

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE - I
NEDUMANGAD**

**Present: Smt. Ruby Ismail,
Judl. I Class Magistrate-I, Nedumangad
Dated: Wednesday, 25th March, 2026/ 4th Chaithra, 1947
CALENDAR CASE No. 11/2010**

Complainant		State represented by the Sub Inspector of Police, Venjaramoodu Police Station, in Crime No. 385/2009 Rep. by Sri. Manmohan.A, APP Sr.Gr.
Accused	1. Sajeew, aged 29/09, S/o Gopi, Thunduvila Puthen Veedu, Yekkippara, Thandrampoyka Nellanadu Muri, Nellanadu Village. 2. Suresh, aged 31/09, S/o Kuttan, Thunduvila Puthen Veedu, Yekkippara, Thandrampoyka Nellanadu Muri, Nellanadu Village. Rep by Adv. Sri. Aikkara M Anil Kumar	
Offences		Under sections 341, 294(b) & 323 read with section 34 of the Indian Penal Code
Plea		Not guilty
Finding		Not guilty
Sentence or Order		The accused persons 1 & 2 are acquitted under section 255(1) of Criminal Procedure Code.

DESCRIPTION OF THE ACCUSED

Rank & Name	Father's Name	Residence	Age	Taluk
1.Sajeew	Gopi	Yekkippara	29	Nedumangad
2.Suresh	Kuttan	Yekkippara	31	Nedumangad

DATE OF

Occurrence	Complaint	Apprehension or appearance	Period of detention	Release on bail	Commitment	Commencement of trial
26.06.09	05.01.10	28.06.09	28.06.09	28.06.09	-	06.09.12
Commencement of evidence	Close of trial	Sentence or Order	Service of copy of judgment or finding on accused	Explanation for delay		
19.08.14	19.03.26	25.03.26	25.03.26	No delay		

This case having been finally heard on 19.03.2026 and posted for judgment to 25.03.2026 and the court on the same day delivered the following:-

J U D G M E N T

The accused persons 1 & 2 were put on trial upon a final report filed by the Venjaramoodu Police Station, in Crime No. 385/2009 alleging commission of offences punishable under sections 341, 294(b) & 323 read with section 34 of the Indian Penal Code.

2. Prosecution case in brief, is as follows:

Due to previous enmity towards PW1, on 26.06.2009 at about 08:00 p.m. at Thandrapoyka in Nellanadu Village, Accused Nos. 1 and 2, in furtherance of their common intention, wrongfully restrained PW1. The 1st accused caught hold of PW1 by his shirt collar and assaulted him by striking his right cheek using his fist, thereby causing hurt. When CW2 attempted to intervene, the 1st accused pushed her to the ground and caused hurt. Thus, the accused persons are alleged to have committed the aforementioned offence.

3. On the strength of Ext.P1 F.I.S. given by PW1, the case was registered as Crime No. 385/2009 of Venjaramoodu Police Station. After completion of the investigation, the report under Section 173(2) of the Cr.P.C. was laid against the accused alleging commission of offences punishable under the above listed provisions of law. This court took cognizance of the case as CC No. 11/2010 for offences punishable under sections 341, 294(b) & 323 read with section 34 of the Indian Penal Code.

4. On issuance of summons, the accused persons 1 & 2 appeared before the court and they were enlarged on bail. They were defended by a counsel of their choice. Copies of all relevant prosecution records were furnished to them in compliance with section 207 of the Criminal Procedure Code. After considering the police report, documents submitted along with that report and after hearing both sides, particulars of offences punishable under sections 341, 294(b) & 323 read with section 34 of the

Indian Penal Code were read over and explained to them to which they pleaded not guilty and claimed to be tried.

5. Altogether, 6 witnesses were cited by the prosecution in the final report. Out of it, CW1, CW4 to CW7 were examined as PW1 to PW5. Documents produced by the prosecution were marked as Exts. P1 to P7. CW2 was reported to be no more. Her death certificate was produced. In respect of CW3, an occurrence witness cited by the prosecution, the Station House Officer submitted a report stating that the witness could not be traced. Despite the issuance of coercive steps and the grant of several opportunities, the prosecution failed to procure his presence. Consequently, the prosecution evidence was closed.

6. Thereafter, the accused persons 1 & 2 were examined u/S. 313(1) (b) of the Cr.P.C. They denied all incriminating circumstances appearing in evidence against them and pleaded innocence. No evidence was adduced on the side of the accused persons.

