

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-II,
ATTINGAL.**

Present:- Smt. Sabah Usman.

Judicial I Class Magistrate-II.

Dated this the 16th day of March 2026

Calendar Case No.1051/2011

Complainant	:	State of Kerala, Represented by the Sub Inspector of police, Kazhakuttom in crime No. 77/2011 (By Asst.Public Prosecutor, Attingal)
Accused No.3	:	Murukan, S/o. Sasi, Kanal Purampokku Veedu, Near Samadhi kovil, Menamkulam Village By Adv. Sri. A Sabeer
Charge	:	u/s. 394 of Indian Penal Code 1860 & S.27 of The Arms Act
Plea	:	Not guilty
Finding	:	Not guilty
Sentence/Order	:	Accused No. 3 is acquitted u/s. 248(1) of Criminal Procedure Code 1973.

DESCRIPTION OF ACCUSED				
Name	Father's name	Calling	Residence	Age
Murukan	Sasi	...	Menamkulam Village	25

Date of						
Offence	Complaint	Apprehen- sion	Release on bail	Commenc ement of trial	Close of trial	Sentence/ order
29/01/11	26/12/11	20/01/24	22/01/24	22/01/24	12/03/26	16/03/26

This case having been finally heard on 12/03/26 and the court on
16/03/26 delivered the following:

JUDGMENT

This is a case in which final report has been filed by Sub Inspector of Police, Kazhakuttom Police Station in Crime No.77/2011 against the accused alleging commission of offence punishable U/S. 394 of Indian penal Code 1860 & S 27 of Arms Act.

2. The prosecution case in brief is as follows:-On 29/01/2011 at 1 am in order to commit robbery accused Nos. 1 to 3 have threatened with a sword attacked CW1 and which resulted the injury of the left hand wrist of the W1 and robbed Rs.16,000/-, Nokia mobile phone. Accused No.2 who cut on the right hand knee with a sword and robbed the purse of him which contained Rs.2000/-. A2 who cut with a sword on the right shoulder of CW3, robbed Max Company mobile phone worth Rs.2000/- robbed Rs.2000/-. Accused have taken Rs.4500/- from the pocket of CW4 and also attacked robbed money and mobile phones of all the 20 persons with CW1 to CW4 and thereby committed the aforesaid offences.

3. Originally, the case was taken on file as CC 1008/2011 and as per judgment dated 19/07/2013, accused Nos.1 & 2 were acquitted and case against accused No.3 was refiled as CC 1050/2013. Later it was transferred to LP Register as LP 88/2020. On appearance of accused No. 3 before court, his case was refiled as the present case. He was released on bail and copies

of all relevant prosecution records were furnished to him u/s. 207 Cr. P.C. After hearing both sides, charge was framed u/s. 394 of IPC & 27 of Arms Act was read over and explained to him who is facing trial, to which he pleaded not guilty and claims to be tried.

4. Prosecution cited CW1 to CW14. PW1 to PW4 were examined and Ext.P1 to P5 marked. Though coercive steps including S.82 & 83 Cr.P.C were issued against CW1 to CW6, their presence could not be procured before court. CW8, CW9, CW11 and CW12 were given up by the learned APP. Since there are no incriminating circumstances brought out against the accused from the prosecution evidence, examination of him u/s.313 (1) (b) Cr.P.C. was dispensed with. No defence evidence was adduced.

5. Heard both sides.

6. The points that arose for consideration are:-

1) Has the accused with the intention and preparation committed robbery of mobile phones and cash from CW1 to CW4, after causing hurt to them with swords and thereby committed the offences punishable u/s.394 of IPC & 27 of Arms Act ?

2) Sentence or Order ?

7. **Point No. 1:-** Though coercive steps including S.82 & 83 Cr.P.C were issued against CW1 to CW6, their presence could not be procured before court. PW2 deposed that while he was working as SI of Police, Kazhakuttom police station, he recorded Ext.P1 FIS and Ext.P1(a) to P1(d) body notes of

CW1 to CW4. On the basis of Ext.P1, he registered Ext.P2 FIR. Ext.P3 scene mahazar and Ext.P4 address report.

8. Since CW1 to CW6 could not be examined, examination of other witnesses will not in any way improve the prosecution case. Thus, the prosecution failed to produce cogent and convincing evidence to prove the guilt of the accused beyond reasonable doubt.

9. **Point No.2** :-

In light of the findings in point No. 1, I am of the view that the prosecution has failed to prove that the accused No.3 committed the offences alleged against him.

In the result, the accused No.3 is found not guilty for the offence punishable U/S.394 of IPC & 27 of Arms Act and he is acquitted of the said offence u/s. **248(1)** Cr.P.C. His bail bond stands cancelled and he is set at liberty.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this, the 16th day of March, 2026.

Judicial First Class Magistrate-II,
Attingal.

APPENDIX

List of Prosecution/Defence/Court Witnesses

Prosecution Witnesses:-

Sl. No.	Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, Other witness
1	PW1	Vasudevan Nir	Other witness
2	PW2	Sajimon B S	Police witness
3	PW3	Mohandas	Police witness
4	PW4	Binu Kumar	Police witness

B. Defence Witnesses: Nil

C. Court Witnesses: Nil

List of Prosecution/Defence/Court Exhibits

A. Prosecution Exhibits:

Sl. No.	Exhibits	Description	Date
1	P1/PW2	FIS	29/01/2011
2	P1(a)to P1(d)/PW2	Body notes of CW1 to CW4	29/01/2011
3	P2/PW2	FIR	29/01/2011
4	P3/PW2	Scene Mahazar	29/01/2011
5	P4/PW2	Address Report	11/03/2011
6	P5/PW2	Address Report	11/03/2011

B. Defence Exhibits: Nil

C. Court Exhibits: Nil

Material Object marked : Nil

Judicial First Class Magistrate-II,
Attingal.