

IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE.I, MANANTHAVADY

Present : -Sri. Anand Parathara,Judicial First Class Magistrate.I, Mananthavady

Wednesday, this the 29th day of April, 2026

09th day of Vaisakha, 1948 (S.E)

Calendar Case No.227/2018

Complainant	State represented by the Sub Inspector of Police, Vellamunda in Crime No.148/2018 (By Smt.Sukanya.P, APP Gr. II)
Accused	1.Parasanth, S/o Kuriakose, aged 33/18, Vathelil House, Karakkamala, Porunnannoor. 2.Dennis, S/o Antony, aged 31/18, Paarayil House, Karakkamala, Porunnannoor. 3.Babu John, S/o John, aged 51/18, Kunnumpurath House, Karakkamala, Porunnannoor. 4.Lijo Thomas, S/o Thomas, aged 32/18, Mangalammadathil House, Vimala Nagar, Mananthavady. 5.Akhil, S/o Jose, S/o Jose, aged 24/18, Valavanad, Karakkamala, Porunnannoor. (Rep. By. Adv.Shebin George)
Offence	U/S.341, 323 and 324 r/w 34 of the IPC and under section 15(c) r/w 63 of Abkari Act.
Plea	Not guilty
Finding	Not guilty
Sentence or order	Accused Nos.1 to 3 and 5 are found not guilty of the offence punishable under sections 341, 323 and 324 r/w 34 of the IPC. They are acquitted under section 248(1) of the Code of Criminal Procedure and set at liberty. Bail bonds executed by them hereby discharged. Case against accused Nos.4 split up and refiled as CC.424/2018.

DESCRIPTION OF ACCUSED:-

Sl.No.	Name	Father's name	Residence	Occupation	Age
1.	Parasanth	Kuriakose	Karakkamala	-	33/18
2.	Dennis	Antony	Karakkamala	-	31/18
3.	Babu John	John	Karakkamala	-	51/18
4.	Lijo Thomas	Thomas	Vimala Nagar	-	32/18
5.	Akhil	Jose	Karakkamala	-	24/18

Date of

Offence	Report or complaint	Apprehension of accused	Released on bail	Commencement of trial	Close of trial	Sentence or order	Explanation of delay and remarks
07.05.2018	07.07.2018	13.05.2018	13.05.2018	06.06.2019	27.04.2026	29.04.2026	-

This case having been heard finally and stood over to this day's proceedings, the court passed the following:-

J U D G M E N T

This case arises from a report filed by the Sub Inspector of Police, Vellamunda Police Station, in Crime No.148/2018, alleging offences punishable under Sections 341, 323 and 324 r/w 34 of the of the Indian Penal Code.

2. The prosecution allegation is that at 3.30 pm on 07/05/2018, at Porunnannoor, Karakkamala, in furtherance of their common intention and with regard to a dispute in connection with parking his car, the accused attacked CW1 (Mr. Shinoj). The first and the second accused slapped on the face of CW1 (Mr. Shinoj). The accused number 3 to 5 beat and kicked CW1 (Mr. Shinoj). Further, the second accused pushed CW1 (Mr. Shinoj) who received injuries on his jaw. Thus the accused are alleged to have committed the offences punishable under s. 341, 323, 324 r/w s. 34 of the Indian Penal Code (hereinafter referred to as the IPC).

3. On appearance of the accused, copies of relevant prosecution records were furnished to them under section 207 of Cr.P.C. Thereafter, charge under sections 341, 323 and 324 r/w 34 of the IPC framed and read over and explained to the accused, to which, they pleaded not guilty and claimed to be tried.

4. On the side of the prosecution, PWs 1 to 10 were examined and Exts.P1 to P10 were marked. No evidence was adduced on behalf of the defence. After the closure of prosecution evidence, the accused were examined under Section 313(1)(b) Cr.P.C., wherein they denied all the incriminating circumstances. They were thereafter called upon to enter on their defence, but no evidence was adduced. Accused No.4

absconded during 313(1)(b) examination. Hence case against accused No.4 is to be split up.

