

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE,
PAYYANNUR**

Present: Kum. Lakshmipriya. T. K.,
Judicial First Class Magistrate.

Saturday, the 17th day of May, 2025/27th day of Vaisakha, 1947

CALENDER CASE No.1114/2023

Complainant : The SHO, Payyannur Police Station,
Crime No.749/2023

(By APP Grade - I, Payyannur)

Accused : 1. Muraleedharan. K., S/o Kunhambu,
Aged 52/23, Kuthirummal House,
Karayil, Vellur amsom, Payyannur.

2. Jayasree T. K., W/o Muraleedharan,
Aged 42/23, Kuthirummal House,
Karayil, Vellur amsom, Payyannur.

3. Akhila Muraleedharan. T. K.,
D/o Muraleedharan, Aged 20/23,
Kuthirummal House, Karayil, Vellur
amsom, Payyannur.

4. Abin. T. K., S/o Muraleedharan,
Aged 18/23, Kuthirummal House,
Karayil, Vellur amsom, Payyannur.

5. Kalyani. K., D/o Kunhambu,
Aged 80/23, Kuthirummal House,
Karayil, Vellur amsom, Payyannur.

(By Adv. Sri. Sajithkumar. S. & Adv.
Smt. Arya. V.)

Offence : U/s 341,323,506,294(b) r/w 34 of IPC.

Plea : Not Guilty.

Finding : Not Guilty.

Sentence or Order : All accused are acquitted u/s 255(1) of
Cr.P.C.

DESCRIPTION OF ACCUSED

Sl. No.	Name of the P.S.& Cr. of offence	Name	Father's Name	Occupation	Residence	Age
1.	Payyannur PS, Cr.No.749/23,	Muraleedharan	Kunhambu	....	Vellur	52/23
2.	Payyannur PS, Cr.No.749/23,	Jayasree	Muraleedharan	....	Vellur	42/23
3.	Payyannur PS, Cr.No.749/23,	Akhila	Muraleedharan	Muraleedharan	Vellur	20/23
4.	Payyannur PS, Cr.No.749/23,	Abin	Muraleedharan	....	Vellur	18/23
5.	Payyannur PS, Cr.No.749/23,	Kalyani	Kunhambu	....	Vellur	80/23

Date of:

- | | |
|-----------------------------|-----------------|
| 1. Occurrence | : 13.05.2023 |
| 2. Complaint | : 03.06.2023 |
| 3. Apprehension | : 31.01.2025 |
| 4. Release on bail | : 31.01.2025 |
| 5. Commencement of trial | : 31.01.2025 |
| 6. Close of trial | : 16.05.2025 |
| 7. Sentence or order | : 17.05.2025 |
| 8. Service copy of judgment | : Copy is ready |
| 9. Explanation for delay | : No delay |

This case came up for consideration during today's proceedings and the court delivered the following:

J U D G M E N T

This is a case charge sheeted by Sub Inspector of police Payyannur PS in Cr. No. 749/23 for the offence punishable u/s 341,323,506, 294(b) of IPC.

2. **Prosecution case in brief is as follows:** On 13.05.2023 at 07.00 hours in front of the house wherein CW1 and family resides which is situated at Karayil in Vellur amsom, the accused no.1 to 5 in furtherance of their common intention, due to previous enmity towards CW1, accused No.1 to 3 wrongfully restrained CW1 and the 4th accused pushed her down and CW1 sustained injury in her right hand knee. Further the 1st accused threatened to kill CW1 and accused No.2 & 3 abused CW1 in filthy language and the 5th accused abused in filthy language to CW1 continuously. Thereby the accused committed the aforesaid offences.

3. On appearance of accused they are released on bail. Copies of all relevant prosecution records were furnished to them u/s 207 Cr PC. Particulars of offences were stated to them to which they pleaded not guilty and claimed to be tried.

4. In order to prove the prosecution case PW1 was examined and Ext P1 was marked. PW1 did not support the prosecution case. Since there is no material evidence, the Learned Asst. Public Prosecutor rightly given up the remaining witnesses and the prosecution evidence closed. Since there is no incriminating circumstances against the accused, the questioning of the accused

u/s 313 CrPC dispensed with. No evidence was adduced from the side of defence.

5. Heard both sides.

6. **Point arise for consideration:**

1) Whether the accused in furtherance of their common intention wrongfully restrained PW1 and thereby committed the offence u/s 341 r/w 34 of IPC?

2) Whether the accused in furtherance of their common intention voluntarily caused hurt to PW1 and thereby committed the offence u/s 323 r/w 34 of IPC?

3) Whether the accused in furtherance of their common intention recited obscene words against PW1, CW2, CW3 & CW5 and thereby committed the offence under section 294(b) r/w 34 of IPC?

4) Whether the accused in furtherance of their common intention criminally intimidated PW1 as alleged by the prosecution and thereby committed offence punishable u/s.506 r/w 34 of IPC ?

5) If so, what is the proper order or sentence?

7. **Point No.1 to 4:** These points are considered together for the sake of convenience. CW1 is the defacto-complainant and she is examined as PW1. PW1 deposed that on 09.05.2023 at 03.00 pm and on 13.05.2023 at 07.00 hours, she was wrongfully restrained and sustained injury in her right hand knee, abused in filthy language and also threatened her by a group of people. She further deposed that she has given complaint before the police which is marked as Ext.P1. She further deposed that she does not know the assailants. She turned hostile to the prosecution case.

Hence the learned Asst. Public Prosecutor is permitted to put question as contemplated u/s 154 of Indian Evidence Act, but nothing could be brought out in support to prosecution case. She further deposed that she has no complaints against the accused as the matter has been settled between the parties and she did not interest to proceed with the case.

8. Since PW1 has turned hostile to the prosecution and there is no other material witness to be examined and the examination of other remaining witnesses will be considered as futile exercise the Learned Asst. Public Prosecutor rightly given up the remaining witnesses.

9. The prosecution had not adduced any other evidence to bring home the guilt of the accused and therefore these points are answered against the prosecution. Hence this court finds that the prosecution has failed to prove the case against the accused beyond reasonable doubt. Therefore, these points are answered against the prosecution.

10. **Point No.5:** In view of my finding on point No. 1 to 4 accused are found not guilty of the offences punishable u/s. 341,323,506,294(b) r/w 34 of IPC.

In the result,

All accused are acquitted u/s 255(1) of CrPC of the

offence punishable u/s. 341,323,506,294(b) r/w 34 of IPC and accordingly their bail bonds stand cancelled and they are set at liberty.

(Dictated to Confidential Assistant, transcribed and typed her, corrected and pronounced by me, in open court this on the 17th day of May, 2025)

Sd/-
Judicial First Class Magistrate,
Payyannur.

APPENDIX:

WITNESSES FOR THE PROSECUTION :

PW1 : Divya. M., D/o Sukumaran. T.

EXHIBITS FOR THE PROSECUTION :

Ext.P1 : FI Statement dtd. 03.06.23 marked through PW1

MATERIAL OBJECTS MARKED : Nil.

WITNESSES FOR THE DEFENCE : Nil.

EXHIBITS FOR THE DEFENCE : Nil.

MATERIAL OBJECTS MARKED : Nil.

Sd/-
Judicial First Class Magistrate
Payyannur.

//True copy//

Judicial First Class Magistrate
Payyannur.