

FORM NO. 48
CALENDAR AND JUDGMENT
District of Thiruvananthapuram Calendar of Cases tried by
the Judicial I Class Magistrate-I, Nedumangad
Dates of

Offence	Report or complaint	Apprehension of accused	Release on bail	Commencement of trial	Close of trial	Sentence or order	Explanation of delay and remarks
26.04.14	24.08.15	10.05.16	10.05.16	05.04.22	28.01.25	31.01.25	No delay

Judgment in CC. No. 1162/2015 file of the Judicial
Magistrate of the First Class -I, Nedumangad
Complainant : State represented by the Sub Inspector of Police,
Valiyamala Police Station, in Crime No. 213/2014

Name of accused	Father's Name	Residence	Age	Taluk
1. Arun	Sugathan	Ayyappankuzhi	24	-
2.Vineeth	Babu	Manthikuzhi	21	-

Offences : Under sections 341, 354 & 324 read with section 34 of the Indian Penal Code
Finding : Not guilty

Sentence/Order : The accused persons 1 & 2 are acquitted under section 248(1) of Criminal Procedure Code.

Judicial First Class Magistrate -I,
Nedumangad

DOCKET

Date of Receipt	From The Judicial First Class Magistrate -I, Nedumangad
Remarks of the Chief Judicial Magistrate	To The Additional Chief Judicial Magistrate, Thiruvananthapuram
Date of Despatch	Calendar Case No : CC 1162/2015
Date of Receipt	Date of Judgment : 31.01.2025
Reply of the.....Magistrate	Date of Despatch of : 31.01.2025
Date of Despatch	Date of Calendar :
Date of Receipt	Date of Receipt :

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

Present: Smt. Ruby Ismail,

Judl. I Class Magistrate-I, Nedumangad

Dated: Friday, 31st January, 2025/11th Magha, 1946

CALENDAR CASE No. 1162/2015

Complainant		State represented by the Sub Inspector of Police, Valiyamala Police Station, in Crime No. 213/2014 Rep. by Assistant Public Prosecutor Grade I
Accused	1. Arun @ Vinu, aged 24/14, S/o Sugathan, G.S Bhavan, Ayyappankuzhi, Uzhamalaykkal Village. 2 Vineeth, aged 21/14, S/o Babu, Kooppil Veedu, Kanjirampara, Manthikuzhi, Uzhamalaykkal Village. Rep by Adv. N.Aravindakshan Nair, P.K. Thampi	
Offences		Under sections 341, 354 & 324 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 248(1) of Criminal Procedure Code.

DESCRIPTION OF THE ACCUSED

Rank & Name	Father's Name	Occupation	Residence	Age
1. Arun	Sugathan	-	Ayyappankuzhi	24
2.Vineeth	Babu	-	Manthikuzhi	21

DATE OF

Occurrence	Complaint	Apprehension or appearance	Period of detention undergone during investigation inquiry or trial for the purpose of S.428 Cr.P.C	Release on bail	Commencement of trial
26.04.14	24.08.15	10.05.16	10.05.16	10.05.16	05.04.22

Commencement of evidence	Close of trial	Sentence or Order	Explanation for delay
01.08.24	28.01.25	31.01.25	No delay

This case having been finally heard on 28.01.25 and posted for judgment to 31.01.25 and the court on the same day delivered the following: -

J U D G M E N T

This case is charge sheeted by the Sub Inspector of Police, Valiyamala Police Station, in Crime No. 213/2014 for the offences punishable under sections 341, 354 & 324 read with section 34 of the Indian Penal Code.

2. Prosecution case, in brief, is as follows:

Due to pathway dispute between accused and PW1, on 26.04.2014 at 08.05 p.m. at Ayyappankuzhi, Uzhamalaykkal Village, in furtherance of their common intention, the first accused wrongfully restrained PW1 near the pathway of JS Bhavan, forcibly grabbed her, and pushed her to the ground. When PW1 attempted to stand up, the first accused tore her blouse and kicked her in the abdomen, causing pain. Subsequently, the second accused struck her back with a knife and attempted another attack. PW1 blocked the attack with her hand, resulting in injuries below her elbow. The second accused further kicked her in the abdomen, exacerbating her pain. By using criminal force, the accused intentionally outraged the modesty of PW1. Thus,

the accused are alleged to have committed the aforementioned offences.

3. On the strength of Ext. P1 F.I.S., case was registered as Crime No. 213/2014 of Valiyamala Police Station. After completion of the investigation, the Report under Section 173(2), Cr.P.C. was laid against accused alleging commission of offences punishable under the above listed provisions of law. This court took cognizance of the case as CC No. 1162/2015 for offences punishable under sections 341, 354 & 324 read with section 34 of the Indian Penal Code.

