

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE - I
NEDUMANGAD**

Present: Smt. Ruby Ismail,

Judl. I Class Magistrate-I, Nedumangad

Dated: Wednesday, 18th February, 2026/29th Magha, 1947

CALENDAR CASE No. 113/2013

Complainant		State represented by the Sub Inspector of Police, Aryanad Police Station, in Crime No. 754/2012 Rep. by Sri. Manmohan.A, APP Sr.Gr
Accused	1. 2. 3.	Kiran @ Pushkaran, aged 21/12, S/o Mohanan Mekumkara Veedu, Vandaykkal, Uzhamalaykkal (absconding) Syamprakash, aged 22/12, S/o Sasi, Koonthani Varuvilakathu Veedu, Vandaykkal, Uzhamalaykkal. Sunil, aged 21/12, S/o Surendran, Thadathari kathu Veedu, Vandaykkal, Uzhamalaykkal. Rep by Adv. M.A.Kasim
Offences		Under sections 447, 323, 506(part II) & 354 read with section 34 of the Indian Penal Code
Plea		Not guilty
Finding		Not guilty
Sentence or Order		The accused persons 2 & 3 are acquitted under section 248(1) of Criminal Procedure Code. The first accused went absconding. Case against him was split up and refiled as CC 110/2026.

DESCRIPTION OF THE ACCUSED

Rank & Name	Father's Name	Residence	Age	Taluk
1.Kiran	Mohanan	Vandaykkal	21	Nedumangad
2.Syamprakash	Sasi	Vandaykkal	22	Nedumangad
3.Sunil	Surendran	Vandaykkal	21	Nedumangad

DATE OF

Occurrence	Complaint	Apprehension or appearance	Period of detention	Release on bail	Commitment	Commencement of trial
05.08.12	04.02.13	04.09.13	04.09.13	04.09.13	-	08.05.17
Commencement of evidence	Close of trial		Sentence or Order	Service of copy of judgment or finding on accused	Explanation for delay	
06.02.26	13.02.26		18.02.26	18.02.26	No delay	

This case having been finally heard on 13.02.2026 and posted for judgment to 18.02.2026 and the court on the same day delivered the following: -

J U D G M E N T

This case against accused persons 1 to 3 are charge sheeted by the Sub Inspector of Police, Aryanad Police Station, in Crime No. 754/2012, for the offences punishable under sections 447, 323, 506 (part II) & 354 read with section 34 of the Indian Penal Code, 1860.

2. Prosecution case, in brief, is as follows:

Due to prior enmity, on 05.08.2012 at about 9.00 a.m., accused Nos. 1 to 3, in furtherance of their common intention, criminally trespassed into the courtyard of CW1's house at Vandaykkal Junction, in Uzhamalaykkal Village. On hearing the noise, Sudhakaran came out, and when the accused attempted to catch hold of him, CW1 intervened. At that time, the first accused kicked CW1 on her abdomen and, using the weapon carried by them, threatened her with death, thereby causing pain, mental distress, and humiliation. Thus, the accused persons are alleged to have committed the aforesaid offences.

3. On the strength of FIS given by CW1, the case was registered as Crime No. 754/2012 of Aryanad Police Station. After completion of the investigation, the Report under Section 173(2) of the Cr.P.C. was laid against accused alleging commission of offences punishable under the above listed provisions of law. This court took cognizance of the case as CC No. 113/2013 for offences punishable under sections 447, 323, 506(part II) & 354 read with section 34 of the Indian Penal Code.

4. On issuance of summons, accused persons 1 to 3 appeared before the court and they were enlarged on bail. They were defended by a counsel of their choice. Copies of all relevant prosecution records were furnished to them in compliance of section 207 of the Criminal Procedure Code. Subsequent to that, the first accused went absconding. Case against him was split up and refiled. After considering the police report and documents submitted along with that report and after hearing both sides, on being

satisfied that there were grounds to proceed against the accused, charge was framed, read over and explained to the 2nd and 3rd accused for offences punishable under sections 447, 323, 506 (part II) & 354 read with section 34 of the Indian Penal Code to which they pleaded not guilty and claimed to be tried.

5. In order to prove the prosecution case, CW2 & CW3 were examined as PW1 & PW2. When examined, they turned hostile to the prosecution's case. CW1, who was the injured witness was reported to be laid up. Hence prosecution failed to procure the presence of CW1. In the above circumstances, the Ld APP fairly gave up the examination of the remaining witnesses. Hence, the prosecution evidence is closed.

