

**IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE II,
SULTHAN BATHERY.**

Present:- Smt. Gale Joy Chettupuzha,
Judicial First Class Magistrate II
Sulthan Bathery.

Saturday, 30th day of May, 2026
9th day of Jyaishtha, 1948

Case No. CC 261/2024

Complainant : State represented by the Sub Inspector of Police, Pulpally Police station, in Crime No . 19/2024
(By Sri. Aneesh Joseph-APP)

Accused : Haris Babu, S/o. Ibrahim, Aged 42/24, Vadakkeyil House, Pozhuthana Post, Mailampathi, Vengapallay
(By Adv. Shyju Manisseril)

Offence : U/s 341 and 326 of the Indian Penal Code, 1860.

Plea : Not guilty

Finding : Not guilty

Sentence or order : Accused is found not guilty of the offence punishable under Section 341 and 326 of the Indian Penal Code, 1860, and is acquitted under Section 248(1) of the Cr.P.C.

Statement under Rule 132 of Criminal Rules of Practice

Serial Number : CC 261/2024
Complainant : S.I of Police, Pulpally

Description of the accused

SL No.	Name of accused	Age	Father's Name	Calling	Residence	Taluk
1	Haris Babu	42/24	Ibrahim	-	Pozhuthana	Bathery

Date 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
05.01.2024	12.04.2024	07.01.2024	25.01.2024	15.11.2024	22.05.2025	30.05.2026	No delay

This case coming on for the day's proceedings, the court passed the following:-

JUDGMENT

This case has been instituted on the basis of the final report filed by the Sub-Inspector of Police, Pulpally Police Station, in Crime No. 19/2024. The accused stands trial for the offences punishable under Sections 341 and 326 of the Indian Penal Code, 1860.

2. The prosecution allegation, in brief, is as follows:- On 05.01.2024 at 08.00 p.m., at Pulpally, due to previous enmity, the accused wrongfully restrained the first informant and voluntarily caused grievous hurt to him by beating him on the head with an iron table stand, thereby causing a fracture on his scalp. Thus, the accused is alleged to have committed the aforesaid offences. Based on the information furnished by CW1, Rithul Sonkar, the FIR was registered. Investigation was conducted and the final report was filed by the Sub-Inspector of Police, Pulpally Police Station.

3. On issuance of process, the accused appeared before this Court. Copies of all relevant prosecution records, as contemplated under Section 207 of the Cr.P.C., were furnished to him. He had already been enlarged on bail. Charge for the offences punishable under Sections 341 and 326 of the Indian Penal Code, 1860 was framed, read over, and explained to him, to which he pleaded not guilty and claimed to be tried.

4. From the side of the prosecution, PW1 was examined and Ext. P1 was marked. Since there were no incriminating materials against the accused, the examination under Section 313(1)(b) of the Cr.P.C. was dispensed with. No evidence was adduced from the side of the defence.

5. Both sides were heard.

6. The following points arise for consideration:-

(i) Whether the accused, on 05.01.2024 at 08.00 p.m., at Pulpally, wrongfully restrained PW1 and thereby committed the offence punishable under Section 341 of the Indian Penal Code, 1860?

(ii) Whether the accused, at the same time and place, voluntarily caused grievous hurt to PW1 by beating him on the head with an iron table stand, thereby causing a fracture on his scalp, and thereby committed the offence punishable under Section 326 of the Indian Penal Code, 1860?

(iii) In the event of finding the accused guilty, what shall be the punishment to be awarded?

7. **Point Nos. (i) and (ii):-** Both points are considered together. The evidence in this case consists of the oral testimony of PW1 and Ext. P1 document. PW1 deposed that he is the de facto complainant in this case. He deposed that no one had assaulted, restrained, or caused any hurt to him in the alleged incident pertaining to this case. However, he admitted his signature in the FIS. He further deposed that the matter has now been settled between the parties and that he has no grievance against the accused.

8. It is pertinent to note that the injured witness, namely PW1, did not support the prosecution case. Thus, there is absolutely no material before this Court to conclude that the prosecution succeeded in proving the guilt of the accused beyond reasonable doubt. Subsequently, the examination of the remaining witnesses was given up by the learned Assistant Public Prosecutor. From the available evidence, it is found that there is no evidence on record connecting the accused with the offence alleged against him. Hence, Point No. (I) and (ii) are answered in the negative.

9. **Point No. (iii):-** In view of the finding on Point No. (I) and (ii), this Court is of the opinion that the prosecution has failed to prove beyond

reasonable doubt that the accused committed the offence alleged against him. . Hence, he is found not guilty of the offence punishable under Section 341 and 326 of the Indian Penal Code, 1860, and is acquitted under Section 248(1) of the Cr.P.C. His bail bond stands cancelled and he is set at liberty. The property, namely the Iron stand produced before the Court, shall be confiscated to the Government, after the expiry of the appeal period, and if an appeal is preferred, after the disposal of the appeal.

(Pronounced by me in open court this the 30th day of May, 2026)

Judicial First Class Magistrate- II

APPENDIX

Specimen chart for witness examined

<u>Prosecution witness No</u>	<u>Name of witness</u>	<u>Description</u>
1	Rithul Sonkar	First informant

Specimen chart for Exhibited documents

<u>Exhibits No</u>	<u>Description of the Exhibit</u>	<u>Proved by/attested by</u>
1	First information statement	PW1

Material Objects marked on the side of Prosecution : Nil

Witness examined on the side of Defence: Nil

Exhibits marked on the Side of defence:- Nil

Judicial First Class Magistrate-II