7. Heard both sides and perused the records.

8. The points that arose for consideration are as follows: -

(i) Whether Accused Nos. 1 and 2, in furtherance of their common intention, wrongfully restrained PW1 at the date, time, and place alleged, thereby committing an offence punishable under Section 341 read with Section 34 of the Indian Penal Code?

(ii) Whether Accused Nos. 1 and 2, in furtherance of their common intention, uttered obscene words at PW1 at the date, time, and place alleged, thereby committing an offence punishable under Section 294(b) read with Section 34 of the Indian Penal Code?

(iii) Whether Accused Nos. 1 and 2, in furtherance of their common intention, voluntarily caused hurt to PW1 at the date, time, and place alleged, thereby committing an offence punishable under Section 323 read with Section 34 of the Indian Penal Code?

(iv) If so, whether the accused are guilty, and if convicted, what sentence should be imposed?

9. **Point Nos. (i) to (iii)**: These points are considered together for the sake of convenience and brevity of judgment. The criminal law was set in motion on the basis of the First Information Statement given by PW1, who is also the injured witness.

10. In court, PW1, Raju, deposed that he sustained injuries in the incident in this case and that Ext. P1 is the statement given by him to the police. He stated that on 26.06.2009 at about 8:00 p.m., while he was near his house situated close to Gokulam Medical College, he noticed a small crowd and stopped his scooter to enquire about the same. He was informed that a goat had suddenly crossed the road. At that time, the first accused (Sajeev) came near him, abused him, caught hold of his shirt collar, and assaulted him by fisting on his face. Thereafter, another person named Suresh, who was with the first accused, also assaulted him by fisting on his face. As a result, the inner portion of his upper lip was cut and started bleeding. PW1 further deposed that when his wife came to intervene, she was pushed aside, and the first accused caught hold of her and threw her to the ground. On hearing their cries, local people rushed to the spot. PW1 stated that both Sajeev and Suresh again beat and kicked him on his cheek and face, causing pain all over his body and swelling below his left eye. Thereafter, the accused ran away towards the rubber plantation situated on the eastern side. He also stated that his wife sustained pain and injury on her shoulder. PW1 further deposed that about three years prior to the incident, the accused had demolished their compound wall and a civil case in that regard was pending, and that the present incident occurred due to such prior enmity. He stated that they thereafter went to Gokulam Hospital for treatment. He also identified the accused as his neighbours and stated that he had prior acquaintance with them.

11. PW2, Vasantha who was cited by the prosecution as an occurrence witness, turned hostile during his examination and denied

witnessing the alleged incident and also denied having given any statement to the police in connection with the alleged occurrence.

12. PW3, Animon, deposed that he had affixed his signature in the mahazar prepared by the police in connection with this case. He identified the said mahazar as Ext. P1. He further stated that he signed the mahazar at the place of occurrence.

13. PW4, Dr. Satheesh Kumar, deposed that on 26.06.2009 at about 9:56 p.m., he examined one Geethanjali (CW2). He stated that Ext. P3 is the wound certificate issued by him in that regard. According to him, the patient informed him that she was assaulted by two known persons at about 8:00 p.m. at Thandrampoyka. On examination, he found a contusion on her right shoulder. He opined that the injuries could have been caused in the manner stated by the patient. PW4 further deposed that on the same day, he also examined one Rajan, aged 49 years, and that Ext. P4 is the wound certificate issued by him. The alleged cause of injury was stated to be the same as mentioned above. On examination, he noted a contusion below the right eye, a lacerated wound on the upper lip, and a contusion on the right hand. He opined that the injuries could have been caused in the manner stated by the patient.

14. PW5, Vijaya Chandran, deposed that while he was working as the Sub Inspector of Police, Venjarammood Police Station, on 27.06.2009, he recorded the Ext. P1 First Information Statement given by PW1 and registered the Ext. P5 First Information Report. PW5 further deposed that, as part of the investigation, he visited the place of occurrence and prepared Ext. P2 scene mahazar. As per Ext. P2, the place of occurrence is the road in front of the house of PW1. He stated that he conducted an investigation by questioning the witnesses and prepared a report identifying the name and details of the accused, which is marked as Ext. P6. He further stated that the Accused Nos. 1 and 2 were arrested and later released on bail, and the bail bonds prepared in that regard are marked as Ext. P7 series (2 in

number). He also stated that, after completing the investigation, he laid the final report before the Court. He identified the accused before the Court.

