

**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 day of March 2026/4th Chaithra 1948 SE

CC No. 398 OF 2020

State represented by the Sub Inspector of Police Kaipamangalam P.S in Cr.No. 232/2020 (By APP Kodungallur)	:	Complainant
1. Jithukrishna, aged 24, S/o Sivadas, Khootheri house, C.V.centre desom,Chendrappinni Village 2. Riswan, aged 26, S/o Abdullakkutty Thottuparambath house, Chendrappinni East, Pulikkan centre desom, Chendrappinni Village. 3. Shamseer, aged26, S/o Aboobacker Puthoor parambil house, Chendrappinni East, Pulikkan centre desom, Chendrappinni Village. 4. Shainsha, aged 23, S/o Shamsudheen, Perakath house, Chendrappinni East desom, Chendrappinni Village. 5. Faiz, aged 33, S/o Abdul Kareem Thazhepeedikayil house, Chendrappinni East desom, Chendrappinni Village. (By Adv. Smt. Lakshmi T.S	:	Accused
Offence	:	341,323,324 r/w 34 of Indian Penal Code .
Plea	:	Not guilty

Finding	:	Not guilty
Order	:	Accused are acquitted u/s.248(1) Cr.P.C

Description of the accused

Sl.No	Name	Father's Name	Occupation	Residence	Age
1	Jithukrishna	24	Nil	C.V.Center desom	24
2	Riswan	26	Nil	Pulikkan centre	26
3	Shamseer	26	Nil	---do--	26
4	Shainsha	23	Nil	Chendrappinni East	23
5	Fayiz	33	Nil	Chendrappinni East	33

Date of

Occurrence	Complaint	Appearance or apprehension	Release on bail	Commencement of trial	Close of trial	Sentence or order
20.3.2020	21.3.2020	21.3.2020	21.3.2020	24.2.2023	25.3.2026	25.3.2026

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, Kaipamangalam Police Station in Crime No.232/2020 registered against the accused alleging commission of offences punishable U/ss. 341,323,324 r/w 34 of IPC

2. Prosecution case in brief is as follows:- Accused numbers 1 to 5 on 20.3.2020 at 22.45 hours, came on a car bearing registration number KL 47 H

1204 at Kaipamangalam wrongfully restrained the auto rickshaw driven by PW1 and demanded him for journey. When PW1 denied the same, due to enmity, accused numbers 1, 4 and 5 restrained PW1 and 2nd accused voluntarily caused hurt to him by striking with a granite stone on his head and also hit him by pressing him on the car. All accused except first accused voluntarily caused hurt to him by hitting and kicking and PW1 sustained injuries. Thus, the accused are alleged to have committed the aforementioned offences.

3. On the basis of F.I. Statement given by PW1, CW8 registered the case and after investigation filed the final report before the court.

4. On issuance of the summons accused appeared before the court and they were released on bail. They were defended by a counsel of their choice. The copies of the relevant records were furnished to them. Thereafter, charge was framed for the offences u/ss.341,323,324 r/w 34 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 was 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 were called upon to enter their 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 wrongfully restrained PW1 as alleged by the prosecution
2. Whether the accused voluntarily caused hurt to PW1 by beating with hands and also with a granite stone alleged by the prosecution?
3. Whether the accused committed the offences in furtherance of their common intention as alleged by the prosecution?
4. What are the offences if any, proved to have committed by the accused?
5. If the accused are found guilty, what should be the proper sentence?

8. Point Nos. 1 to 4

PW1 is the aggrieved first informant in this case. He deposed that on 20.3.2020 at 22.45 hours some people attacked him using their hands and with a granite stone. Regarding the same he has given statement before the police which is marked as Ext.P1. He deposed that he did not know who is the assailant. The matter is settled between the accused and PW1. According to him accused are not the persons who attacked him. The matter is settled and he is not intending to proceed further. 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 to 4 are found against the prosecution.

9. **Point No.5.**- In view of my findings in point numbers 1 to 5, this point does not arise for consideration.

1. In the result, the accused are found not guilty of the offences u/ss. 341,323, 324 r/w 34 of IPC and they are acquitted of the same u/s.248 (1) Cr.P.C.

2. Bail bond stands cancelled and he is set at liberty.

3. Property(item No.2) received in this case shall be destroyed on expiry of appeal period. Item no.1 is released on kychit. The kychit is made absolute.

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

Judicial First Class Magistrate,
Kodungallur

APPENDIX

Prosecution witness

PW1	<i>Sirajudheen</i>	<i>CW1 Injured First informant</i>
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Defence witness : Nil

Court witness : Nil

Prosecution Ext.s:

P1: F.I statement

Defence Ext.s: Nil

Court Ext.s : Nil

Material Objects : Nil

JUDICIAL FIRST CLASS MAGISTRATE,
KODUNGALLUR.