2026 and the Court on 30-04-2026 delivered the following:-

J U D G M E N T

1. This case has arisen on the final report filed by the Deputy Superintendent of police, Chalakudy in crime No. 1072/2016 of Kodakara police station against the accused alleging commission of the offences punishable under Sections 447, 324 of IPC.

2. Prosecution case in brief is as follows.

The accused trespassed into the property of PW1 and cut down the bushes which was questioned by the latter. For this reason the accused was inimical towards PW1 and with the intention of causing hurt to the latter the accused at 7.10 pm on 9/08/2016, trespassed into the property of PW1 and brandished a

knife at him, which he warded off but sustained injuries to the middle finger in his left arm. Thus the accused is alleged to have committed the offences under section 447, 324 IPC.

3. Upon issuance of summons the accused entered appearance. He was represented by a counsel of his choice and was released on bail. Copies of all the prosecution records were furnished to them u/S. 207 CrPC. After hearing and perusing relevant records, charge was framed for the offences 447,324 of IPC and it was read over and explained to him. To which, he pleaded not guilty and claimed innocence.

4. PW1 to PW4 were examined and Exhibit P1 to P9 were marked on behalf of the prosecution. Thereafter the accused was examined under section 313 (1)(b) of CrPC. He denied all the incriminating evidence against him and claimed innocence. He filed additional statement under section 313 (5) Cr.PC stating that, CW1 is his neighbour and is residing on the northern side of his property. His property is lying below the level of the property of CW1 and hence the trees and other vegetation in the property of CW1 are dangerously leaning over his house which CW1 was not ready to cut and remove even after it was so asked by him on

several occasions. Hence he filed complaint at Kodakara Grama Panchayat. Due to the said animosity CW1 had filed this false case against him. He did not cause any hurt to CW1. DW1 was examined on behalf of the defence. No documentary evidence was adduced by the defence even after giving sufficient opportunities.

5. After hearing and on perusing the relevant materials on record, the following points were raised for determination:

(1) Has the accused at 7.10 pm on 09/08/2016 trespassed into the property of PW1 as alleged and thereby committed offence u/s. 447 of IPC?

(2) Has the accused voluntarily caused hurt to PW1 with a knife as alleged and thereby committed offence u/s. 324 of IPC?

(3) Sentence or order.

SUBMISSION

6. Learned APP submitted the following arguments to substantiate the prosecution case.

- 1) The evidence of PW1 to PW4 is consistent and reliable.
- 2) There is direct oral evidence and corroborative

documentary evidence are available on records to prove the guilt of the accused.

3) Prosecution has sufficiently proved the case against the accused.

7. **Learned defence counsel submitted the following arguments:**

1. There is no medical evidence available for showing that PW1 had sustained any injury. The doctor was not examined.
2. There is no material on record to show that the property is in the possession of PW1.
3. No independent witnesses were examined.
4. The evidence of PW1 and PW2 is not reliable.
5. Prosecution has failed to prove the guilt of the accused beyond reasonable doubt.

EVIDENCE ON RECORD

8. Criminal law was set in motion based on Exhibit P1 FIS given by PW1. PW1 gave evidence that the accused trespassed into his property and cut down the vegetation therein. When he questioned it, the accused smashed a sword at him which he warded off by his left hand and he sustained injury to the middle

finger in his left hand. His wife PW2 came there and he was taken to the hospital. He sought treatment at Santi Hosital Kodakara. The wound was sutured and he returned home on the same date. Thereafter he gave Exhibit P1 FIS at the police station.

9. PW2 is the wife of PW1. She gave evidence corroborating the testimony of PW1. PW3 recorded Exhibit P1 FIS and registered Exhibit P2 FIR based on it. PW4 conducted the investigation of the case. He visited the place of occurrence and prepared Exhibit P3. The accused was arrested. The accused produced the weapon used by him at the police station. It was seized and produced before the court describing it in Exhibit P4 seizure mahasar and Exhibit P5 property list. The accused was released on bail. Exhibit P8 is the arrest memo and Exhibit P9 is the bail bond executed by the accused. After completing the investigation, he filed the final report before the Court. These are all the oral and documentary evidence heavily relied on by the prosecution. The materials shall be analysed to find out whether the prosecution has sufficiently proved the case or not.

