

**IN THE COURT OF JUDICIAL MAGISTRATE OF THE FIRST CLASS- I
NORTH PARAVUR**

Present: Praleen R.

Judicial Magistrate of the First Class I

Thursday, the 9th day of November, 2023/18th Karthikam, 1945

CC. No.245/2015

(Vadakkekara Police station Crime No.886/2014)

Complainant : State represented by the Sub Inspector of Police,
Vadakkekara Police Station.

(By Lenin P. Sukumaran, APP, N. Paravur)

Accused nos.1 and 2 :1. Liginsh, aged 23/14, S/o Nadesan, Achancheril (H),
Kunjithai kara, Vadakkekara village.

2. Sageesh @ Kannan, aged 36/14, S/o Chandran,
Achancheril (H), Kunjithai kara, Vadakkekara
village.

(By Adv.Dhijy Shylan)

Offences : U/Ss. 447, 323, 324 r/w 34 IPC

Plea : Not Guilty

Finding : Not Guilty

Order : Accused nos.1 and 2 are acquitted, U/S. 248 (1)
Cr.P.C, of the offences punishable U/Ss. 447, 323,
324 r/w 34 IPC.

DESCRIPTION OF ACCUSED

Name of accused	Father's Name	Age	Village	Taluk
Liginsh	Nadesan	23/14	Vadakkekara	Paravur
Sageesh Kannan	@ Chandran	36/14	Vadakkekara	Paravur

DATES OF

Occurrence	Complaint	Apprehen- sion	Release on bail	Commence ment of trial	Close trial	of Sentence or Order
08.07.2014	10.07.2014	13.07.2014	13.07.2014 (station bail) 16.02.2021	04.04.2022	09.11.2023	09.11.2023

			(court bail)			
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This case coming on for today's proceedings, the court delivered the following:-

J U D G M E N T

Accused nos. 1 and 2 stand trial for the offences punishable U/Ss. 447, 323, 324 r/w 34 IPC.

2. Prosecution case in brief is as follows:- Due to previous enmity towards PW1, the accused nos.1 and 2 on 08.07.2014, at 8.00 p.m, trespassed into the courtyard of the house of PW2 and accused no.1 hit on the below portion of the left eye of PW1 with a granite stone and accused no.2 assaulted PW1 and caused injury to the left eye portion of PW1. The aforementioned offences were done in furtherance of their common intention. Thus, the accused nos.1 and 2 alleged to have committed the offences punishable u/ss. 447, 323, 324 r/w 34 IPC.

3. On appearance of accused nos.1 and 2, relevant prosecution records were furnished. After hearing charge for the offences punishable U/Ss. 447, 323, 324 r/w 34 IPC framed, read over, translated and explained, to which they pleaded not guilty.

4. In order to prove its case prosecution examined PW1 to PW3 and marked Ext.P1. Learned Assistant Public Prosecutor gave up CW4 to CW6. So evidence for the prosecution closed.

5. As there was no incriminating circumstances appearing in the prosecution evidence, questioning U/S. 313 (1) (b) Cr.P.C dispensed with.

6. No defence evidence adduced.

7. Heard both sides.

8. Following points arise for consideration:-

1. Whether accused nos.1 and 2 trespassed into the courtyard of the house of PW2 ?
2. Whether accused nos.1 and 2 voluntarily caused hurt to PW1 ?
3. Whether accused no. 1 voluntarily caused hurt to PW1 with a granite stone which is a dangerous weapon ?
4. Whether accused nos.1 and 2 did the aforementioned offences in furtherance of their common intention ?
5. What shall be the sentence or order to be passed ?

9. Point Nos. 1 to 4 :- For avoiding repetition of facts as well as gravity of discussion these points are considered together. The specific case of the prosecution is that due to previous enmity towards PW1, the accused nos.1 and 2 on 08.07.2014, at 8.00 p.m, trespassed into the courtyard of the house of PW2 and accused no.1 hit on the below portion of the left eye of PW1 with a granite stone and accused no.2 assaulted PW1 and caused injury to the left eye portion of PW1.

10. Ext.P1 marked through PW1. PW1 deposed that he had suffered injury on the incident took place on 08.07.2014. PW1 categorically deposed that he did not know the assailants. PW2 and PW3 are the occurrence witnesses cited by the prosecution. PW2 and PW3 categorically deposed that they had not seen the incident. Learned Assistant Public Prosecutor gave up CW4 to CW6. Since material witnesses did not support prosecution case, he is justified in doing so. As the available evidence is not sufficient to establish the guilt of accused, I have no other option than answer all these points against the prosecution. Thus, points 1 to 4 found against the prosecution.

11. Point No. 5:- In view of finding on point Nos. 1 to 4, I hold that accused nos.1 and 2 are not guilty of the offences punishable U/Ss. 447, 323, 324 r/w 34 IPC and they are entitled to be acquitted of the said offences.

In the result, accused nos.1 and 2 found not guilty of offences punishable U/Ss. 447, 323, 324 r/w 34 IPC and accordingly they are acquitted of the said offences U/S. 248 (1) Cr.P.C. Their bail bonds stand cancelled and they are set at liberty.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me, in open court, on this the 9th day of November, 2023.

sd/-
Praleen R.
Judicial Magistrate of the First Class– I
North Paravur

APPENDIX

Witnesses for Prosecution:

PW1 : Sajeev examined on 10.01.2023
PW2 : Wilson examined on 05.06.2023
PW3 : Sheeba examined on 05.06.2023

Exhibits for Prosecution:

P1 : FIS dated 10.07.2014 marked through PW1 on 10.01.2023

Witness and exhibits for Defence: Nil

Material objects marked: Nil

sd/-
Praleen R.
Judicial Magistrate of the First Class– I
North Paravur