

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

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

Saturday, this the 04th day of April, 2026
14th day of Chaithra, 1948 (SE)

Calendar Case No.1252/2020

Complainant	State represented by the Sub Inspector of Police, Thondarnadu in Crime No.332/2020 (By Sri.Firos.E.S, APP Gr. II)
Accused	1.Joseph Mathew @ Saji, S/o Mathai, aged 42/20, Palakkalodi House, Arinchemmala Post, Anjukunnu Amsom. 2.Haider Ali @ Sali, S/o Moyin, aged 48/20, Chembrassery House, Arinchemmala Post, Kaniyambetta Amsom. 3.Majeed, S/o Abdurehman Haji, aged 45/20, Valappil House, Arinchemmala Post, Kaniyambetta Amsom. 4.Ahammed Kabeer, S/o Soopy, aged 34/20, Puthoor House, Arinchemmala Post, Kaniyambetta Amsom. (Rep. By. Adv.K.Rajesh)
Offence	U/Ss.451, 341, 323, 506 and 294(b) r/w 34 of the Indian Penal Code.
Plea	Not guilty
Finding	Not guilty
Sentence or order	Accused are acquitted under section 248(1) of the Code of Criminal Procedure for the offence punishable under sections 451, 341, 323, 506 and 294(b) r/w 34 of the Indian Penal Code and they are set at liberty.

DESCRIPTION OF ACCUSED:-

Sl.No.	Name	Father's name	Residence	Occupation	Age
1	Joseph Mathew @ Saji	Mathai	Arinchemmala	-	42/20
2	Haider Ali @ Sali	Moyin	Arinchemmala	-	48/20
3	Majeed	Abdurehman Haji	Arinchemmala	-	45/20
4	Ahammed Kabeer	Soopy	Arinchemmala	-	34/20

Date of

Offence	Report or complaint	Apprehensi on of accused	Released on bail	Commence ment of trial	Close of trial	Sentence or order	Explanati on of delay and remarks
03.07.2020	09.10.2020	24.01.2023	24.01.2023	24.01.2023	01.04.2026	04.04.2026	-

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 was instituted on a report filed by the Sub Inspector of Police of Thondarnadu Police Station in Cr. No.332/2020, alleging the offence punishable under sections 451, 341, 323, 506 and 294(b) r/w 34 of the Indian Penal Code.

2. The prosecution allegation is as follows:- That on 03.07.2020 at 17.30 hours Neelome in Thondarnadu Amsom, the accused in furtherance of their common intention on account of previous enmity, trespassed into the house bearing door No.V/109, the first accused abused the victim, Mr.Varghese and CW2, Smt.Mriyamma in obscene words, the second accused wrongfully restrained the victim, Mr.Varghese, criminally intimidated to do away with him and hit him on his face with his hands. Thus the accused are alleged to have committed the offence punishable under sections 451, 341, 323, 506 and 294(b) r/w 34 of the Indian Penal Code.

3. On appearance of the accused, they were released on bail and copies of relevant prosecution records were furnished to them under section 207 of Cr.P.C. Thereafter, charge framed for the offence punishable under sections 451, 341, 323, 506 and 294(b) r/w 34 of the Indian Penal Code read over and explained to them to which they pleaded not guilty and claimed to be tried.

4. On the side of the prosecution, PWs 1 and 2 were examined and Ext.P1 marked. Since there are no incriminating circumstances against the accused, their examination under section 313 (1)(b) of Cr.P.C has been dispensed with. No defence evidence was adduced on the side of the accused.

5. Heard.

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

1. Whether the accused in furtherance of their common intention trespassed into the house bearing door No.V/109 as alleged?
2. Whether the first accused in furtherance of common intention of all the accused abused PWs 1 and 2 in obscene words as alleged?
3. Whether the second accused in furtherance of common intention of all the accused wrongfully restrained PW1 as alleged?
4. Whether the second accused in furtherance of common intention of all the accused criminally intimidated to do away with PW1 as alleged?
5. Whether the second accused in furtherance of common intention of all the accused voluntarily caused hurt on PW1 by hitting with his hand on his face as alleged?
6. If any of the offence is proved, what is the order as to sentence?

7. Point Nos.1 to 5:- For the sake of brevity and since they are closely related, these points are considered together. The prosecution allegation against the accused is that on 03.07.2020 at 17.30 hours at Neelome in Thondernadu Amsom, they in furtherance of their common intention on account of previous enmity, trespassed into

the house bearing door No.V/109, the first accused abused PWs 1 and 2 in obscene words, the second accused wrongfully restrained PW1, criminally intimidated to do away with him and hit him on his face with his hands.

8. In this case, PW1 was examined as the victim. PW1 deposed that he did not know the date of the incident. PW1 further deposed that he had not given a statement to the police to the effect that on 03.07.2020 the accused hit him on his face and criminally intimidated to do away with him. PW1 identified his signature in the First Information Statement and as such, it was marked as Ext.P1.

9. In this case, PW2 was examined as the injured. PW2 deposed that she did not know the incident. PW2 further deposed that she had not given a statement to the police to the effect that the accused on 03.07.2020 hit PW1 on his face and criminally intimidated to do away with them.

10. Since the material witnesses cited by the prosecution to prove the incident and identity of the accused turned hostile to the prosecution case, the learned Assistant Public Prosecutor gave up the remaining witnesses.

11. The prosecution witnesses did not support the prosecution case. The victim, PW1 and the injured, PW2 gave totally destructive evidence. Hence there is no material connecting the accused to the offences alleged. Hence Point Nos.1 to 5 are found against the prosecution.

12. **Point No.6:-** In view of the finding on point Nos.1 to 5, this point doesn't arise for consideration.

In the result, the accused are found not guilty of the offence punishable under sections 451, 341, 323, 506 and 294(b) r/w 34 of the Indian Penal code. They are

acquitted under section 248(1) of the Code of Criminal Procedure and set at liberty. Bail bonds executed by them hereby discharged.

(Dictated to the Confidential Assistant, transcribed and typed by him corrected and pronounced by me in the open Court on this the 04th 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	Varghese	Eye witness
PW2	Mariyamma	Eye witness

B. Defence Witness : Nil

C. Court Witness : Nil

List of Prosecution/Defence/Court Exhibits:

A. Prosecution Exhibits:

1	Exhibit P1/PW1	First Information Statement
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B. Defence Exhibits: Nil

C. Court Exhibits: Nil

D. Material Objects: Nil

**JUDICIAL FIRST CLASS MAGISTRATE. I
MANANTHAVADY**