DISCUSSION

POINTS NO.1 TO 9:

10. The direct evidence available about the alleged

incident is that of PW1 and PW2. Their evidence as a whole would show that they are not in good terms with the accused and there is dispute between them for the reason that the trees in the property of PW1 is leaning over the house of the accused and the accused had demanded them to cut and remove them. As per PW1, at the alleged time the accused was seen cutting the vegetation in the property of PW1. When he asked the accused why he is cutting the plants the accused jumped at him with a sword in his hand and smashed the sword over him. He could ward off the hit by his left hand but as the accused forcefully drew the sword he sustained injury on the middle finger in his left hand. He went on deposing that he called his wife PW2 and he went to Santi Hospital at Kodakara. The wound was sutured and he left the hospital on that date itself. Subsequently he lodged Exhibit P1 complaint at the police station. He identified MO1 as the weapon used by the accused.

11. During cross examination PW1 deposed that, he did not show the weapon to the police and the police did not show it to him. He did not state any identification marks about the weapon to the police. But still he could identify MO1 as the weapon used by the accused. The identification of the weapon for the first time in

the court is raising doubt on the testimony of PW1. PW2, the wife of PW1 deposed that the accused attacked PW1 using a chopper. She does not state any kind of specifications about the weapon and the weapon MO1 was not shown to her. She does not have a case that the accused attacked PW1 using a sword. As per PW2 it was a chopper. Thus PW1 and PW2 had stated differently about the identification of the weapon. Hence the identification of the weapon by PW1 is not beyond reasonable doubt.

12. Another aspect to be noted is that, PW1 deposed that his wife and his relative took him to the hospital. But PW2, his wife deposed that she did not accompany PW1 to the hospital. Moreover PW1 in Exhibit P1 FIS it is stated that his wife and neighbours took him to the hospital. PW1 in his evidence did not state that his neighbours took him to the hospital but a relative named Shaji and his wife had taken him to the hospital. Thus about the fact of who took PW1 to the hospital, PW1 himself had stated two versions and his wife had told another version negating the version of PW1. Thus the evidence of PW1 and PW2 is inconsistent in various aspects and hence not fully reliable. There are no other corroborative materials available to support the evidence of PW1 and PW2. In that scenario, the evidence of PW1

and PW2 which is not fully reliable and not properly corroborated, is not sufficient to be acted upon to found that the accused had committed any of the offences alleged against him. It is found that prosecution has failed to prove the guilt of the accused of any of the offences charged against him beyond reasonable doubt. The points are found against the prosecution and in favour of the defence.

RESULT

13. **POINT NO.10:- Accused is not found guilty of the offences punishable under sections 447 and 324 of IPC. He is acquitted of the said offences under Section 248(1) of CrPC. He is set liberty and discharged from his bail bond.**

MO-1 shall be confiscated to state government after the expiry of appeal period.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in the open Court on this, the 30th day of April, 2026.)

sd/-
Deepa Mohanan
Judicial First Class Magistrate
Irinjalakuda

APPENDIX

List of Witnesses examined

Prosecution Witness :

<u>Prosecution Witness No.</u>	<u>Name of Witness</u>	<u>Description</u>
PW1	Biju	First informant
PW2	Subitha	Eye witness
PW3	M.C. Gopi	Police witness
PW4	P. Vahid	Police witness / Investigating officer

Defence Witness :

<u>Defence Witness No.</u>	<u>Name of Witness</u>	<u>Description</u>
DW1	Suraj	Other witness

Court Witness : Nil

List of Exhibits marked

Prosecution Exhibits:

<u>Exhibit No.</u>	<u>Description of the Exhibit</u>	<u>Proved by / Attested by</u>
P1	FI Statement, dated 09-08-2016.	PW1
P2	FIR, dated 09-08-2016.	PW3
P3	Scene mahazar, dated 10-08-2016.	PW4
P4	Seizure mahazar, dated 21-08-2016.	PW4
P5	Property list, dated 31-08-2016	PW4
P6	Accused address report, dated 31-08-2016.	PW4
P7	Section reducing report, dated 31-08-2016.	PW4
P8	Arrest memo, dated 31-08-2016.	PW4
P9	Bail bond, dated 31-08-2016.	PW4

Defence Exhibits : Nil

Court Exhibits : Nil

Material Objects :

<u>Material Object No.</u>	<u>Description of the Exhibit</u>	<u>Proved by / Attested by</u>
MO-1	Sword stick.	PW1

Sd/-
Judicial First Class Magistrate
Irinjalakuda

// True copy //

Sd/-
Deepa Mohanan
Judicial First Class Magistrate
Irinjalakuda