

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, RAMANKARY
Present:-Sri. Arun Kumar P, Judicial First Class Magistrate
Dated, this the 29th September, 2025.

C.C.No. 398/2022

Complainant : State-represented by the Sub Inspector of Police, Ramankary Police Station in crime no. 400/2022
(By A P P- Ramankary)

Accused : 1. Renjith
2. Saravanan
3. Pankajakshan @ Ponnas (No more)
(By Adv. D Salimkumar)

Offence : U/ss. 341, 294 (b), 323, 324, 325, 506(ii) r/w 34 of Indian Penal Code.

Plea : Not guilty

Finding : Not guilty.

Sentence or order : A1 and A2 are acquitted u/s 248(1) Cr.PC and are set at liberty. A3 is no more and case against him is abated.

DESCRIPTION OF THE ACCUSED:-

Sl. No	Accused	Father's name/Husband name	Occupation	Residence	Age
1	Renjith	Ramachandran		Colony number 94, Ramankary PW7, Mambuzhakkary Muri, Ramankary Village	28
2	Saravanan	Thankamaniyan		Saravana bhavan, Ramankary PW3, Ramankary Muri, Ramankary Village	31
3	Pankajakshan @ Ponnas	Ragavan		Kunnathum Parambu Veedu, Ramankary PW 7, Colony number 102, Mambuzhakkary Muri, Ramankary Village	52

DATE OF:-

Offence	Complaint	Appearance	Release on bail.	Commence-ment of trial	Close of trial	Sentence or Order.
22.08.2022	26.08.2022	31.01.2023	31.01.2023	A3. 23.06.2023 A2. 01.07.2023 A1 16.12.2023.	26.09.2025	29.09.2025

This case coming on this day for consideration, the court on the same day delivered the following:

J U D G M E N T

This is a case charged by Sub Inspector of police, Ramankary in crime no. 400/2022 against the accused alleging commission of offences punishable under sections 341, 294 (b), 323, 324, 325, 506(ii) r/w 34 of Indian Penal Code.

2. *The prosecution case in brief as follows:-* The accused persons in furtherance of their common intention had on 23.08.2022 at 10:30 p.m. at Ramankary village, the first accused had assaulted the informant - Jameesh by using a wooden plank over his right knee and injured him and the second accused had assaulted the informant by hitting on his forehead by using a wooden plank and forcefully hit at the head of the informant against the handrail of the bridge and broken his tooth and threatened using a knife and the third accused had wrongfully restrained the informant. Hence the accused persons are alleged to have committed the offences punishable under sections 341, 294 (b), 323, 324, 325, 506(ii) r/w 34 of Indian Penal Code.

3. On submission of charge sheet by the investigating officer, cognizance was taken for the offence punishable u/s. 341, 294 (b), 323, 324, 325, 506(ii) r/w 34 of Indian Penal Code, 1860 against the accused persons and the case was taken on file as CC.398/2022. On issuance of summons the accused persons entered appearance and they were represented by a counsel. Copies of relevant records of prosecution case were furnished to them and thereby mandate u/s. 207 of Cr.PC was duly complied with. Accused were heard on charge. Charge framed for the offences punishable u/s. 341, 294 (b), 323, 324, 325, 506(ii) r/w 34 of Indian Penal Code, 1860 and it was read over to the accused to which they pleaded not guilty and claimed to be tried.

4. From the side of prosecution, nine witnesses were examined as PW1 to PW9 and eight document were marked as Ext.P1 to P8 and Ext. MO1 and MO1(a) were also marked . Since the remaining witnesses will not improve the prosecution case, they were rightly given up by the learned Assistant Public Prosecutor.

5. After the closure of prosecution evidence the accused was examined u/s.313(1)(b) Cr.Pc. for all incriminating circumstances appeared against him to which he denied and further submitted that he was falsely implicated in the case. No defence evidence.