5. Heard both sides.

6. From the above facts and evidence, the following points are raised for consideration:-

1. Whether at 3.30 pm on 07/05/2018, at Porunnannoor, Karakkamala, in furtherance of their common intention and with regard to a dispute in connection with parking his car, the accused wrongfully restrained PW1 and thereby committed the offence punishable under s. 341 r/w s. 34 IPC?
2. Whether at 3.30 pm on 07/05/2018, at Porunnannoor, Karakkamala, in furtherance of their common intention and with regard to a dispute in connection with parking his car, the accused voluntarily inflicted hurt to PW1 and thereby committed the offence punishable under s. 323 r/w s. 34 IPC?
3. Whether at 3.30 pm on 07/05/2018, at Porunnannoor, Karakkamala, in furtherance of their common intention and with regard to a dispute in connection with parking his car, the accused voluntarily inflicted hurt to PW1 using dangerous weapon and thereby committed the offence punishable under s. 324 r/w s. 34 IPC?

4. If so, what shall be the punishment to be imposed?

7. Point Nos.1 to 3 :- These points are closely related. Hence for the sake of brevity, they are considered together. The prosecution case in brief is that at 3.30 pm on 07/05/2018, at Porunnannoor, Karakkamala, in furtherance of their common intention and with regard to a dispute in connection with parking his car, the accused attacked PW1. The first and the second accused slapped on the face of PW1. The accused number 3 to 5 beat and kicked PW1. Further, the second accused pushed PW1 who received injuries on his jaw.

8. PW1 is the victim. He deposed that the incident took place on 07/05/2018 at 3.30 pm. The accused told him that they had something to say to PW1. They took PW1 in their car. The first and the second accused were in the car. Later the other accused joined them. The accused attacked PW1. They also kicked PW1. PW1 received injuries on his hand and jaw. PW1 deposed that he was treated at Valad Hospital by Dr.Sunderlal. Pw1 identified the accused namely Prasanth, Dennis and Akhil. PW1 failed to identify the 4th accused. The First Information Statement was marked as Ext.P1. During the cross examination PW1 admitted that the third accused did not attack him. He also admitted that the fourth accused is not involved in the incident. PW1 admitted that he did not go to the hospital at Mananthavady.

9. PW2 did not support the prosecution case . It is discernible from the evidence of PW3 that he has only hearsay knowledge regarding the incident. PW4 deposed that there was an incident on the aforesaid date. He also saw PW1 with blood on his face. PW4 did not identify the accused.

10. PW5 and PW8 are the witnesses to the scene mahazar . they deposed that they witnessed the scene mahazar (Ext.P2) in this case being prepared. They also identified their signature therein.

11. PW6 is the medical officer who treated PW1 on 08/05/2018 at 5 pm. He deposed that he found some healing abrasions and sutured wounds on PW1. He opined that the injuries could be as alleged. The wound certificate issued by PW6 was marked as Ext.P3. During the cross examination PW6 ascertained that he treated PW1 at 5 pm on that day and that usually the examination takes half an hour. It further depends upon the crowd at the hospital. PW6 added that the injuries noted on PW1 could have happened before 24 hours. PW6 further added that a wound certificate from the doctor who treated PW1 earlier would have been accurate with regard to this case.

12. PW7 is the investigating officer in this case. He deposed that he recorded the injuries he saw on PW1 and the same is marked as Ext.P1(a). The First Information Report registered by him is marked as Ext. P4. PW7 admitted that no weapon was seized in this case. PW7 admitted that the requisition for medical examination of PW1 was given after the registration of Ext.P4 (First Information Report).

13. PW9 also investigated the case. He arrested the accused and prepared the arrest and inspection memos of the accused which were marked as Ext.P5 to Ext.P8. The bail bonds of the accused are marked as Ext.P9 series. PW9 identified the accused.

14. PW10 also investigated the case while he was working as the Assistant Sub Inspector at Vellamunda Police Station. He also submitted the address adding report which was marked as Ext.P10. during the cross examination he deposed that the place of

incident is not the premises of the church. It is also admitted that Dr. Sunderlal who treated PW1 at the first instance with regard to the injuries pertaining to the case, is not arrayed as a witness or examined. He admitted that there has been no investigation in that regard. It is also admitted that there has been no investigation with regard to the weapon involved in the incident. PW1 was treated as per the requisition from the police station, half an hour before the time mentioned in the First Information Statement. PW10 admitted that if the requisition is before the recording of the First Information Statement, there ought to have been a First Information Statement before 5 pm on that day.

