

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE– III,
NEYYATTINKARA**

**Present: Sri. Albin J. Thomas,
Judicial First Class Magistrate -III**

Dated : Saturday, 25th April, 2026/ 05th Vaisakha, 1948

CP No. 26/2026 (Refiled from CC 582/2019)

Complainant	:	State represented by the Sub Inspector of Police, Balaramapuram police station in crime No. 935/2018.
		Represented by Sri. Vishnu Thampi, APP.
Accused	:	Mithun Lal, Aged 20/18, S/o Hari, Nellivila Veedu, Mekkottukonam, Pokkalimele, Eduva, Venganoor, Venganoor Village.
		Represented by Adv. B.Krishnamoorthy
Offences	:	U/s. 506(ii) and 323 of IPC and sec. 75 of JJ Act.
Finding	:	Triable by Hon'ble Court of Sessions.
Sentence/Order	:	Case against the accused is committed to the Hon'ble Sessions Court, Thiruvananthapuram, u/s.362 BNSS.

This case has been heard today, and the court passed the following:

ORDER

1. Final Report in this case was filed by the Sub Inspector of Police, Balaramapuram police station in crime No. 935/2018, alleging offences punishable u/s. 506(ii) and 323 of IPC and sec. 75 of JJ Act.
2. The prosecution case is that due to prior enmity towards CW2, the accused who is duty bound to protect his brother CW1, who is a minor, on 28.07.2018 at 08.00 am, at the sit out of the house of CW1, Mele Nellivila, Pokkali, at Eduva, threatened to kill CW2 by showing a hatchet and on fear CW1 jumped into the well causing injuries. Thus the accused was alleged to have committed the offences punishable U/s.506(ii) and 323 of IPC and sec. 75 of JJ Act.

3. Originally, this case was taken on file of this court as CC 582/2019. Since CW1 is a minor, the case is triable by Hon'ble Court of Session, the case is refiled as CP 26/2026, the present case.
4. The accused was granted bail and was defended by a counsel of his own choice. Copies of all records relied on by the prosecution are served to the accused. The copies are found to be in order. S. 230 of BNSS is therefore duly complied with.
5. As per the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 certain amendments are introduced into the Juvenile Justice (Care and Protection of Children) Act, 2015. As per the above mentioned amendment S.86 of the said act is amended and it's stated that all the offences under Juvenile Justice (Care and Protection of Children) Act, 2015 shall be triable by the Children's Court. Relevant portion from the above mentioned amendment is extracted below for easy reference:
"4. For section 86 of the principal Act, the following section shall be substituted, namely:-
86,(i) Where an offence under this Act is punishable with imprisonment for a term of more than seven years, then, such offence shall be cognizable and non-bailable.
(2) Where an offence under this Act is punishable with imprisonment for a term of three years and above, but not more than seven years, then, such offence shall be non-cognizable and non-bailable.
(3) Where an offence, under this Act is punishable with imprisonment for less than three years or with fine only, then, such offence shall be non-cognizable and bailable.
(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 or the Commission for Protection of Child Rights Act, 2005 or the Protection of Children from Sexual Offences Act, 2012, offences under this Act shall be triable by the Children's Court."
6. It is important to note that as per the notification issued by the Ministry of Women and Child Development dated: 31.08.2022 appointed 01.09.2022 as

the effective date. So the present case is to be committed to the Hon'ble District and Sessions Court, Thiruvananthapuram.

7. In the result, the case against the accused is committed to Hon'ble District and Sessions Court, Thiruvananthapuram u/s. 362 BNSS.
8. The accused persons are directed to appear before the Hon'ble Sessions Court as and when required.
9. Transmit the case records and material objects to the Hon'ble Sessions Court as per rule 77(1) of the Criminal Rule of Practice, Kerala.
10. Notify the order of committal to the learned Public Prosecutor.

[Dictated by me to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court, on this the 25th day of April, 2026]

Sd/-
JUDICIAL FIRST CLASS MAGISTRATE – III
NEYATTINKARA

//True Copy//

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NEYATTINKARA