

IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE, KUNNAMKULAM

Present:- Sri. Jayanthan L., Judicial I Class Magistrate.

Tuesday, the 9th day of June, 2026 / 19th day of Jyaishta, 1948.

C.C. 677/2011

Complainant : State of Kerala represented by the
Sub Inspector of Police, Kunnamkulam
Police Station in crime No.460/2011.
*(By Sri. P.Krishnakumar, Assistant Public
Prosecutor, Senior Grade, Kunnamkulam) .*

Accused : 1.Hameed, 38/2011 years, S/o.Yusaf,
Korankayil House, Althara Anakallu desom,
Perumbilavu Village. (Absconding)

2. Kaladharan,42 years, S/o.Raman,
Kundankadu House, Perumbilavu Desom,
Perumbilavu Village. (no more)

3. Kassim 41 years, S/o.Kammali,
Athikkaparambil house, Akkikkavu desom,
Perumbilavu village.

By Adv.Sri. K.S.Binoy. Chavakkad)

Offence : u/S. 341, 323, 324 r/w 34 of IPC.

Plea : Not guilty

Finding : A3 - Not guilty

Sentence : The accused No.3 is acquitted u/s.248(1) of Cr.P.C. As accused No.1 is absconding, case against him is split up and refiled as **CC 1437/2011** and accused No.2 is no more. Hence, charge against him stands abated.

Description of accused

No	Name	Father's Name	Occupation	Residence	Age
1	Hameed(Absconding)	Yusaf	Coolie	Perumbilavu	38
2	Kaladharan	Raman	No more		
3	Kassim	Kammali	Coolie	Porkulam	41

Date of :

Offence	Complaint	Apprehension	Release on bail	Commencement of trial	Closure of trial	Sentence or order
13.4.2011	14.4.2011	7.3.2013	7.3.2013	15.6.2013	9.6.2026	9.6.2026

This case having been finally heard on 9.6.2026 and the Court on the same day delivered the following:-

JUDGMENT

In this case, final report has been filed by the Sub Inspector of Police, Kunnamkulam Police Station in crime No.460/2011 alleging the offences punishable under sections 341, 323, 324 r/w 34 of IPC.

2. The case of the prosecution is that on 13.04.2011 at 05.30 p.m. in front of Ansar Hospital, the first accused restrained CW1. Thereafter, hit at his head with an iron pipe. The second accused beat CW1 at face using his hands. The third accused kicked at the door of a car resulting in injury to left leg of the CW4. The accused persons committed the offences in furtherance of their common intention. Therefore, the accused persons are alleged to have committed the offences alleged.

3. On issuance of summons, the accused persons appeared before the Court and copies of all relevant prosecution records were furnished to them and they were granted bail. After hearing both sides, charge was framed u/s 341, 323 and 324 r/w 34 of the Indian Penal Code, read over and explained to them. They pleaded not guilty and claimed to be tried.

4. From the side of prosecution, seven witnesses were examined and exhibits P1 to P7 and MO1 were marked. After closing prosecution evidence, the accused persons 1 and 3 were examined under section 313(1)(b) of Cr.P.C. They denied all the incriminating circumstances appearing in evidence against them and stated that they are innocent of the alleged offences. From the side of accused DW1 was examined and Exhibit D1 was marked. During trial accused No.2 is reported to be no more and copy of his death certificate is produced. Accused No.1 absconded and hence case against him is split up.

5. Heard both sides.

6. Now the points that arise for determination are :-

1. Whether the accused No.3 along with other accused persons in furtherance of their common intention on 13.04.2011 at 05.30 p.m. in front of Ansar Hospital wrongfully restrained PW1 as alleged ?
2. Whether the accused No.3 along with other accused persons at the same time and place voluntarily caused hurt to PW1 by beating, pushing and hitting with hands as alleged ?
3. Whether the accused No.3 along with other accused persons at the same time and place voluntarily caused hurt to PW1 by using any dangerous weapons as alleged ?

4. Whether the accused 3 is guilty of commission of offences punishable under sections 341, 323, 324 r/w 34 of the Indian Penal Code ? If found guilty, what should be the order as to sentence?

