

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

**Present:- Smt. Sabah Usman.**

**Judicial I Class Magistrate-II.**

**Dated this the 10<sup>th</sup> day of June 2026**

**Calendar Case No.1094/2019**

|                   |   |                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Complainant       | : | State of Kerala,<br>Represented by the Sub Inspector of police,<br>Mangalapuram in crime No. <b>989/2019</b><br>(By Asst.Public Prosecutor, Attingal)                                                                                                                                                                                                                                     |
| Accused           | : | 1. Riyas, S/o. Nazimudeen, Charuvila Puthen<br>Veedu, Near Mangalapuram Panchayat Office,<br>Veiloor Village. (Absconding)<br><br>2. Anas, S/o. Ashraf, Thoppil Veedu, Near<br>Mangalapuram PHC, Veiloor Village. (Absconding)<br><br>3. Sibin Lal, S/o.Selvaraj, Puthuval Puthen Veedu,<br>Thettichira, Vavara Ambalam, Andoorkonam<br>Village.(Custody)<br>By Adv. Santhilekshmi for A3 |
| Charge            | : | u/s. 294(b), 341, 323, 324, 427 r/w.34 of Indian<br>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<br>Procedure Code 1973. Case against accused Nos. 1<br>and 2 is refiled as <b>CC 1449/2019.</b>                                                                                                                                                                                                                                          |

| Date of  |           |                   |                    |                              |                   |                    |
|----------|-----------|-------------------|--------------------|------------------------------|-------------------|--------------------|
| Offence  | Complaint | Apprehen-<br>sion | Release<br>on bail | Commence<br>ment of<br>trial | Close of<br>trial | Sentence/<br>order |
| 07/10/19 | 15/10/19  | 25/04/26<br>(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 1449/2019**.

*Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this, the 10<sup>th</sup> 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.