6. Heard the learned Assistant Public Prosecutor and the learned counsel for the accused.

7. **The points that arise for determination are:-**

1. *Whether the accused had wrongfully restrained PW2- Jameesh and thereby committed offence punishable u/s.341 r/w 34 of Indian Penal Code, 1860?*
2. *Whether the accused persons in furtherance of their common intention, voluntarily caused hurt to PW2- Jameesh and thereby committed offence punishable u/s 323 r/w 34 IPC?*
3. *Whether the accused persons in furtherance of their common intention, voluntarily caused hurt to PW2- Jameesh and thereby committed offence punishable u/s 324 r/w 34 IPC?*
4. *Whether the accused had voluntarily caused grievous hurt to PW2- Jameesh and thereby committed offence punishable u/s 325 r/w 34 of IPC?*
5. *Whether the first accused had uttered obscene words against PW2- Jameesh to his annoyance at a public place and thereby committed offence punishable u/s 294(b) r/w 34 of Indian Penal Code?*
6. *Whether the accused persons criminally intimidated PW2- Jameesh and thereby committed offence punishable u/s 506(ii) r/w 34 IPC ?*
7. *What is the order as to sentence, if any, to be passed against the accused?*

8. **Point No.1 to 6 :-** Inorder to avoid repetition, all these points are considered together. The learned counsel for the accused had argued that the prosecution had failed to prove the case by cogent and reliable evidence and the

independent witnesses also turned hostile. Hence the accused persons are to be acquitted for the offences alleged against them.

9. Per contra the learned APP submitted that the prosecution had by oral evidence of PW1 to PW9 and material objects proved the case. Hence accused persons are to be convicted for the offences alleged against them.

10. PW2- Jamesh deposed in examination in chief that the incident happened one year before at 10:00 p.m. He deposed that he was coming from Changanassery to Mancombu and the accused persons had beaten him with a stick. He deposed that Saravanan and Renjith had assaulted him and along with them Ponnas was also present. He deposed that Renjith had beaten him with a stone and when he fell down he was kicked over his back by Sarath. He deposed that he had lost his tooth and undergone treatment at government hospital Changanassery and regarding the incident he had given Ext. P1 First Information Statement to the police. He had identified the accused persons.

11. During cross examination he deposed that, he had given Ext P1. FIS after two to three days of the alleged incident as he went to the hospital on the next day. He further deposed that PW3- Sonichan Thomas was residing in his neighborhood. Then an omission was put to him that he had not given statement to the police that he lost his tooth to which, he deposed that had stated the same to the police.

12. During cross examination he deposed that he had stated to doctor that he was assaulted with a stick. He then admitted that wooden plank was produced before the court. Hence from his evidence it is seen that he was assaulted by the accused persons with stick but investigating officer had seized a wooden plank which was not identified by him and he had not given any description of the accused persons to the police and had not identified the accused persons and also there was omission with regard to his the statement that he lost his tooth, all these cast doubt in his version. Let's examine the evidence of the other witnesses.

13. PW1- Sreekuttan is the ocular witness turned hostile to the prosecution by deposing that he had not witnessed any alleged incident nor given any statement to the police.

14. PW3- Sonichan Thomas also turned hostile to the prosecution by deposing that he had not witnessed any incident nor given any statement to the police.

15. PW4- Shanil is an another ocular witness also turned hostile to the prosecution. He deposed that he had not witnessed any alleged incident nor given any statement to the police.

16. PW5- Shinu also turned hostile to the prosecution by deposing that he had not witnessed the preparation of scene mahazer. His evidence is also not helpful to the prosecution.

17. PW6- Saneesh S also turned hostile to the prosecution by deposing that he had not witnessed the preparation of scene mahazer. His evidence is also not helpful to the prosecution.

18. PW7-Sanjeev Kumar, deposed in examination in chief that on 26.08.2022 while he was working as SI of police Pulincunnu police station, he had recorded Ext. P1 First Information Statement of PW2- Jameesh and he had noted Ext. P1 (a) body note and noted the injuries on his right hand and knee and had registered Ext. P2 First Information Report and there after investigation was conducted by PW9- Bennichan NJ. Hence, from his evidence it is see that even though injuries were noted by him but loss of tooth was not mentioned by him. Hence it does not corroborated the version of PW2- Jameesh.

19. PW8- Dr. Amala deposed in examination in chief that on 24.08.2022 while she was working as CMO at General Hospital Changanassery, she had examined PW2- Jameesh with alleged history of assault by four known persons with iron rode and he was dragged by getting hold over his hair and also assaulted him. She deposed that he had complained of pain over right knee and on examination she had noted that his teeth was broken and pain and swelling over his forehead. The opinion regarding the injury could be as alleged. She had issued Ext. P3 wound certificate.

