

**IN THE COURT OF THE ASSISTANT SESSIONS JUDGE,
NEYYATTINKARA.**

Present : Smt. Parvathi. S.R, Assistant Sessions Judge.

Friday the 08th day of August, 2025

17th day of Sravana, 1947

S.C No. 2349/2022

(C.P No. 92/2022 of the Judicial First Class Magistrate Court-Kattakada
Crime No. 571/2022 of Vilappilsala Police Station)

Complainant :

State represented by the Sub Inspector of Police,
Vilappilsala Police Station

By Adv. Sri. C.D. Justin Jose (Addl. Public Prosecutor)

Accused :

Vijin, S/o. Vijayan, Vijitha Bhavan, Alamcode,
Kavinpuram, Puliয়ারakonam, Vilappil village

By Adv. P. Satheesh Kumar

Charge	:	Offences punishable U/s. 294(b), 341, 506 (Para-2) 324 and 308 of Indian Penal code.
Plea	:	Not guilty
Finding	:	Not guilty
Sentence or Order	:	Acquitted
Date on which trial commenced	:	12-01-2023
Date on which trial closed	:	04-08-2025
No. of days the case stood posted for trial.	:	20 days

This Sessions case coming on for hearing on 04-08-2025 and the court on 08-08-2025 delivered the following:-

JUDGMENT

The accused stands charged by the Circle Inspector, in Crime No.571/2022

of Vilappilsala Police Station, on the allegation that he committed the offences punishable U/ss.294(b), 341, 506 part II, 324 and 308 of IPC.

2. Prosecution case is that, due to prior enmity with the informant, the accused at 05.00 pm on 14.06.2022 showered abusive words at the informant while he was sitting in the hall room at his house and wielded a knife at him. The informant was afraid of the said act and he ran from the spot. The accused followed the informant and wrongfully restrained him. The accused showering abusive words, stabbed at the chest of the informant and it was blocked by him with his right hand. The informant sustained injury on his right hand and right side of the chest. The accused again stabbed the informant and he sustained injury on his left hand and stomach. When CW2 tried to intervene, he also sustained injury. Thus, the accused is alleged to have committed the aforesaid offences.

3. After completing investigation, the Investigating Officer filed final report. The learned Magistrate of the Judicial First Class Magistrate Court, Kattakada took cognizance of the case and had taken the case on file as C.P No.92/2022. The above accused was furnished with copies of relevant prosecution records under S.207 of the Code of Criminal Procedure (for short Cr.P.C). After complying with all the statutory formalities, the learned Magistrate committed the case against the above accused to the Hon'ble Court of Sessions, Thiruvananthapuram U/s.209(a) Cr.P.C. On receipt of case records, the Hon'ble Court of Sessions, Thiruvananthapuram registered the case in the present number and made over to this court for disposal.

4. Accused was defended by a counsel appointed by him. Learned Additional Public Prosecutor opened the case by describing the charge brought against the accused and by what evidence he proposed to prove the guilt of the above accused. After perusing the prosecution records and hearing both sides, it was found that there is no sufficient ground to discharge the above accused at this stage. Hence charge was framed for the offences U/ss.294(b), 341, 506 part II, 324 and 308 of

IPC. The charge was read over and explained to the above accused, to which he pleaded not guilty and claimed to be tried by this court.

5. PW1 to PW6 are examined and Exts.P1 to P10 are marked from the side of the prosecution.

6. After closing the prosecution evidence, accused was examined U/s.313(1) (b) of Cr.P.C. He denied all the incriminating circumstances brought against the accused.

7. Thereafter on hearing both sides U/s.232 of Cr.P.C, since it was found that there is no ground to acquit the above accused at that stage, he was called upon to enter his defence and to adduce defence evidence, if any. No defence evidence was adduced on the side of the defence.

8. Heard both sides.

9. *The points that arise for determination are:*

- (1) Whether the accused caused annoyance to the public by uttering obscene words upon PW1 at public place and thereby committed by the offence punishable U/s.294(b) of IPC as alleged by the prosecution?
- (2) Whether the accused wrongfully restrained PW1 with the intention of causing hurt to him and thereby committed the offence punishable U/s.341 of IPC as alleged by the prosecution?
- (3) Whether the accused voluntarily caused hurt to PW1 by causing injury to PW1 by stabbing on his right hand and right side of his chest, left hand and stomach and thereby committed by the offence punishable U/s.324 of IPC as alleged by the prosecution?
- (4) Whether the accused threatened PW1 with danger to his life and thereby committed by the offence punishable U/s.506(II) of IPC as alleged by the prosecution?
- (5) Whether the accused attempt to commit culpable homicide not amounting to murder by attempting to stab him on his chest with knife with the intention of causing such bodily injury as is likely to cause his death and thereby committed by the offence punishable U/s.308 of IPC as alleged by the prosecution?

(6) What is the order as to sentence?

