

**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 1st day of April 2026/11th Chaithra 1948 SE

CC No.234 OF 2022

State represented by the Sub Inspector of Police Kodungallur P.S in Cr.No. 47/22 (By APP Kodungallur)	:	Complainant
Ameer Ali, aged 23, S/o Ahammed, Babul Barkka house, Siyankandam desom, Cherakavu Village, Kondotty, Malappuram. (By Adv. Smt. I.C.Anitha)	:	Accused
Offence	:	363 IPC
Plea	:	Not guilty
Finding	:	Not guilty
Order	:	Accused is acquitted u/s.248(1) Cr.P.C

Description of the accused

Sl.No	Name	Father's Name	Occupation	Residence	Age
1	Ameer Ali	Ahammed	Nil	Siyankandam	23

Date of

Occurrence	Complaint	Appearance or apprehension	Release on bail	Commencement of trial	Close of trial	Sentence or order
10.01.2022	10.01.2022	10.1.2022	10.1.2022	1.9.2023	1.4.2026	1.4.2026

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, Kodungallur Police Station in Crime No.47/2022 registered against the accused alleging commission of offences punishable U/ss.363 of IPC.

2. Prosecution case in brief is as follows:- On 10.01.2022 at 9.30 hours from the bus stop at KVHS junction Eriyad, accused abducted PW1, who is a minor after making contact through phone and took her in a car bearing number KL 84 6425 from the lawful custody of parents of PW1. Thus, the accused is alleged to have committed the aforementioned offence.

3. On the basis of F.I. Statement given by PW2, CW13 registered the case and after investigation CW14 filed the final report before the court.

4. On issuance of the summons accused appeared before the court and he was released on bail. He was defended by a counsel of his choice. The copies of the relevant records were furnished to him. Thereafter, charge was framed for the offences u/s. 363 of IPC. It was read over and explained to the accused in Malayalam. Accused pleaded not guilty and claimed to be tried.

5. From the side of the prosecution, PW1 to PW3 were examined and Exts.P1 was marked. As there was no incriminating evidence against the accused, questioning of accused under section 313(1)(b) of Cr.P.C was

dispensed with. Accused was called upon to enter his defence. But no evidence was adduced from the defence side.

6. Heard both sides.

7 The following points arise for consideration:-

1. Whether the accused abducted PW1 who is a minor in a car from the lawful custody of parents of PW1 as alleged by the prosecution?
2. What are the offences if any, proved to have committed by the accused?
3. If the accused is found guilty, what should be the proper sentence?

8. Point Nos. 1 and 2

PW1 deposed that her father had given complaint before Kodungallur police station regarding the abduction of PW1 by the accused. She further deposed that she had not given any statement before the police. She knows the accused. She further deposed that there was no such an incident in which PW1 was abducted. The matter is settled between her and the accused.

PW2 deposed that PW2 Riswana is her daughter. He had given statement before the police regarding the missing of her daughter. The statement is marked as Ext.P1. He further stated that he has no complaint against the accused. PW3 deposed that she is the mother of PW1. She also turned hostile to the prosecution . On consideration of the entire evidence on records, it is seen that the evidence of PW1 will not help the prosecution case to prove the guilt of the accused. Considering the circumstances that there cannot be any successful prosecution, the learned A.P.P has given up the examination of the remaining witnesses. I am also satisfied that the examination of them will not serve any purpose. There is absolutely no material before the court to connect the accused with the occurrence. In the above circumstance, the accused cannot

be said to have committed the offence alleged against him. Point Nos.1 and 2 are found against the prosecution.

9. **Point No.3.-** In view of my findings in point numbers 1 and 2 , this point does not arise for consideration.

1. **In the result, the accused is found not guilty of the offences u/ss. 363 of IPC and he is acquitted of the same u/s.248 (1) Cr.P.C.**
2. **Bail bond stands cancelled and he is set at liberty.**

Dictated to the Confidential Assistant transcribed and typed by her, corrected and pronounced by me in open court on this the 1st day of April 2026

Sd/-

Judicial First Class Magistrate,
Kodungallur.

APPENDIX

Prosecution witness

PW1	Riswana	CW1 Victim
PW2	Rasak	CW2 First Informant
PW3	Rejula	CW3 Occurrence witness

Defence witness : Nil

Court witness : Nil

Prosecution Ext.s:

P1: F.I statement

Defence Ext.s: Nil

Court Ext.s : Nil

Material Objects : Nil

Sd/-

Judicial First Class Magistrate,
Kodungallur.

//true copy//

Judicial First Class Magistrate,
Kodungallur.