

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

Present:- Smt. Sherin.R.A, Judicial Magistrate of First Class

Dated this the 25th March 2026/4th Chaithra 1948 SE

Calendar Case No. 59 OF 2019

State represented by the Sub Inspector of Police Mathilakam P.S in Cr.No 818/2018 (By APP Kodungallur)	:	Complainant
Manikandan, aged 43, S/o Sankuru, Valaapurakkal house, Mathilmoola desom, Pappinivattam Village, (By Adv.Sri.P.H.Mahesh	:	Accused
Offences	:	U/s.341, 324 and 294(b) IPC
Plea	:	Not guilty
Finding	:	Guilty of offence punishable under section 341 and 324 of IPC Not guilty u/s.294(b) IPC

Sentence/Order

The accused is sentenced to undergo simple imprisonment for one month for the offence under Section 341 IPC.

The accused is sentenced to undergo simple imprisonment for one year and to pay a fine ₹ 10000/- for the offence under Section 324 IPC. In default of payment of fine the accused shall undergo simple imprisonment for a period of one month.

The accused is acquitted for the offence punishable under section 294(b) of IPC under section 248(1) Cr.P.C

The substantive sentences shall run concurrently. .

Description of the accused

Sl.No	Name	Father's Name	Occupation	Residence	Age
1	Manikandan	Sankaru	Nil	Mathilmoola	43

Date of

Occurrence	Complaint	Appearance or apprehension	Release on bail	Commencement of trial	Close of trial	Sentence or order	Explanation for delay	Period of detention undergone during investigation, inquiry or trial for the purpose of section 428 Cr.P.C
8.12.2018	13.12.2018	15.12.2018	15.12.2018	21.12.2023	23.3.2026	25.3.2026	No delay	Nil

This case having been finally heard on today the court delivered the following:

JUDGMENT

This case was taken on file based on the final report submitted by the S.I of Police, Mathilakam Police Station in Crime No.818/2018 registered against

the accused alleging commission of offences punishable U/ss.341, 324 and 294(b) IPC.

2. .The prosecution case in brief is that, on 08.12.2018 at about 8.30 a.m., due to previous enmity arising from PW1 questioning the alleged illicit relationship of the accused with PW1's wife, the accused wrongfully restrained PW1 on the road in front of the house of Valapurakkal Unnikrishnan, on Temple Road at S.N. Puram near Sree Krishna Swamy Temple. It is alleged that the accused came there with a wooden reaper, wrongfully restrained PW1, shouted obscene words and threatened him, and beat him with the wooden stick on his legs and back, thereby causing injuries to his legs and hand. Thus, the accused is alleged to have committed the aforesaid offences.

3. On receipt of FIS from PW1, PW5 registered this crime and after completing investigation, filed the final report before court.

4. On appearance of the accused before the court, he was released on bail. Accused was represented by a counsel of his choice. Copies of all relevant prosecution records were furnished to him under section 207 of Cr.P.C. After hearing both parties and perusing the records,charge under sections 341, 324 and 294(b) IPC was framed read over and explained to the accused to which he pleaded not guilty and claimed to be tried.

5. In order to prove the case of prosecution, PW1 to PW5 were

examined and Ext. P1 to 8 and MO1 were marked .

6. After hearing both sides accused was questioned under section 313(1) (b) of Cr.P.C as to the incriminating circumstances appearing in evidence against him. Accused denied all the incriminating circumstances and maintained to be innocent. Accused was then called upon to enter upon his defence and to produce his evidence. No evidence was adduced from the defence side.

7. After hearing both sides the following points arise for consideration;

1. *Whether the accused wrongfully restrained PW1 as alleged by the prosecution?*
2. *Whether the accused voluntarily caused hurt to PW1 by beating on his legs and back with a reeper as alleged by the prosecution?*
3. *Whether the accused uttered obscene words in or near a public place in order to cause annoyance to PW1 as alleged by the prosecution?*
4. *What are the offences if any, proved to have committed by the accused?*
5. *If the accused is found guilty, what should be the proper sentence or order?*

8. **Point Nos. 1 to4:-**

PW1 is the injured informant. PW2 is the occurrence witness. PW3 is the witness to the scene mahazar. PW4 is the doctor who examined PW1. PW5 is the Sub Inspector of Police, Madilakam Police Station, who recorded the F.I. statement of PW1, registered the crime, conducted the investigation, and

submitted the final report.

