

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, CHAVAKKAD**  
**Present: Smt. Saarika Sathyan V., Judicial First Class Magistrate,**  
**Dated this, Monday the 16<sup>th</sup> day of March, 2026/ 25<sup>th</sup> Phalguna 1947**

**CC 1282/2019**

Complainant : State Rep. by the Sub Inspector of Police, Chavakkad Police Station in Crime No. 585/2019 of that police station.  
**(By APP- Chavakkad)**

Accused : Abdul Kareem, 70/19, S/o. Adimu, Asainarakath House, Anchangadi, Kadappuram.  
**(By Adv. C. Subhashkumar )**

Offence : U/s. 324 of IPC.

Plea : Not guilty.

Finding : Accused is found not guilty of offence punishable under section 324 of the Indian Penal Code.

Sentence or Order : Accused is acquitted under section 248(1) Cr.P.C.

**Description of the Accused:**

Sl. No	Name and Rank	Father's Name	Occupation	Residence	Age
1	Abdul Kareem	Adimu	-	Kadappuram	70/19

**Dates on which**

Occurrence	Complaint	Apprehension	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.
22/09/19	02/11/19	04/10/19	04/10/19	01/04/22	25/10/24	13/03/26	16/03/26	

This case having been heard finally on the 16<sup>th</sup> day of March, 2026 the court on the same day delivered the following:-

## J U D G M E N T

1. This is a case in which final report has been filed by the Sub Inspector of police, Chavakkad Police Station in Crime No. 585/2019 of that police station, for offence punishable under section 324 of IPC.
2. The prosecution case in brief is that, on 22/09/2019 at 09.15 hours at Anchangadi Thekkarakath colony, due to the enmity, accused with an intention to cause hurt to CW1, threw a brick on the back of CW1 and inflicted injury on his left point finger with a knife. The accused has therefore allegedly committed offence punishable under section 324 of IPC.
3. This case was taken on file of this Court as CC 1282/2019. On appearance of accused, copies of all relevant prosecution records were furnished to him under section 207 of the Code of Criminal Procedure, 1973. The accused was enlarged on bail. The accused is represented by a lawyer of his choice. Upon perusal of the prosecution records and after hearing both sides, charge was framed for offence punishable under section 324 of IPC and was read over and explained to the accused, to which he pleaded not guilty and claimed to be tried.
4. On the side of the prosecution, PW1 to PW4 were examined and Exts. P1 to P3 and MO1 and MO2 were marked.
5. After closing of the prosecution evidence, accused was examined u/s 313 of Cr.P.C. regarding the incriminating circumstances. The accused denied the incriminating circumstances brought against him.
6. On the side of the defence, no witness was examined and no document was marked.
7. Heard both sides. Perused records. The points that arise for consideration in this case are-
  - I. Did the accused voluntarily cause grievous hurt to CW1 by throwing

a brick and inflicted injury on his left point finger with a knife as alleged?

II. If the accused is found guilty, what is the order as to sentence?

**Point No. I:**

8. PW1 is the defacto complainant in this case. He deposed that, he had sustained injury in the alleged incident. The incident happened on 22/09/2019 in between 09.15 and 09.30 a.m. on the road near to the panchayath road of Thekkarath colony. He, his wife and children were going to put fertilizer in the property. On the way, his uncle's house was there and when they were going, they saw coconut shells were thrown on way. He told his uncle, not to put coconut shell on the way. While they were returning, they removed the coconut shells from the pathway. At that time, accused threw a brick towards his back and brandished a knife towards him and he sustained injury on his left point finger and also sustained injury on his leg and knee. His wife and father had seen the alleged incident. Thereafter he went to the police station and they told him to go to the hospital. He went to the hospital and consulted the doctor. Accused attacked him due to the enmity towards him. He filed Ext.P1 complaint on 25<sup>th</sup> and the police came on 26<sup>th</sup>. He showed the place of occurrence to the police on 26<sup>th</sup> and he identified the accused in the dock and MO1 brick and MO2 knife.

9. PW2 deposed that, PW1 is her husband and the accused is his uncle. She had seen the alleged incident and the incident happened on 22/09/2019 at 09.15 a.m. When she and her husband and children were going to the property at Thekkarakath colony, accused put coconut shell on the way and they told him to remove the coconut shells from the pathway. But, he put more coconut shells on the way and threw a brick towards PW1 and brandished knife. PW1 sustained injury on his left point finger and scratch on his knee. On the same day he went to hospital. Accused threw brick from a shed for keeping dried coconut. She identified the accused in the dock and the brick which was thrown towards PW1 and the knife.