10. **Points 1 to 5:** The first witness is examined as PW1. He has deposed that he got injured in the incident happened on 14.06.2022 at around 05.00 p.m. at his house at Alamcode. He has admitted his signature in Ext.P1 FIS. But he has deposed that he does not know the person who had caused hurt to him and the accused did not cause any hurt to him. The accused is his son and he has deposed that he has no complaint against the accused.

11. The 2nd witness, who is the wife of PW1 has deposed that she did not witness such an incident. PW3 another occurrence witness has deposed that she did not witness such an incident. PW4 another occurrence witness also has deposed that he did not witness such an incident. PW5 also deposed that he did not witness such an incident.

12. The SHO of Vilappilsala police station is examined as PW6. He has deposed that CW11 has recorded the FIS of PW1 and it is marked as Ext.P1. Ext.P1(a) is the body note prepared by CW11 while taking the statement of PW1. Ext.P2 is the FIR registered by PW6 based on Ext.P1 FIS. Ext.P3 is the scene mahazar prepared by CW11. The weapon allegedly used by the accused to cause hurt to PW1 has been recovered as per Ext.P3 mahazar and it has been produced before the court as per Ext.P4 property list. Ext.P5 is the arrest memo prepared while the accused was arrested.

13. Ext.P6 is the report filed by which section was added to the charge. Ext.P7 is the report containing the name and address of the accused. The wound certificate of PW1 is marked as Ext.P8. The ownership certificate of the building is marked as Ext.P9. Ext.P10 is the scene plan prepared by Village Officer with respect to the place of occurrence. It is CW11 who had completed the investigation and filed final report before the court.

14. PW1 the injured has deposed that the accused did not cause any hurt to him. PW2 to PW5 who are the occurrence witnesses have deposed that they did not

witness such an incident. Thus PW1 to PW5 turned hostile to the prosecution. Even though, the learned PP was granted permission to put questions in cross U/s.154 of Indian Evidence Act, nothing has come out in evidence to discredit their version. Thus, the prosecution has failed to prove the guilt of the accused alleged U/ss.294(b), 341, 506 part II, 324 and 308 of IPC. These points are found against the prosecution.

14. **Point No.6:-** *In the result*, the accused is found not guilty of the offences punishable U/ss.294(b), 341, 506 part II, 324 and 308 of IPC and he is acquitted U/s.235 Cr.P.C and set at liberty. The bail bond executed by him stands cancelled.

(Dictated to the C.A, typed by her, corrected and pronounced by me, in open court, on this the 08th day of August, 2025).

Sd/-
Parvathi. S.R.,
Assistant Sessions Judge.

A P P E N D I X

Exhibits marked for the Prosecution :-

P1	16-06-2022	FIS
P1(a)	16-06-2022	Body note
P2	16-06-2022	FIR
P3	16-06-2022	Mahazar
P4	16-06-2022	Property list
P5	16-06-2022	Arrest memo
P6	16-06-2022	Report
P7	16-06-2022	Address report
P8	14-06-2022	Wound certificate
P9	24-06-2022	Ownership certificate
P10	19-07-2022	Scene Plan

Exhibit marked for the defence :NIL

Witnesses for the Prosecution :-

PW1	14-06-2023	Vijayan
PW2	14-06-2023	Jayanthi
PW3	11-09-2024	Thamarakshi
PW4	11-09-2024	Leela
PW5	11-09-2024	Sulochana
PW6	17-03-2025	Sureshkumar. N

Witness for the defence:- **NIL**

Material Objects:- **NIL**

Id/-
ASSISTANT SESSIONS JUDGE

// True copy //

ASSISTANT SESSIONS JUDGE

Typed by: VP
Comp. by. SL

**CALENDER STATEMENT IN SESSIONS CASE No. 2349/2022
OF THE ASSISTANT SESSIONS COURT, NEYYATTINKARA**

Serial No. : Sessions Case No. 2349/2022
C.P.No. 92/2022 of the Judicial First
Class Magistrate Court-Kattakada
Crime No. and Name of : Crime No. 571/2022 of
Police Station. Vilappilsala Police station

Description of the Accused

Name : Vijin
Father's Name : Vijayan
Residence : Vijitha Bhavan, Alamcode, Kavipuram,
Puliyarakonam, Vilappil village.
Occupation : --
Age : 24
Date of Occurrence : 14-06-2022
Date of Complaint : 29-07-2022
Date of Apprehension : 16-06-2022
Date of Release on Bail : 23-05-2023
Date of Commitment : 03-10-2022
Date of Commencement : 12-01-2023
of Trial
Date of Trial closed : 04-08-2025
Date of Sentence or Order : 08-08-2025
Name and Designation of : Chithralekha. N.S
the Committing Magistrate : Judicial First Class Magistrate-Kattakada
Explanation for the delay : -

ASSISTANT SESSIONS JUDGE.

: 8 :

COPY OF JUDGMENT IN
S.C No. 2349/2022
Dated : 08.08.2025