7. Points No. 1 to 3 :- From the side of prosecution seven witnesses were examined and Exhibits 1 to 7 and MO1 were marked.

8. The accused No.3 was examined under section 313 (1)(b) of Cr.P.C and he denied all the incriminating circumstances appeared against him in the evidence. One witness was examined from the side of the accused and Exhibits D1 to D4 were marked.

9. The counsel for the accused argues that the accused No.3 is innocent of the allegations and contends that the prosecution failed to prove the offence against the accused beyond reasonable doubt. Hence, he prayed for acquittal of the accused No.3. On the other hand, the learned Asst. Public Prosecutor contends that the prosecution has succeeded in proving the offence alleged against the accused beyond reasonable doubt and hence he prayed for convicting the accused No.3.

10. PW1 deposes that the 3rd accused kicked at the door of the car. As a result, the car was driven away by Muhammed Ali. At that moment, PW1 was isolated. Thereafter, he was hit at his head by the first accused. PW1, while tendering evidence, is not having a case that as a result of kicking of third accused at the door of the car, he has suffered injury to his legs. Further, PW1 is not having a case that , he has suffered any injuries due to the act of third accused.

11. The second witness also did not depose in tune with the version of the prosecution regarding the role of third accused.

12. The two witnesses who are cited from the side of the prosecution to prove the occurrence did not depose as to the offence allegedly committed by the third accused. Therefore, it can be concluded that there is no evidence forthcoming from the side of the prosecution to add culpability to third accused. Hence the prosecution failed to prove the case against accused beyond reasonable doubt. Hence the third accused is liable to be acquitted. Hence these points are found in favour of the accused No.3.

13. **Point No.4**:- In view of findings on point Nos.1 to 3, the accused No.3 is found not guilty of the offences punishable under sections 341, 323 and 324 r/w 34 of the IPC.

In the result, the accused No.3 is acquitted u/s.248(1) of Cr.P.C for the above mentioned offences. His bail bond stands cancelled and he is set at liberty. Accused No.2 is no more and hence charge against him stands abated. Accused No.1 is absconding. Hence, case against him is split up and refiled as **CC 1437/2011**.

(Dictated to the Confidential Assistant, transcribed by her, corrected by me and pronounced in open court on this the 9th day of June, 2026)

Judicial First Class Magistrate – Kunnamkulam.

APPENDIX

Witnesses examined for the prosecution:-

PW1	Prabath / CW1	Defacto complainant / Victim
PW2	Kunhimohammed / CW2	Prosecution witness/ Eye witness
PW3	Dr.Thomas Mathew /CW9	Prosecution witness (Doctor)
PW4	Babu / CW11	Sr.CPO at Kunnamkulam PS

PW5	Nandan/CW7	Sr.CPO at Kunnamkulam PS
PW6	Johny/CW10	Sr.CPO at Kunnamkulam PS
PW7	Boopesh/CW12	Investigating Officer

Exhibits marked for the prosecution:-

1	Ext.P1/PW1	First Information Statement dated 14.4.2011
2	Ext.P2/PW3	Wound Certificate of PW1 dated 13.4.2011
3	Ext.P3/PW4	Scene mahazar dated 15.4.2011
4	Ext.P4/PW4	Section lowering and address adding report dated 15.4.2011
5	Ext.P5/PW5	Seizure mahazar dated 20.4.2011
6	Ext.P6/PW7	FIR in crime 460/2011 of Kunnamkulam Police Station dated 14.4.2011
7	Ext.P7/PW7	Bail bond dated 15.4.2011

Material Objects marked:-

1	MO1/PW1	Iron pipe
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Witness examined for the defence :-

DW1	Dr.Thomas Mathew /CW9	Medical defence witness (Doctor)
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Exhibits marked for the defence :-

1	Ext.D1/DW1	Wound Certificate of Velayudhan dated 13.4.2011
2	Ext.D2/DW1	Wound Certificate of Prabath dated 13.4.2011
3	Ext.D3/DW1	Wound Certificate of Sajeesh dated 13.4.2011
4	Ext.D4/DW1	Wound Certificate of Kunjuttu dated 13.4.2011

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