

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS-II,
KOTTARAKKARA.**

Present :- Sri.Suraj.S
Judicial Magistrate of the 1st Class.

Saturday, 28th day of September, 2024/6th Aswina 1946

CALENDAR CASE No.1190/2022

Complainant : State-represented by the Sub Inspector of Police,
Pooyappally Police Station (Crime No. 1136/2014)
(By A.P.P. - II, Kottarakkara)

Accused : A1 Beena, D/o Rahiyanath Beevi
A2 Seena, D/o Beena
(By Adv. S.Radhakrishnan Nair)

Offence : under sections 447, 294(b) r/w s.34 of the Indian Penal Code.

Plea : Not guilty

Finding : Not guilty

Sentence or order : The accused (A1 & A2) are found not guilty of the offence punishable under sections 447, 294(b) r/w s.34 of the Indian Penal Code and are acquitted under section 255(1) of the Criminal Procedure Code, 1973. Their bail bonds stand cancelled and they are set at liberty.

Date of

Occurrence	Complaint	Apprehension	Release on bail	Commencement of trial	Commencement of evidence	Close of trial	Sentence or order	Period of detention undergone during investigation of trial for the purpose of Section 428 Cr.P.C
31.08.14	27.09.22	16.01.24	16.01.24	11.07.24	25.09.24	28.09.24	28.09.24	-

Description of accused

Sl. No.	Name	Age	Father's /Mother's name	Residence	Taluk
1.	Beena	42/17	Rahiyanath Beevi	Vazhavila Veedu, Meeyana Muri, Velinalloor Village.	Kottarakkara
2.	Seena	24/14	Beena	- do -	

This case having been finally heard on 28.09.2024 and the Court on the same day delivered the following:-

JUDGMENT

1. The accused 1 and 2 are put on trial upon a final report filed by the Sub Inspector of Police, Pooyappally Police Station in Crime No.1136/2014 alleging commission of offence punishable under sections 447, 294(b) r/w s.34 of the Indian Penal Code.
2. Prosecution case in brief is as follows:- The accused 1 and 2, in furtherance of their common intention, on account of enmity towards the defacto complainant and CW2, on 31.08.2014 at 8.30 A.M, barged into the courtyard of their house situated in Velinalloor Village and uttered obscene words to their annoyance. Thus, the accused has committed the offences punishable under section 447, 294(b) r/w s.34 of the Indian Penal Code.
3. This case is originated from the Ext.P1 complaint filed by PW1 before the police station. On the basis of this, CW7 had registered the First Information Report, conducted the investigation and laid charge sheet before the court.
4. My predecessor in office took cognizance of the offences and issued process against the accused 1 and 2 u/s.204 Cr.P.C. On appearance of the accused 1 and 2, they were enlarged on bail. The Copies of all relevant prosecution records were furnished to him under section 207 of the Code of Criminal Procedure, 1973. The particulars of offences punishable u/s. 447, 294(b) r/w s.34 of the Indian Penal Code were read over and explained to them to which they pleaded not guilty and claimed to be tried.
5. On the side of the prosecution, PW1 and PW2 were examined and Ext.P1 was marked. As the material witnesses failed to support the prosecution case, the learned Assistant Public Prosecutor gave up CW3 to CW6. In the absence of any

incriminating evidence against the accused 1 and 2, questioning them under section 313 of Cr.P.C was dispensed with.

6. Heard both sides.

7. Points that arose for consideration are :-

1. Whether the accused 1 and 2, in furtherance of their common intention, on 31.08.2014 at 8.30 A.M, barged into the courtyard of the house of PW1 and PW2 situated in Velinalloor Village, and thereby committed the offence punishable under section 447 r/w s.34 of the Indian Penal Code.
 2. Whether the accused 1 and 2, in furtherance of their common intention, on 31.08.2014 at 8.30 A.M, uttered obscene words to the annoyance of PW1, and thus committed the offence punishable u/s.294(b) of the Indian Penal Code.
 3. If the accused 1 and 2 are found guilty, what is the order as to sentence?
8. **Points No. 1 and 2:-** To avoid repetition and for brevity, these points are considered together.
9. The defacto complainant was examined as PW1. PW1 stated that the accused 1 and 2 had not trespassed into his property nor uttered obscene words to his annoyance.
10. PW2 did not support the prosecution case. He had neither seen the alleged incident nor given statement to police.
11. Seeing the plight of the case, the learned APP gave up the remaining witnesses. In the above circumstances the prosecution case stands as failed. Thus, point no.1 and 2 are found against the prosecution.

12. Point No.3 :-

In view of the finding in Point No.1 and 2, the accused (A1 & A2) are found not guilty of the offence punishable under sections 447, 294(b) r/w s.34 of the Indian Penal Code and are acquitted under section 255(1) of the Criminal Procedure Code, 1973. 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 28th day of September, 2024.

Judicial Magistrate of 1st Class-II, Kottarakkara.

APPENDIX**List of Prosecution/Defence/Court Witnesses****A. Prosecution Witnesses**

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
PW1	Kasimkunju (CW1)	Injured Witness
PW2	Safiya Beevi (CW2)	Occurrence Witness

B. Defence Witness

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
	NIL	

C. Court Witnesses

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
	NIL	

List of Prosecution/Defence/Court Exhibits

A. Prosecution Exhibits

Sl.No.	Exhibit Number	Description
	P1	Complaint dated 03.09.2014 marked through PW1 on 25.09.2024

B. Defence Exhibits

Sl.No.	Exhibit Number	Description
	NIL	

C. Court Exhibits

Sl.No.	Exhibit Number	Description
	NIL	

D. Material Objects

Sl.No.	Exhibit Number	Description
	NIL	

Judicial Magistrate of 1st Class-II, Kottarakkara.