15. The learned Assistant Public Prosecutor argued that in this case, PW1 is the victim. He deposed supporting the prosecution case. PW1 to PW10 were examined. Ext.P1 to 10 were marked. There are no material contradictions proved as per law. Hence the prosecution has proved the case beyond reasonable doubts.

16. The learned counsel for the accused argued that PW3 is the wound certificate. But the date and time stated in it by itself topples the prosecution case. The time mentioned in the wound certificate is '5pm'. But the time of the First Information Statement is 5.49pm. The requisition from the SHO is before the recording of the alleged First Information Statement. There is clear suppression of fact from the part of the prosecution. The prosecution case itself is doubtful. The alleged place of incident mentioned in the wound certificate is totally different from that of the prosecution case. Further, the learned counsel pointed out that in the wound certificate it is stated that the injuries were sutured. The injuries were old. The medical officer who would have treated PW1 at the first instance with regard to the said injuries is not examined. PW1 deposed that he did not go to the hospital at Mananthavady. PW1 deposed that he went

to the hospital at Valad. There is no explanation why he did not go to the nearest hospital. But the wound certificate is from the hospital at Mananthavady. The injuries projected in the prosecution case as caused in the alleged incident is in fact from some other transaction. PW6 is the medical officer who treated PW1. He deposed that the injuries appeared to be sutured and old. The injuries do not pertain to the alleged incident. Hence the prosecution case is doubtful. Further, the time of the examination and the time taken to arrive there does not tally with the prosecution allegation. From the part of PW1, there is no proper identification of the accused. There is no evidence that the 3rd accused attacked PW1. PW2 to 4 did not support the prosecution case. Further, PW2 deposed that PW1 was making problems at the relevant time after consuming alcohol. This further puts the prosecution case in the shadow of doubt. Though the prosecution alleges the offence punishable under s. 324 IPC against the accused, there is no evidence that any weapon was used in the alleged incident. There is no seizure of any weapon. There is no explanation in this regard from the prosecution. Hence that offence is not proved. PW10 is the investigating officer who deposed that Dr. Sunderlal is not examined. There are no weapons involved. He also admitted that the time of receiving the information (mentioned in Ext.P4) is later than the time mentioned in the wound certificate(Ext.P3). Further, the prosecution case states that the alleged incident was due to some enmity. But there is no evidence adduced to prove any enmity between the accused and PW1.

17. The learned Assistant Public Prosecutor has strongly relied upon the testimony of PW1, the injured witness, and argued that his evidence is entitled to great weight and credibility. It is argued that PW1 has consistently supported the prosecution

version and that his testimony is corroborated by the evidence of other prosecution witnesses as well as Exts.P1 to P10. Emphasis is placed on the settled legal position that the testimony of an injured witness carries a presumption of truth, unless compelling reasons exist to disbelieve it. The prosecution further contends that no material contradictions, as required under law, have been brought out in cross-examination, and therefore the evidence on record is sufficient to establish the guilt of the accused beyond reasonable doubt.

18. However, the defence has raised substantial and serious doubts regarding the reliability of the prosecution case, particularly by pointing out inconsistencies in the medical and documentary evidence. A crucial circumstance highlighted is the discrepancy in the timing recorded in the wound certificate (Ext.P3) and the First Information Statement. While the wound certificate shows that PW1 was examined at 5:00 p.m., the First Information Statement is recorded only at 5:49 p.m. This inconsistency, coupled with the suggestion that the requisition from the Station House Officer preceded the recording of the First Information Statement, casts doubt on the genesis of the prosecution case and raises the possibility of embellishment or subsequent fabrication. Such discrepancies are not trivial in nature, as they directly affect the credibility of the prosecution's version regarding the sequence of events.

