

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE,  
WADAKKANCHERY**

Present: Naseeb. A. Abdul Razak  
Judicial First Class Magistrate, Wadakkanchery

**Dated this the 25<sup>th</sup> Day of March, 2026**

**CC No. 1576/2014**

**(Crime No. 458/2013 of Erumapetty Police Station)**

**Complainant** : State of Kerala Represented by the Sub Inspector of Police, Erumapetty Police Station.  
(Rep.by Assistant Public Prosecutor Wadakkanchery)

**Accused** : A1. Riyas, aged 29/13, S/o Moidu, Kunduvalappil House, Kottappuram Village, Mangad Vadakkummuri desom.  
A2. Aboobacker @ Bakker, aged 38/13, S/o Moidu, Kunduvalappil House, Chittanda Village, Chittanda Vadakkummuri desom.

(Repd. by Adv. Simon Kanjirathingal)

**Charge** : Offences punishable u/s. 448,323,324,294(b) & 427 r/w 34 IPC.

**Plea** : Not guilty.

**Finding** : Not guilty

**Sentence or order** : Accused are acquitted u/s.248(1) of Cr.P.C. Their bail bonds stand cancelled and they are set at liberty.

**Description of the Accused:**

Name of Police station and the Crime No. of the offence.	Name and Rank of accused	Father's Name	Occupation	Residence	Age
Erumapetty.P.S in Crime No. 458/13	A1- Riyas	Moidu	-	Mangad Vadakkummuri	29/13
	A2- Aboobacker @ Bakker	Moidu	-	Chittanda	38/13

Date of									Period of detention undergone during investigation, inquiry or trial for the purpose of section 428 of Cr.P.C.
Occurrence	Complaint	Apprehension/ Appearance	Re-release on bail	Commencement of trial	Commencement of evidence	Close of trial	Sentence or order	Commitment	
05.08.13	28.09.13	11.08.13	11.08.13	15.02.17	20.02.18	23.03.26	25.03.26		

This case coming up for final hearing before me on 23.03.26 in the presence of Sri. Simon Kanjirathingal, counsel for the accused and Assistant Public Prosecutor, Wadakkanchery for the State and the court has today passed the following:-

### **J U D G M E N T**

The accused in the above case are facing trial based on the final report submitted by the Sub Inspector of Police, Erumapetty alleging commission of offence u/s. 448,323,324,294(b) & 427 r/w 34 IPC.

2. The allegation against the accused, in brief, is as follows:- Due to prior animosity towards PW1 for questioning the act of the 1st accused abusing him with filthy words on the road, both the accused formed a common intention and reached in the car bearing Reg.No. KL-8-AR-3686 and trespassed in to the courtyard of PW1's house situated at Vellarakkad at 22.00 hours on 05.08.2013 and the 1st accused pushed down PW2 and hit PW1 with a stone on his right palm thereby causing injury to him. The 2nd accused uttered obscene words against them. thereafter, accused persons pelted stones thereby causing damage to the window glass as well as the door thus causing loss to the tune of Rs.750/-. Thus, the accused have committed the offences alleged.

3. The accused were arrested during crime stage and released on bail by the Investigating officer. Upon the filing of final report, cognizance was taken of the offences alleged. Upon receipt of the summons, both the accused appeared before the court. They were enlarged on bail. S.207 Cr.P.C. was complied with by serving copies of all relevant prosecution records to them. After hearing both sides, charge was framed, read over and explained to them. They pleaded not guilty and claimed to be tried.

4. To prove its case, prosecution has examined PW1 to PW8 and got marked Exts.P1 to P10 and MO.1 to MO.3 and MO.4 series.

5. Upon closure of prosecution evidence, the accused were examined u/s.313 of Cr.P.C regarding the incriminating circumstances brought out in the prosecution evidence, since PW1 and PW2 had earlier deposed in tune with the prosecution allegations, even though they later on turned hostile to the prosecution. Both the accused reiterated their plea of innocence.

6. No defense evidence was adduced.

7. Upon closure of evidence, both sides were heard.

8. The points that arise for consideration in this case are as follows:-

1. Did the accused commit criminal trespass as alleged?
2. Did they voluntarily cause hurt to PW2 as alleged?
3. Did they utter obscene words as alleged?
4. Did they voluntarily cause hurt to PW1 with a dangerous weapon as alleged by the prosecution?
5. Did the accused commit mischief as alleged by the

prosecution?