7. PW1, Krishnan, deposed that he has been residing at S.N. Puram. According to him, on 08.12.2018 at about 8.30 a.m., while he was going for his work towards S.N. Puram, the accused Manikandan was waiting for him in his autorickshaw on the road near his house. The accused uttered obscene words at him and threatened him saying “Ninne kaanichu tharam”. Thereafter, the accused took a wooden reaper from the autorickshaw and beat him indiscriminately all over his body. PW1 further stated that the poojari of the nearby temple witnessed the incident and when the poojari came there, the accused left the wooden stick at the place and fled from the spot.

8. According to PW1, he was taken to the hospital by his sister's daughter. Thereafter, he went to the police station on the 12th and gave a statement to the police regarding the incident. The F.I. statement given by PW1 was marked as Ext.P1. PW1 further stated that the police later came to the place of occurrence and he showed the wooden reaper to them. He identified the wooden reaper used by the accused to assault him, which was marked as MO1. PW1 also stated that the accused had earlier taken his wife in his autorickshaw and when he questioned the same, the accused assaulted him due to that enmity. He identified

the accused present in the dock as the person who assaulted him and stated that the accused had beaten him on his back.

9. During cross-examination, PW1 admitted that he had been on inimical terms with the accused for about ten years. He stated that he had mentioned in his statement that the accused had taken the wooden reaper from the autorickshaw. PW1 further stated that he is a mason by profession and usually goes for work at about 8.30 in the morning. According to him, the incident occurred on a public road used by people and vehicles for passage. He also stated that his wife did not witness the incident and that she came to the place only after the incident. PW1 stated that his sister's children were present at the place and that his brother-in-law's brother was also present there. He reiterated that the poojari had witnessed the incident. PW1 further stated that he reached the hospital at about 11.00 a.m. and that he did not give the F.I. statement on the date of occurrence but only on the 12th. According to him, he had bleeding from his knee and had injury marks on his back, which he had shown to the doctor. PW1 also stated that his wife had resided with the accused for about one year.

10. PW2, Sreenivasan, deposed that he is the Poojari of Sree Narayanapuram Sree Krishna Temple and that PW1 Krishnan is his neighbour. According to PW2, on 08.12.2018 at about 8.00 a.m., after completing the first

pooja of the temple, he was about to go to his house since his father was not well. At that time, while he was on Thevar Road, he saw the accused Manikandan beating PW1 Krishnan with a wooden reaper. PW2 identified the accused present in the dock as Manikandan and stated that the accused is known to him as he runs an autorickshaw in the nearby area.

11. During cross-examination, PW2 stated that he has known PW1 Krishnan since his childhood and that Krishnan's house is about two houses away from his house. He also stated that he usually sees the accused in that locality. According to PW2, many people had gathered at the place at the time of the incident and after witnessing the incident, he returned to the temple. He stated that he remained at the place of occurrence only for about five minutes. PW2 further stated that the place of occurrence is a public way and that the police had inspected the place of occurrence. He also stated that he had told the police that he had seen the accused beating PW1 with a wooden reaper and that he had given the statement to the police on the date of occurrence itself. Thereafter, he did not go to the police station again. PW2 also stated that he does not remember whether there was any vehicle near the place of occurrence.

12. Immediately after the incident, on the same day itself, PW1 went to the Taluk Headquarters Hospital, Kodungallur for treatment. PW4, Dr.

Sangeetha, is the Medical Officer, who examined him. PW4 deposed that on 08.12.2018 at about 11.15 a.m., she examined Krishnan, a 59-year-old male of Kathikodath House, Panangad P.O. He was brought by his sister's son, Kannan, with an alleged history of assault by Mani at about 8.30 a.m. on the same day near his house. It was said that he had been beaten with a wooden piece on both legs, knees, and on the right side of his face.

13. On examination, the patient complained of pain on the right side of his face, both knees, and the left forearm. Abrasions were noted on both knees and a contusion was seen on the right malar eminence. PW4 stated that the injuries noted could have been caused in the manner alleged. She issued the wound certificate bearing her signature and seal, which was marked as Ext.P3. During cross-examination, PW4 stated that the patient was treated as an outpatient. She could not remember the exact time taken for the examination, but stated that it might have taken about 10 to 15 minutes. She also admitted that pain is a subjective feeling and can be pretended. She further admitted that such injuries are also possible if a person runs at excessive speed and falls on a hard surface.