6. In the absence of any incriminating circumstances appearing in evidence against accused persons 2 & 3, their examination under section 313(1)(b) of the Criminal Procedure Code was dispensed with.

7. Heard both sides and perused the records.

8. The points that arise for consideration are:

- (i) Whether accused Nos. 2 and 3, in furtherance of their common intention with the other accused, criminally trespassed into the property of CW1 at the alleged date, time, and place, thereby committing an offence punishable under Section 447 read with Section 34 of the Indian Penal Code?
- (ii) Whether accused Nos. 2 and 3, in furtherance of their common intention with the other accused, voluntarily caused hurt to CW1 at the alleged date, time, and place, thereby committing an offence punishable under Section 323 read with Section 34 of the Indian Penal Code?
- (iii) Whether accused Nos. 2 and 3, in furtherance of their common intention with the other accused, threatened to kill CW1 with a weapon at the alleged date, time, and place, thereby committing an offence punishable under Section 506 (Part II) read with Section 34 of the Indian Penal Code?
- (iv) Whether accused Nos. 2 and 3, in furtherance of their common intention with the other accused, used criminal force with intent to outrage the modesty of CW1 at the alleged date, time, and place, thereby committing an offence punishable under Section 354 of the Indian Penal Code?
- (v) If the accused persons are found guilty and convicted, what order as to sentence is to be passed?

9. **Point Nos. (i) to (iv)** : For avoiding repetition and for brevity, these points are considered together. As already noted, CW1, the injured in this case, was reported to be bedridden and hence could not be examined before the Court. The prosecution examined PW1 as an occurrence witness. PW1 deposed that he had witnessed the incident which took place in front of the house of CW1, Krishnamma, in the evening. According to him, one Pushkaran @ Kiran and his friend had abused CW1. He further stated that when CW1 warned the accused persons against creating nuisance in front of her house, the accused attacked her and caused injuries. PW1 also stated that he would be able to identify the accused persons if seen. However, as the accused were absent and their identity was disputed, the further examination of PW1 was adjourned on the request of the counsel for the accused. Subsequently, when PW1 was further examined, he stated that he did not see the accused assaulting CW1 or being present at the scene. He further deposed that, due to the crowd at the place of occurrence, he does not remember having seen the accused persons there. Hence the learned Assistant Public Prosecutor sought permission u/S.154 of Evidence Act and proviso to section 162 Cr.P.C to put questions to PW1 that are permitted during cross examination and the same was granted. However, nothing could be brought out in evidence to incriminate the accused. He also denied the suggestion put forward by the APP to the effect that he is lying before the court so as to save the accused

10. PW2 was also an occurrence witness examined by the prosecution. However, during examination, he turned hostile to the prosecution case and deposed that he had not given any statement to the police. He further stated that he was not aware of the alleged incident.

11. Since PW1 & PW2, being the material witnesses, failed to support the prosecution story, the learned Assistant Public Prosecutor gave up examination of all the remaining witnesses.

12. As I have stated above, the material witnesses examined by the prosecution had given destructive version before the court and he did not support the prosecution case. No other evidences have been adduced by the prosecution to prove that the accused Nos. 2 and 3 had committed the offences charged against them. Considering the above discussion, I am satisfied that the prosecution has failed to prove the offences charged and alleged against the accused persons beyond reasonable doubt. If so,

accused Nos. 2 and 3 are entitled for an acquittal. Thus, these points are found against the prosecution.

13. **Point No. (v):-** As I have already found that the prosecution has failed to prove the involvement of the accused Nos. 2 and 3 in the alleged offences, there is no question of passing any sentence against them.

In the result, the accused Nos. 2 and 3 are found not guilty of the offences punishable under sections 447, 323, 506 (part II) & 354 read with section 34 of the Indian Penal Code and they are acquitted under section 248(1) of the Cr.P.C. Their bail bonds stand cancelled and they are set at liberty forthwith. The first accused went absconding. Hence, case against him is split up and refiled as CC 110/2026.

Dictated to the Confidential Assistant transcribed and typed by her, corrected and pronounced by me in open Court this the 18th February, 2026.

Sd/-
Judicial First Class Magistrate-I,
Nedumangad

A P P E N D I X

Witnesses for prosecution:-

PW1 – Dakshin Lal (Occurrence witness – CW2)

PW2 – Kiran (Occurrence witness – CW3)

Exhibits for prosecution:-

Nil

Material Object

Nil

Witnesses for defence:-

Nil

Exhibits for defence:-

Nil

//True Copy//

Judicial First Class Magistrate-I,
Nedumangad