6. If yes, did they do so with common intention?

7. What is the order as to sentence, if any?

9. **Points No.1 to 6:** PW1 is the informant/aggrieved person. PW2 is his wife. She is also an aggrieved person. PW3 is the eye witness. PW4 is the scene mahazar witness. PW5 is the doctor, who examined PW1 and PW2. PW6 and PW7 are the police officers. PW8 is the Sub Inspectors of Police who registered the FIR and conducted investigation and laid final report respectively.

10. Exts.P1 to P10 are the FIS filed before the police, scene mahazar, wound certificate of PW1, wound certificate of PW2, FIR, Property list, Seizure mahazar, bail bond, kacheet, accused address adding and section deleting report respectively. Material objects 1 to 3 are a concrete piece, a granite stone piece and one set of chappals respectively and MO4 series are the broken window glass pieces.

11. The evidence of PW1 and PW2, during the early part of the examination is that the accused persons assaulted them as alleged by the prosecution. The evidence of PW1 and PW2, when they were further cross-examined later on, both of them turned hostile to the prosecution and deposed that the accused had not done anything as stated by them earlier or as alleged by the prosecution. According to them, they put forth the grievance due to misunderstanding and further stated that the matter has been settled and they do not intend to proceed with the matter any further. The evidence of PW7 and PW8 is that upon registration of the case, investigation was done and final report was laid.

12. Thus, it could be seen that to prove its case, prosecution would mainly rely upon the evidence of PW1 and PW2. But PW1 and PW2, the aggrieved persons

have, during their further cross examination, turned hostile to the prosecution and deposed that the accused have not done any act as alleged by the prosecution. The evidence of PW1 and PW2 being contradictory in themselves, the evidence of other witnesses cannot improve the prosecution's case. Therefore, the inevitable conclusion that could be arrived at is that the prosecution has failed to prove the allegations against the accused. Thus, the above discussion leads me to the irresistible conclusion that the prosecution has failed to show that the accused committed the acts as alleged against PW1 or PW2. Hence, points are answered against the prosecution.

13. **Point no.7:-** Since points no.1 to 6 have already been answered against the prosecution, there is no scope of discussing this point.

14. **In the result**, for my findings on points No.1 to 6, both the accused are found not guilty of the offence alleged, and they are acquitted of the same as per s.248(1) of Cr.P.C. Their bail bonds stand cancelled, and they are set at liberty.

MO1 to MO.3 and MO.4 series, being valueless, shall be destroyed after appeal period.

(Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in open court on this the 25<sup>th</sup> Day of March, 2026).

Sd/-  
Judicial First Class Magistrate  
Wadakkanchery

**APPENDIX**

**Witness examined for prosecution:-**

PW1/CW1	Shanas @ Asi	Defacto complainant
PW2/CW2	Shemeena	Other witness
PW3/CW4	Beevikutty Rasiya	Other witness
PW4/CW5	Subhash	Other witness
PW5/CW7	Dr. Thomas Mathew	Official witness
PW6/CW9	WCPO Sreedevi	Official witness/investigating officer
PW7/CW10	George	Official witness/investigating officer
PW8/CW11	Girijavallaban	Official witness/investigating officer

**Witness examined for defence :**

Nil

**Exhibits marked for prosecution**

1	Exbt.P1/PW1	FIS dated 20.02.18
2	Exbt.P2/PW4	Scene mahazar dated 23.01.23
3	Exbt.P3/PW5	Wound certificate of Shanas dated 16.08.24
4	Exbt.P4/PW5	Wound certificate of Shameena dated 16.08.24
5	Exbt.P5/PW8	FIR dated 14.02.25
6	Exbt.P6/PW8	Property list dated 14.02.25
7	Exbt.P7/PW8	Seizure mahazar dated 14.02.25
8	Exbt.P8/PW8	Bail Bond dated 14.02.25
9	Exbt.P9/PW8	Kacheet dated 14.02.25
10	Exbt.P10/PW8	Accused address adding & section deleting report dated 14.02.25

**Exhibits marked for defence:**

Nil

**Material objects marked:**

1	Exbt. MO.1	Concrete piece
2	Exbt. MO.2	Granite stone
3	Exbt. MO.3	Foot wear

4	Exbt.MO.4 series	Pieces of window glass
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Sd/-  
Judicial First Class Magistrate  
Wadakkanchery

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Wadakkanchery

//True Copy//

**Judgment in,  
CC.No. 1576/2014,  
Dated: 25.03.2026**