14. The learned counsel for the accused contended that there was admitted enmity between PW1 and the accused for about the last ten years and that there was a delay of about three days in reporting the incident. According to the

defence, this delay clearly indicates that the case is fabricated. It was further contended that in fact while the accused was driving his autorickshaw with a passenger, PW1 attempted to beat him and, in that process, he fell down and sustained the injuries. The defence therefore contended that the accused is innocent of the allegations and prayed for his acquittal.

15. PW1 is the injured and the informant in this case. His evidence would show that on 08.12.2018 at about 8.30 a.m., while he was proceeding for his work, the accused, who was waiting for him in his autorickshaw in the public road near his house, wrongfully restrained him, uttered obscene words and assaulted him with a wooden reaper. PW1 has given a clear and consistent account of the manner in which the accused assaulted him. He has also identified the accused in court. His evidence further reveals that the assault was on account of the previous enmity between them relating to the alleged relationship of the accused with his wife.

16. The evidence of PW1 regarding the assault using reaper on the date and time of occurrence is supported by the testimony of PW2, who is an independent witness. PW2, the Poojari of Sree Narayanapuram Sree Krishna Temple, deposed that on the date of the incident, while he was returning to his house after completing the first pooja of the temple, he saw the accused beating PW1 with a wooden reaper. PW2 has also identified the accused in court.

Nothing material has been brought out in the cross-examination of PW 1 and PW2 to discredit his testimony. The presence of PW2 at the place of occurrence appears natural, as the incident is alleged to have taken place near the temple.

The medical evidence also lends support to the prosecution case. PW4, the doctor who examined PW1 on the same day of the incident at about 11 am, noted abrasions on both knees and a contusion on the right malar eminence. The doctor has categorically stated that such injuries could have been caused in the manner alleged. The Ext.P3 wound certificate issued by PW4 also corroborates the version given by PW1 regarding the injury.

17. At the time of medical examination, PW1 had stated before the doctor the name of the assailant and the manner in which the assault was committed. The history of assault recorded by PW4 shows that PW1 was assaulted by Mani with a wooden piece at about 8.30 a.m. on the date of occurrence. This version is consistent with the prosecution case and lends further credence to the testimony of PW1. The fact that the date , time and place of occurrence, the name of the assailant and the manner of the assault were disclosed at the earliest point of time to the doctor rules out the possibility of subsequent embellishment.

18. The defence mainly contended that there existed previous enmity between PW1 and the accused for about ten years and that there was a delay of

about three days in lodging the F.I. statement. It is true that there is a delay in reporting the incident. However, delay by itself is not sufficient to discard the prosecution case when there is otherwise reliable evidence on record. In the present case, Ext.P1 F.I. statement was lodged on 13.12.2018. A perusal of Ext.P1 would show that its contents are in substantial conformity with the evidence given by PW1 before the court. Nothing material has been elicited in the cross-examination of PW1 to discredit his version regarding the occurrence. The defence suggestion that PW1 sustained the injuries by falling down while attempting to attack the accused has not been substantiated by any evidence.

19. It is well settled that the evidence of an injured witness carries great evidentiary value. Unless strong reasons exist for rejecting such evidence, the court can safely rely upon it. In the present case, the testimony of PW1 is natural, consistent and finds corroboration from the evidence of PW2 as well as the medical evidence of PW4. The prosecution has therefore succeeded in proving that the accused voluntarily caused hurt to PW1 by means of a wooden reaper and wrongfully restrained him.

20. PW 5 Mithun KP, the Sub inspector of mathilakam police station deposed that, while he was working as the Sub Inspector of Police at Madilakam Police Station on 13.12.2018, he the statement of PW 1. He identified Ext.P1 F I statement. On the basis of Ext.P1, he registered this crime and Ext.P4 is the F I

R. He then took over the investigation of the case and on 14.12.2018, as shown by PW1, he inspected the place of occurrence and prepared Ext P 2 scene mahazar. According to PW 5, the place of occurrence is the public road and its surroundings situated in front of the house belonging to Unnikrishnan of Pulapparambil House, Sreenarayanapuram Desom.