15. I have carefully examined the evidence adduced in this case. The prosecution case, in brief, is that due to previous enmity towards PW1, on 26.06.2009 at about 8:00 p.m., at Thandrampoyka in Nellanadu Village, the accused, in furtherance of their common intention, wrongfully restrained PW1 and assaulted him, and when CW2 attempted to intervene, she was also pushed down and caused hurt, thereby committing offences punishable under Sections 341, 294(b), 323 read with Section 34 IPC.

16. In order to prove the occurrence, the prosecution mainly relied on the oral testimony of PW1 and PW2. PW1, who is the injured witness, has deposed in line with the prosecution case. However, PW2, who was cited as an occurrence witness, turned hostile during his examination and denied witnessing the incident or giving any statement to the police. Therefore, the question that arises for consideration is whether the uncorroborated testimony of PW1 is sufficient and reliable to establish the guilt of the accused beyond reasonable doubt.

17. It is true that PW1 has consistently supported the prosecution version and has spoken about the alleged incident in tune with his Ext. P1 First Information Statement. Ext. P1 FIS was recorded at 14:00 hours on 27.06.2009, whereas the incident is alleged to have occurred on 26.06.2009 at about 8:00 p.m. Hence, there is no significant delay in lodging the First Information Statement.

18. In so far as the offence under Section 294(b) IPC is concerned, PW1 has only stated that the accused abused him verbally. However, he has not stated the exact words allegedly used by the accused. In the absence of any specific evidence regarding the words uttered, this Court is unable to ascertain whether the alleged utterances were obscene in nature. Therefore, the essential ingredients of the offence punishable under Section 294(b) IPC are not established.

19. To prove the injuries sustained by PW1 and CW2, the prosecution relies on the evidence of PW4, the doctor who examined them on 26.06.2009 at about 9:56 p.m. and issued Exts. P3 and P4 wound certificates respectively. The doctor has clearly deposed regarding the injuries noted by him upon examining PW1 & CW2 and there is no reason to doubt his evidence regarding the nature of injuries noted by him in Ext.P3 & Ext.P4.

20. However, the crucial question is whether the evidence of PW1 is sufficient to establish that the injuries were sustained in the manner alleged by him. In the present case, the testimony of PW1, though consistent with Ext. P1 FIS, remains uncorroborated by any independent oral evidence, as the only independent occurrence witness has turned hostile. It is also pertinent to note that there existed prior civil disputes between PW1 and the accused. PW1 himself has admitted that about three years prior to the incident, the accused had demolished their compound wall and a civil case in that regard was pending, and that the present incident occurred due to such enmity. In such circumstances, the testimony of PW1 requires careful scrutiny and independent corroboration.

21. In the absence of any such independent corroboration, this Court is of the view that it would be unsafe to base a conviction solely on the uncorroborated testimony of PW1, particularly in the background of admitted prior enmity between the parties.

22. In the above circumstances, this Court finds that the prosecution has failed to prove the guilt of the accused beyond reasonable doubt. Accordingly, the accused are entitled to the benefit of doubt, and the points for consideration (i) to (iii) are decided against the prosecution. The accused persons 1 & 2 are therefore entitled to acquittal.

23. **Point No. (iii)**:- As I have already found that the prosecution has failed to prove that the accused persons 1 & 2 has committed any offense as alleged, there is no question of passing any sentence against them.

In the result, the accused persons 1 & 2 are found not guilty of the offences punishable under sections 341, 294(b) & 323 read with section 34 of the Indian Penal Code and they are acquitted under section 255(1) of the Cr.P.C. Their bail bonds stand cancelled and they are set at liberty forthwith.

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

Sd/-
Judicial First Class Magistrate-I,
Nedumangad

A P P E N D I X

Witnesses for prosecution:-

PW1 – Raju (Informant - CW1)
PW2 – Vasantha (Occurrence witness - CW4)
PW3 – Animon (Occurrence witness - CW5)
PW4 – Dr. Satheesh Kumar (Medical witness - CW6)
PW5 – V.Jayachandran (Official witness - CW7)

Exhibits for prosecution:-

P1 – FIS – proved by PW1 – dated 27.06.2009
P2 – Scene Mahazar – proved by PW3 – dated 27.06.2009
P3 – Wound Certificate – proved by PW4 – dated 10.07.2009
P4 – Wound Certificate – proved by PW4 – dated 10.07.2009
P5 – FIR – proved by PW5 – dated 27.06.2009
P6 – Report – proved by PW5 – dated 27.06.2009
P7 – Bailbond – proved by PW5 – dated 28.06.2009

Material Object

Nil

Witnesses for defence:-

Nil

Exhibits for defence:-

Nil

//True Copy//

Judicial First Class Magistrate-I,
Nedumangad