4. On issuance of summons, the accused persons 1 and 2 appeared before the court and they were enlarged on bail. They were defended by counsels of their choice. Copies of all relevant prosecution records were furnished to them in compliance of section 207 of the Criminal Procedure Code. After considering the police report and documents submitted along with that report and after hearing both sides, on being satisfied that there were grounds to proceed against the accused, charge was framed, read over and explained to them for offences punishable under sections 341, 354 & 324 read with section 34 of the Indian Penal Code to which they pleaded not guilty and claimed to be tried.

5. In order to prove the prosecution case, CW1, CW3 and CW4 were examined as PW1 to PW3 and document, Ext.P1 was marked.

When examined, they turned hostile to the prosecution case. CW2, an occurrence was reported to be laid up. As all other material witnesses including the injured turned hostile to the prosecution case, this court is of the view that examining the remaining witnesses cited by the prosecution has no scope of improving the prosecution's case, Hence, this court has closed the prosecution evidence.

6. In the absence of any incriminating circumstances appearing in evidence against accused, their examination under section 313(1) (b) of the Criminal Procedure Code was dispensed with.

7. Heard both sides.

8. The points that arise for consideration are:

(i) Did the accused 1 and 2 in furtherance of their common intention wrongfully restrain PW1, at the date, time and place as alleged and thereby committed an offence punishable under section 341 read with section 34 of the Indian Penal Code?

(ii) Did the accused 1 and 2 in furtherance of their common intention voluntarily cause hurt to PW1 with a knife, a dangerous weapon, at the date, time and place as alleged and thereby committed an offence punishable under section 324 read with section 34 of the Indian Penal Code?

(iii) Did the accused 1 and 2 in furtherance of their common intention use criminal force with intent to outrage the modesty of PW1, at the date, time and place as alleged and thereby committed offence punishable under section 354 read with section 34 of the Indian Penal Code?

(iv) If found guilty and convicted, what is the proper order as to sentence?

9. **Point Nos. (i) to (iii)** : For avoiding repetition and for brevity, these points are considered together. The injured was examined as PW1. She deposed that the incident happened on 2014 and she could not remember the date of incident. She deposed that she gave Ext.P1 statement to the police and she admitted her signature therein. She further stated that she was not injured in the incident. Hence the learned Assistant Public Prosecutor sought permission u/S .154 of Evidence Act and proviso to section 162 Cr.P.C to put questions to PW1 that are permitted during cross examination and the same was granted. However, nothing could be brought out in evidence to incriminate the accused. She also denied the suggestion put forward by the APP to the effect that she is lying before the court so as to save the accused.

10. PW2 was an occurrence witness cited and examined by the prosecution. He deposed that he did not gave any statement to the police. He also turned hostile to the prosecution case by stating that he is not aware of the incident.

11. PW3 is the husband of PW1, who was also allegedly injured in the incident. He deposed that he did not gave any statement to the police. According to him, PW1 was running a ration shop in 2014 and that he was not aware of the incident. Hence the learned Assistant Public Prosecutor sought permission u/S.154 of Evidence Act and

proviso to section 162 Cr.P.C to put questions to PW3 that are permitted during cross examination and the same was granted. However, nothing could be brought out in evidence to incriminate the accused. He also denied the suggestion put forward by the APP to the effect that he is lying before the court so as to save the accused.

12. As I have stated above, the material witnesses examined by the prosecution had given destructive version before the court and they did not support the prosecution case. No other evidences have been adduced by the prosecution to prove that first accused had committed the offences charged against him. Considering the above discussion, I am satisfied that the prosecution has failed to prove the offences charged and alleged against the accused beyond reasonable doubt. If so, the accused are entitled for an acquittal. Thus, these points are found against the prosecution.

13. **Point No. (iv)**:- As I have already found that the prosecution has failed to prove the involvement of the accused 1 and 2 in the alleged offences, there is no question of passing any sentence against them.

In the result, the 1st and 2nd accused are found not guilty of the offences punishable under sections 341, 354 & 324 read with section 34 of the Indian Penal Code and they are acquitted U/s. 248(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 31st January, 2025.

Sd/-
Judicial First Class Magistrate-I,
Nedumangad

A P P E N D I X

Witnesses for prosecution:-

PW1 – Preetha (CW1)

PW2 – Ashokan (CW3)

PW3 – Aji Kumar (CW4)

Exhibits for prosecution:-

P1 – FIS – proved by PW1 – dated 27.04.2014

Material Object

Nil

Witnesses for defence:-

Nil

Exhibits for defence:-

Nil

//True Copy//

Judicial First Class Magistrate-I,
Nedumangad