19. Further, the medical evidence itself does not appear to fully support the prosecution case. The defence has pointed out that the injuries noted in the wound certificate were sutured and appeared to be old, a fact also spoken to by PW6, the medical officer. This aspect assumes significance in light of the allegation that the injuries were sustained in the course of the incident in question. The non-examination of

the doctor who initially treated PW1 further weakens the evidentiary value of the medical records. Additionally, there is inconsistency regarding the place of treatment, as PW1 deposed that he went to a different hospital, whereas the wound certificate is issued from another institution. The discrepancy in the place of occurrence as reflected in the wound certificate vis-à-vis the prosecution case further deepens the doubt as to whether the injuries are connected with the alleged incident at all.

20. The deficiencies in the ocular evidence and investigation also lend support to the defence version. Material witnesses, namely PW2 to PW4, have not supported the prosecution case, and the testimony of PW2 even suggests that PW1 was under the influence of alcohol and was creating disturbances at the relevant time. The identification of the accused, particularly the overt act attributed to the third accused, is not clearly established. Moreover, despite the allegation of an offence under Section 324 of the Indian Penal Code, no weapon has been recovered or produced before the court, nor is there any satisfactory explanation for this omission. The investigating officer has also admitted to certain inconsistencies regarding the timing of receipt of information and the absence of crucial witnesses, including the doctor who initially treated PW1. The alleged motive of enmity also remains unsubstantiated by independent evidence.

21. In the totality of the circumstances, while the testimony of PW1 as an injured witness cannot be lightly disregarded, the cumulative effect of the discrepancies in the prosecution case assumes considerable significance. The inconsistencies relating to the timing of the First Information Statement and the medical examination, the doubtful nature and origin of the injuries, the lack of corroboration from independent witnesses, and the absence of material evidence such as the weapon create reasonable

doubt regarding the prosecution version. These are not minor contradictions but go to the root of the case and affect its overall credibility. In criminal jurisprudence, the benefit of such doubt must necessarily go to the accused. Accordingly, it cannot be said that the prosecution has succeeded in proving the guilt of the accused beyond reasonable doubt, and the accused are therefore entitled to be acquitted. Accordingly, these points are found against the prosecution.

22. **Point No.4:-** In view of the findings in Points Nos.1 to 3, this Point doesn't arise for consideration.

In the result, accused Nos.1 to 3 and 5 are found not guilty of the offence punishable under sections 341, 323 and 324 r/w 34 of the IPC. They are acquitted under section 248(1) of the Code of Criminal Procedure and set at liberty. Bail bonds executed by them hereby discharged. Case against accused No.4 split up and refiled as CC.424/2018.

(Dictated to the Confidential Assistant, transcribed and typed by him corrected and pronounced by me in the open Court on this the 29th day of April, 2026)

**JUDICIAL FIRST CLASS MAGISTRATE. I
MANANTHAVADY**

APPENDIX

A. WITNESSES EXAMINED FOR PROSECUTION:-

Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, Other witness
PW1	Shinoj.K.J	Eye witness
PW2	Jini	Eye witness
PW3	Prathapan	Other witness
PW4	Vipin Scariya	Other witness

PW5	Francis	Other witness
PW6	Dr.Faisal	Medical witness
PW7	Joseph.M.D	Police witness
PW8	Ananthakrishnan	Other witness
PW9	Jithesh.P	Police witness
PW10	Surendran	Police witness

B. Defence Witness : Nil

C. Court Witness : Nil

List of Prosecution/Defence/Court Exhibits:-

A. Prosecution Exhibits:

1	Exhibit P1/PW1	FIS
2	Exhibit P1(a)/PW7	Physical condition report
3	Exhibit P2/PW5	Scene mahazar
4	Exhibit P3/PW6	Wound certificate
5	Exhibit P4/PW7	FIR
6	Exhibit P5/PW9	Arrest memo of accused No.4
7	Exhibit P6/PW9	Arrest memo of accused No.2
8	Exhibit P7/PW9	Arrest memo of accused No.3
9	Exhibit P8/PW9	Arrest memo of accused No.1
10	Exhibit P9 series/PW9	Bail bonds (5 in Nos.)
11	Exhibit P10/PW9	Address adding report

B. Defence Exhibits: Nil

C. Court Exhibits: Nil

D. Material Objects:Nil

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