10. PW3 deposed that, CW1 is his son and he came to know about the incident after two

days of the incident. He had signed in Ext.P2 scene mahazar. The place of occurrence is the pathway near Thekkedath road.

11. PW4 deposed that, on 02/02/2018, while he was working as the Assistant Surgeon at Chavakkad Taluk Hospital, he examined Ashik, 47 years, with alleged history of throwing brick and chopping on his left point finger by Abdul Kareem on 22/09/2019 at 09.30 a.m., near to his property at Anchangadi. Injuries noted were laceration of 1.5\*1\*1 c.m. over left index finger, broken nail over left index finger, abrasion of 7\*2 c.m., abrasion of 1\*1 c.m. over left knee and his opinion as to cause of injury could be as alleged and he issued Ext.P3 wound certificate, which bears his signature and seal.

12. In the case herein while going through the deposition of PW1 and PW2 it is found that there are contradictions. According to PW1 his wife and father had seen the incident. PW2 stated that at the time of incident she, her husband and children were present. She didn't state the presence of father. On the otherhand PW3 who is the father deposed that he came to know about the incident after two days.

13. Further, the allegation of PW1 is that accused had thrown a brick towards him and had brandished a knife towards him and he sustained injury. While examining PW2 she stated that the accused threw the brick by sitting on the top of coconut shed. Hence there is variations and to the sequence of throwing of brick and brandishing of knife.

14. PW1 deposed that he did not sustain injury as a result of throwing of brick. He sustained injury as accused attacked him with knife. PW4 who had examined PW1 and had issued Ext P3 wound certificate had noted injuries as laceration of 1.5\*1\*1 c.m. over left index finger, broken nail over left index finger, abrasion of 7\*2 c.m., abrasion of 1\*1 c.m. over left knee. The injuries noted in Ext P3 is inconsistent with the cause as narrated by PW1 and PW2.

15. Another aspect is that there is a delay in filing the complaint. As per PW1's version immediately after the incident he had gone to police station. However, no complaint is found to have filed on the said day. He stated that he thereafter went to the hospital on the advice of the police. The complaint is found to have filed on 25/09/2019. The incident happened on 22/09/2019. It is found that he was treated as an outpatient . Therefore, there is a delay in filing the complaint for which there is no satisfactory explanation from the side of the prosecution.

16. It is revealed from the evidence that there exists a dispute in between the parties with regard to a pathway.

17. On analysing the entire evidence in this regard, it is found that the evidence adduced from the side of prosecution suffers from consequential errors and lapses. It is also found that there are contradictions in material particulars. Therefore, in such circumstance the evidence adduced from the side of prosecution is not sufficient to prove the guilt of accused beyond reasonable doubt and the accused is entitled to the benefit of doubt. Hence point no.1 is found against the prosecution.

### **Point II**

18. In view of the findings as regards point no. I, there is no question of passing any sentence as against accused.

19. The accused is found not guilty of offence punishable under section 324 of the Indian Penal Code. He is acquitted under section 248(1) Cr.P.C. His bail bond stands cancelled. He is set at liberty.

20. MO1 (Brick) and MO2 (Knife) shall be destroyed, after the appeal period.

(Dictated to the confidential Assistant, taken down and transcribed by her corrected and pronounced by me in open court on this, the 16<sup>th</sup> day of March, 2026.)

Sd/-  
Judicial First Class Magistrate,  
Chavakkad.

**APPENDIX****Prosecution witnesses**

PW1	Ashiq	Defacto Complainant (CW1)
PW2	Khadeeja	Witness (CW2)
PW3	Abdul Khadar	Witness to scene mahazar (CW3)
PW4	Dr. John Babu	Official Witness (CW5)

**Defence witnesses:**

Nil

**Court witnesses:**

Nil

**Prosecution Exhibits:**

1	Ext.P1/PW1	FIS, dated 25/09/2019.
2	Ext.P2/PW3	Scene Mahazar, dated 26/09/2019.
3	Ext.P3/PW4	Wound Certificate, dated 10/10/2019.

**Defence exhibits:**

Nil

**Court exhibits:**

Nil

**Material objects:**

MO1: Brick

MO2: Knife

Sd/-

Judicial First Class Magistrate,  
Chavakkad.

/True Copy /

Judicial First Class Magistrate,  
Chavakkad.