21. PW3, Sujesh, is the witness to the scene mahazar. He identified his signature in the scene mahazar, and it was marked as Ext.P2 through him. During cross-examination, PW3 stated that at the time when he signed the document, nothing had been written on it.

22. PW5 further stated that the wooden stick allegedly used for assaulting PW1 was found at the place of occurrence and was shown to him by PW1 and he seized it by referring to Ext P 2 scene mahasar and thereafter produced it before the court along with Ext.P5 property list. He identified MO1 as wooden stick seized by him. PW5 further stated that he collected Ext.P3 wound certificate of PW1 and produced the same before the court. PW5 further deposed that on 15.12.2018 the accused appeared at the police station and after being identified by the witness, the accused was arrested and later released on

bail. The arrest memo and bail bond were marked as Ext.P6 and Ext.P7 respectively. PW5 also stated that he recorded the statements of the witnesses and submitted a report to add the name and address of the accused in FIR. The said report was marked as Ext.P8. After completing the investigation, he laid the final report before the court. He also identified the accused present in court. In cross-examination, PW5 admitted that the date and time of arrest were not mentioned in Ext.P6 arrest memo. He stated that PW1 had not given a written complaint but had given an oral statement before him, which he recorded. He also stated that the incident was reported to have occurred on 8/12/2008. When specifically asked regarding the delay in registering the F.I.R., PW5 stated that PW1 had informed him that he was undergoing treatment after sustaining injuries. He admitted that the reason for delay was not specifically mentioned in the F.I.R., though it was stated in the F.I. statement. PW5 further stated that he had verified the wound certificate of PW1 and that it indicated that PW1 had taken treatment as an outpatient.

23. So the investigating part of this crime has been proved through PW5. Though PW3, the scene mahazar witness, stated in cross-examination that nothing had been written in the document at the time he signed it, that circumstance alone is not sufficient to discard the investigation spoken to by

PW5. The evidence of PW 5 regarding the preparation of the scene mahazar and the seizure effected during investigation remains unshaken.

24. The evidence of PW1 and PW2 clearly establishes the place of occurrence as the public road in front of the house of Unnikrishnan at S.N. Puram. Their version regarding the place of occurrence is consistent with the scene described by PW5 in Ext.P2 scene mahazar. Thus, the evidence of PW1 and PW2 regarding the place of occurrence, coupled with the testimony of PW5 regarding the preparation of the scene mahazar and the seizure of MO1, satisfactorily establishes the place of occurrence and the recovery of the weapon allegedly used in the incident. The seizure of MO1, therefore, stands duly proved through the evidence of PW5.

25. The learned counsel for the accused pointed out that there is a material discrepancy in the prosecution case with regard to the delay in lodging the F.I. statement. According to PW1, the delay occurred as he was admitted in the hospital following the incident. However, the evidence of PW4 and Ext.P3 wound certificate would show that PW1 was treated only as an outpatient and was not admitted in the hospital. On that basis, it was contended that the explanation offered by PW1 for the delay is not correct and therefore his entire testimony is liable to be disbelieved.

26. It is true that the evidence of PW4 and Ext.P3 wound certificate do not indicate that PW1 was admitted as an inpatient in the hospital. However, that circumstance alone is not sufficient to discard the entire testimony of PW1. The discrepancy relates only to the explanation offered for the delay in lodging the F.I. statement and does not affect the core of the prosecution case regarding the occurrence.

27. In criminal trials, minor inconsistencies or exaggerations on peripheral aspects occur in the testimony of witnesses. Such discrepancies, if it do not go to the root of the prosecution case, cannot be treated as sufficient to reject the otherwise reliable evidence of an injured witness.

28. In the present case, PW1 is the injured witness and his presence at the place of occurrence is therefore beyond doubt. His evidence regarding the manner of the assault and the identity of the accused has remained consistent and is corroborated by the testimony of PW2 as well as by the medical evidence of PW4.

29. Therefore, even if the explanation given by PW1 regarding the delay in lodging the F.I. statement is not fully supported by the medical evidence, that by itself cannot be a ground to discard his entire testimony when the core of the prosecution case stands proved by reliable and corroborative evidence.

30. MO1 is a wooden stick having a length of 56 cm and a circumference of 4.5 cm. The evidence of PW1 would show that the accused beat him with MO1 all over his body. The medical evidence adduced through PW4 and Ext.P3 wound certificate would show that PW1 had sustained abrasions on both knees and a contusion on the right malar eminence. PW4 has also stated that the injuries could have been caused in the manner alleged.

