

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

Present:- Smt. Sabah Usman.

Judicial I Class Magistrate-II.

Dated this the 10th day of June 2026

Calendar Case No.1094/2019

Complainant	:	State of Kerala, Represented by the Sub Inspector of police, Mangalapuram in crime No. 989/2019 (By Asst.Public Prosecutor, Attingal)
Accused	:	1. Riyas, S/o. Nazimudeen, Charuvila Puthen Veedu, Near Mangalapuram Panchayat Office, Veiloor Village. (Absconding) 2. Anas, S/o. Ashraf, Thoppil Veedu, Near Mangalapuram PHC, Veiloor Village. (Absconding) 3. Sibin Lal, S/o.Selvaraj, Puthuval Puthen Veedu, Thettichira, Vavara Ambalam, Andoorkonam Village.(Custody) By Adv. Santhilekshmi for A3
Charge	:	u/s. 294(b), 341, 323, 324, 427 r/w.34 of Indian Penal Code 1860.
Plea	:	A3 not guilty
Finding Sisupalan	:	A3 not guilty
Sentence/Order	:	Accused No.3 is acquitted u/s.248(1) of Criminal Procedure Code 1973. Case against accused Nos. 1 and 2 is refiled as CC /2019.

Date of						
Offence	Complaint	Apprehen- sion	Release on bail	Commence ment of trial	Close of trial	Sentence/ order
07/10/19	15/10/19	25/04/26 (3)	Custody	12/05/26	08/06/26	10/06/26

DESCRIPTION OF ACCUSED				
Name	Father's name	Calling	Residence	Age
1. Riyas	Nazimudeen	...	Veiloor Village	27/19
2. Anas	Ashraf	...	Veiloor Village	26/19
3. Sibin Lal	Selvaraj	...	Andoorkonam Village	29/19

This case having been finally heard on 08/06/26 and the court on 10/06/2026 delivered the following:

JUDGMENT

This is a case in which final report has been filed by Sub Inspector of Police, Mangalapuram Police Station in Crime No.989/2019 against the accused alleging commission of offence punishable U/S. 294(b), 341, 323, 324, 427 r/w.34 of Indian Penal Code 1860.

2. The prosecution case in brief is as follows:- The accused due to their prior enmity towards the informant with the intention and preparation to voluntarily cause hurt on CW1 on 07/10/2019 at 8 pm near Veiloor village wrongfully restrained the auto rickshaw driven by CW1 and beaten him on his face and head causing hurt. The accused caused damage to the gold chain worth Rs.3500/- of CW1 and thereby committed the offences alleged.

3. On production of accused No.3 before court, 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. 294(b), 341, 323, 324, 427 r/w.34 of IPC were read over and explained to him who is facing trial, to

which he pleaded not guilty and claims to be tried. Accused No.1 and 2 absconded.

4. Prosecution cited CW1 to CW6. PW1 was examined and Ext.P1 marked. CW2 to CW6 were given up by the learned APP. Since there are no incriminating circumstances brought out against the accused No.3 from the prosecution evidence, examination of accused 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 to voluntarily cause hurt on him on 07/10/2019 at 8 pm near Veiloor village wrongfully restrained the auto rickshaw driven by CW1 and beaten him on his face and head and caused damage to the gold chain worth Rs.3500/- of CW1 and thereby committed the offences punishable u/s. 294(b), 341, 323, 324, 427 r/w.34 of IPC ?

2) Sentence or Order ?

7. Point No. 1:- PW1, the informant failed to identify the accused No.3 in the dock. He deposed that he gave Ext.P1 FIS before the police.

8. Since the informant examined turned hostile to the prosecution case, 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 has committed the offences

alleged against accused No.3.

In the result, the accused No.3 is found not guilty for the offences punishable U/S. 294(b), 341, 323, 324, 427 r/w.34 of IPC and he is acquitted of the said offences u/s. 248(1) Cr.P.C. He is set at liberty forthwith if his detention is not necessary in any other case.

Case against accused Nos. 1 and 2 is refiled as **CC /2019.**

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this, the 10th day of June 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	Bijukumar	Informant

B. Defence Witnesses: Nil

C. Court Witnesses: Nil

List of Prosecution/Defence/Court Exhibits

A. Prosecution Exhibits:

Sl. No.	Exhibits	Description	Date
1	P1/PW1	FIS	08/10/2019

B. Defence Exhibits: Nil

C. Court Exhibits: Nil

Material Object marked : Nil

Judicial First Class Magistrate-II, Attingal.