

IN THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS, NEDUMKANDAM

Present: Sri. Karun Rajan, Judicial Magistrate of the First Class, Nedumkandam

Friday, the 04th day of April, 2025 / 14th day of Chaithra, 1947

C.C 705/2022

Complainant : State represented by the Sub Inspector of Police,
Santhanpara Police Station, in Cr. No.583/2022
(By APP, Nedumkandam)

Accused : A1. Subayya, aged 47/22 S/o Nadaraj, CGP IV/229, Lower
division estate layam, HML Estate, Sooryanelli,
Chinnakkanal village.

A2. S Murukan, aged 44/22 S/o Nadaraj, Lower division
estate layam, HML Estate, Sooryanelli, Chinnakkanal
village.

A3. Muriraj, aged 49/22 S/o Nadaraj, Lower division estate
layam, HML Estate, Sooryanelli, Chinnakkanal village.

A4. Muniyandi @ Antonyraj, aged 20/22 S/o , Gundumala
Division Estate Layam, HML Estate, Sooryanelli,
Chinnakkanal village.
(By Adv: Cherian P Mathews)

Offences : Punishable under Sections 294(b), 323, 324 r/w 34 of
the I.P.C.

Finding : Not guilty.

Sentence or order : The accused are found not guilty of the offences
punishable under sections 294(b), 323, 324 r/w 34 of
the I.P.C. They are acquitted under section 248(1) of the
Cr.P.C.

Description of accused

SI NO	Name	Father's name/ Husband's name	Calling	Residence	Age
(1)	(2)	(3)	(4)	(5)	(6)
1	Subayya	Nadaraj	Coolie	Sooryanelli	47/22
2	S Murukan	Nadaraj	Coolie	Sooryanelli	44/22
3	Muriraj	Nadaraj	Coolie	Sooryanelli	49/22
4	Muniyandi @ Antonyraj	Gundumala	Driver	Sooryanelli	20/22

Date of

Occurrence	Complaint	Apprehension/ Appearance	Release on bail	Commitment	Commencement of trial	Commencement of evidence	Close of trial	Sentence or order	Service of copy of judgment or finding on accused	Period of detention for the purpose of S. 428 Cr.P. C.	Explanation of delay
18/07/2022	13/07/2022	05/05/2023	05/05/2023	-	21/08/2023	27/02/2025	04/04/2025	04/04/2025	-	-	No delay

This case having been finally heard on this day, the Court delivered the following:-

J U D G M E N T

The accused stand charge-sheeted by the Sub Inspector of Police, Santhanpara Police Station, in Cr. No.583/2022 for the alleged commission of offences punishable under Sections 294(b), 323, 324 r/w 34 of the I.P.C.

2. Prosecution case, in brief, is as follows: - 12/07/2022 at 02:00 P.M at Sooryanelli, Chinnakkanal Village, first accused verbally abused to PW1 and hit on his head, back with a firewood. The second accused punched PW2's shoulder. The third and fourth accused punched PW1's both hand and back. Therefore, the accused are charged with committing offences punishable under Sections 294(b), 323, and 324, read with Section 34 of the Indian Penal Code.

3. On the appearance of accused persons, they were served with copies of all the relevant prosecution records. After hearing, charge was framed against the accused under Sections 294(b), 323, 324 r/w 34 of the I.P.C and read and explained to them. They pleaded not guilty to the charges and claimed to be tried.

4. To prove the case, the prosecution examined PW1 to PW4 and marked Exhibit P1. There were no incriminating circumstances against the accused persons. Hence, their examinations under section 313 (1)(b) Cr.P.C. were dispensed with. No evidence was adduced from the defence side.

5. I heard both sides and perused the records.

6. The following points arise for consideration: -

1. Whether, in furtherance of their common intention, accused No.1 uttered obscene words to the annoyance of PW1 in a public place and thereby committed an offence punishable under Section 294(b) of the IPC, and whether A2 to A4 thereby committed an offence punishable under Section 294(b) read with Section 34 of the IPC, as alleged?

2. Whether, in furtherance of their common intention, accused voluntarily caused hurt to PW1 and thereby committed an offence punishable under Section 323 of the IPC, as alleged?
3. Whether, in furtherance of their common intention, accused No. 1 voluntarily caused hurt to PW1 with firewood and thereby committed an offence punishable under Section 324 of the IPC, and whether A2 to A4 thereby committed an offence punishable under Section 324 read with Section 34 of the IPC, as alleged?
4. Sentence or order?

7. Points no.1 to 3: - PW1 to PW4 are the injured person in this case. PW1 gave Exhibit P1 F.I.S. to the police. PW1 deposed that an incident occurred, causing injuries to him. However, he stated that he does not know who committed the act and further clarified that the accused persons did not cause any harm to him. PW1 and PW3, who were presented as eyewitnesses, denied the alleged incident and turned hostile to the prosecution. In these circumstances, the learned APP decided to forgo the examination of the remaining witnesses. Consequently, there is no evidence to establish that the accused persons committed the offences alleged against them. Hence, points 1 to 3 are found against the prosecution.

8. Point No. 4: - In the light of my finding on the above points, the accused are found not guilty of the offences alleged against them. Hence, the accused are acquitted under section 248(1) of the Cr.P.C. for the offences punishable under

Sections 294(b), 323, 324 read with Section 34 of the Indian Penal Code. Their bail bonds stand cancelled and they are set at liberty forthwith. No property was produced in this case.

Dictated to the Confidential Assistant, transcribed and typed by him, corrected by me and pronounced in open Court on this day, the 04th day of April, 2025.

Sd/-

Judicial Magistrate of the First Class, Nedumkandam

APPENDIX

A – Prosecution witnesses.

Rank	Name	Whether eye-witness, police witness, expert witness, medical witness, other witness
PW1	M Raja	Eye witness, dated 27/02/2025
PW2	Chinnavar	Eye witness, dated 25/03/2025
PW3	Velmani	Eye witness, dated 25/03/2025
PW4	Arunkumar	Eye witness, dated 25/03/2025

B- Defence witness

Rank	Name	Whether eye-witness, police witness, expert witness, medical witness, other witness
		Nil

C- Court Witness

Rank	Name	Whether eye-witness, police witness, expert witness, medical witness, other witness
		Nil

List of Prosecution/Defence/Court Exhibits

A – Prosecution Exhibits

Sl.	Ext. No.	Description
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No.		
1.	Ext.P1/PW1	FIS, dated 10/01/2020

B- Defence Exhibits

Sl. No.	Ext. No.	Description
		Nil

C- Court Exhibits

Sl. No.	Ext. No.	Description
		Nil

D- Material Objects

Sl. No.	Material Objects	Description
		Nil

Sd/-

Judicial Magistrate of the First Class, Nedumkandam**Judgment in CC 705/2022****Dated : 04/04/2025**