31. It is true that MO1 is only a wooden stick. However, it is well settled that an object which is not inherently dangerous may become a dangerous weapon depending upon the manner in which it is used, the part of the body targeted and the nature of the injuries caused. In the present case, MO1 is a solid wooden stick of considerable length and thickness, and it was allegedly used to beat PW1 on vital parts of the body. Therefore, having regard to the nature of MO1 and the manner in which it was used in the incident, I am of the view that MO1 would qualify as a dangerous weapon within the meaning of Section 324 of the IPC.

32. To prove the offence under Section 341 IPC, it is sufficient to show that the accused obstructed the victim from proceeding in a direction in which he had a right to proceed. Even the sudden attack itself would have been sufficient to restrain PW1 and obstruct his free movement, even if only

momentarily. Therefore, the ingredients of Section 341 IPC are also clearly established.

33. As regards the offence under Section 294(b) of the IPC, the prosecution has alleged that the accused uttered obscene words at PW1 at the time of the incident. However, neither PW 1 nor PW 2 has explicit evidence regarding the exact obscene words used by the accused. Mere allegation that the accused used obscene words, without specifying those words, is not sufficient to constitute the offence.

34. From the above discussed evidence I am of the view that the prosecution has succeeded in proving that the accused has committed the offence under section 341, 324 of IPC. The prosecution has not succeeded in proving that the accused committed the offence under section 294(b) IPC. Therefore the points are found accordingly.

35. Points No .5 :- In view of my findings on points nos. 1 to 4 the accused is found guilty of offence punishable under section 341 and 324 of IPC and liable to be convicted of the said offence under section 248(2) of Cr.P.C. The accused is found not guilty of the offence punishable under section 294(b) of IPC and liable to be acquitted under section 248(1) of Cr.P.C. The point is found accordingly.

In view of the facts and circumstances of the case, including the serious nature of the offence, the deliberate manner in which it was committed, and the injury caused to the victim, I am of the considered view that this is not a fit case to extend the benefit of the Probation of Offenders Act. The offence cannot be treated as minor or deserving of leniency. Hence, the accused is not entitled to the benefit of probation and shall be heard on the question of sentence.

Dictated to the Confidential Assistant transcribed and typed by her, corrected and pronounced by me in open court on this the 25th March 2026

sd/-

Judicial First Class Magistrate
Kodungallur

Heard the accused and his counsel on the question of sentence. He reiterated his plea of innocence and prayed for leniency.

Considering the facts of the case, I am of the view that the following sentence would meet the ends of justice:

In the result,

- 1. The accused is sentenced to undergo simple imprisonment for one month for the offence under Section 341 IPC**

2. **The accused is sentenced to undergo simple imprisonment for one year and to pay a fine ₹ 10000/- for the offence under Section 324 IPC. In default of payment of fine the accused shall undergo simple imprisonment for a period of one month.**
3. **The accused is acquitted for the offence punishable under section 294(b) of IPC under section 248(1) Cr.P.C**
- 4.. **The substantive sentences shall run concurrently.**
5. **MO 1 shall be destroyed on expiry of the appeal period.**

Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in open court, this the day of 25th March 2026.

Judicial Magistrate of First Class,
Kodungallur

Appendix

Prosecution witness

PW1	Krishnan	CW1	First informant 6.12.2023
PW2	Sreenivasan	CW2	Eye witness 3.7.2024
PW3	Sujesh	CW3	Mahazar witness 24.2.2025
PW4	Dr.Sangeetha	CW5	Medical witness 19.6.2025
PW5	Midhun	CW6	S.I.P Mathilakam 1.12.2025

Defence witness : Nil

Court witness : Nil

Prosecution Exhibits:

1	P1	First information statement	PW1
---	----	-----------------------------	-----

2	P2	Scene mahazar	PW3
3	P3	Wound certificate	PW4
4	P4	FIR	PW5
5	P5	Property list	PW5
6	P6	Arrest memo	PW5
7	P7	Bail bond	PW5
8	P8	Accused address adding report	PW5

Defence Exhibits: Nil

Court Exhibits : Nil

Material Objects : MO1 : reeper

Sd/-

Judicial Magistrate of First Class,

Kodungallur

//true copy// Judicial Magistrate of First Class,

Kodungallur