20. During cross examination he deposed that, pain could be pretended. She further deposed that by falling on a rough surface such injuries could be sustained. Hence from her evidence it is seen that she had noted the loss of teeth and pain and the swelling over left forehead. According to PW 2- Jameesh he had deposed that he was injured with a stick. But according to PW7- Sanjeev Kumar it was stated to him by PW2 that he was assaulted with an iron rod by four known persons which was inconsistent with the version of PW2. Regarding the injuries he deposed that he sustained injuries on the right hand and was also assaulted with stone and his back was also injured. In the body note prepared by PW7, there was injuries on his knee so all these are inconsistent version of PW2- Jameesh. Hence medical evidence was not helpful to the prosecution.

21. PW9 – Bennichan NJ deposed in examination in chief that on 26.08.2022 while he was working as SI of police Pulincunnu police station he had conducted the investigation of the case and went to the place of occurrence and prepared Ext. P4 scene mahazer and he verified the address of the accused persons and submitted Ext. P6 address report of the accused. The accused persons were arrested and released on bail. Thereafter seized Ext. MO1 and Ext. MO1(a) wooden planks and submitted charge sheet before the court. Thereafter conducted the investigation and submitted charge sheet before the court.

22. During cross-examination he admitted that on 22.08.2022 no incident was happened. He also admitted that there was delay of four days in lodging First Information Statement. He also admitted that in wound certificate it was stated that PW2 was assaulted with a stick but in his investigation it is revealed that no such stick was used in the alleged assaulted. He further admitted that PW2 was involved in several other criminal cases. Hence from his evidence it is seen that there was delay of four days was not properly explained and also regarding the date and time of alleged offences, PW2 had not clearly deposed before the court the exact date of incident and PW9 had deposed that no incident happened on 22.08.2022 all these are fatal to the prosecution.

23. Hence prosecution miserably failed to establish the essential ingredients of offences punishable under section 341, 294 (b), 323, 324, 325, 506(ii) r/w 34 of Indian Penal Code, 1860 by cogent and reliable evidence. The offences alleged against accused persons cannot be attributed towards them and they are entitled to get benefits of reasonable doubt. Hence, these points are found against the prosecution.

24. **Point No.7:-**From point no.1 to 6, it is found that the accused persons had not committed the offences alleged against them and hence they are not found guilty of offence punishable u/s. 341, 294 (b), 323, 324, 325, 506(ii) r/w 34 of Indian Penal Code, 1860 alleged against them. Hence, A1 and A2 are acquitted

for the aforesaid offence u/s.248(1) of Cr.PC. The bail bond of accused persons stand cancelled and they are set at liberty. A3 is no more and case against him is abated.

25. Property produced in this case are wooden planks.

Dictated to the Confidential Assistant transcribed by her, corrected and pronounced by me in open court on this the 29th day of September , 2025. s/d

Judicial first Class Magistrate

APPENDIX

WITNESSES FOR PROSECUTION:-

PW1. Sreekuttan
PW2. Jameesh
PW3. Sonichan Thomas
PW4. Shanil
PW5. Shinu
PW6. Saneesh
PW7. Sanjeev Kumar, SI of Police
PW8. Dr. Amala K Joseph
PW9. Bennichan NJ, SI of police.

EXHIBITS FOR PROSECUTION:-

P1. First Information Statement dated 26.08.2022 proved through PW2 on 03.02.2025.
P1(a).Body note dated 26.08.2022 proved through PW7 on 28.05.2025.
P2. First Information Report dated 26.08.2022 proved through PW7 on 25.08.2025.
P3. Wound certificate dated 24.08.2022 proved through PW8 on 16.09.2025.
P4. Scene mahazer dated 26.08.2022 proved through PW9 on 16.09.2025.
P5. Report dated 29.08.2022 proved through PW9 on 16.09.2025.
P6. Address report dated 29.08.2022 proved through PW9 on 16.09.2025.
P7. Bail bond (3 in numbers) dated 29.08.2022 proved through PW9 on 16.09.2025.
P8. Property list dated 26.08.2025 proved through PW9 on 16.09.2025.

WITNESSES FOR DEFENCE:-Nil

EXHIBITS FOR DEFENCE:- Nil

MATERIAL OBJECT:- TR 241/2022

MO1- Wooden plank
MO1(a).Wooden plank

s/d

Judicial First Class Magistrate