

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE
AMBALAPUZHA**

Present : Aiswarya Ann Jacob

Judicial Magistrate of First Class

Dated this, the 27th day of March, 2026

C. C. No. 564/2023

Complainant	:	State of Kerala represented by the Sub Inspector of police, Ambalapuzha Police Station in Crime No.564/2023. Rep. by A.P.P., Ambalapuzha
Accused	:	Ajith, aged 41 years, S/o. Surendran, Anjil Veedu, Purakad P/W-2, Karoor Muri, Purakadu Village(Now residing at Maveli Parambil, East of Vandanam MCH) Rep. by Adv. Benson J Lawrance
Offences	:	U/s. 354 of Indian Penal Code
Plea	:	Not guilty
Finding	:	Not guilty
Sentence or Order	:	Accused is acquitted u/s.271 (1) of BNSS

DESCRIPTION OF THE ACCUSED

Sl. No.	Name of the Police Station and Crime No. of the offence	Name	Father's name	Occupation	Residence	Age
1.	Ambalapuzha Police Station in Crime No. 564/2023.	Ajith	Surendran		Anjil Veedu, Purakad P/W-2, Karoor Muri, Purakadu Village(Now residing at Maveli Parambil, East of Vandanam MCH)	41

DATES OF

Occurrence	Complaint	Apprehension	Release on bail	Commitment	Commencement of trial	Commencement of Evidence
08.05.23	09.05.23	20.09.23	16.05.23	...	26.03.25	04.07.25

Close of trial	Sentence/ Order	Service of Copy of Judgment or finding on account	Explanation of delay	Period of detention undergone during investigation, inquiry of trial for the purpose of section 428 Cr.P.C.
25.03.26	27.03.26	...	No delay	...

This case having been heard on 25.03.2026 and the court on 27.03.2026 delivered the following :

JUDGMENT

1. This is a case instituted on a final report filed by the Sub Inspector of police, Ambalapuzha Police Station in Crime No.564/2023, alleging commission of offences punishable u/s. 354 of Indian Penal Code against the accused person.
2. The prosecution case, in brief, is that, on 08.05.2023 at 9:30 p.m. at the footpath near TVS Showroom Ambalappuzha, the accused assaulted PW1 with an

intent to outrage her modesty by grabbing her buttocks. Thus the accused is alleged to have committed the aforesaid offence.

3. On the appearance of the accused before the court, he was released on bail and copies of relevant prosecution records were furnished to him. After hearing both sides, charge for offences u/s. 354 of I.P.C. framed, read over and explained to accused to which he pleaded not guilty and claimed to be tried.

4. The prosecution examined PW1 to PW3 and Ext.P1 was marked. Since PW1 being aggrieved and PW2 and PW3 being the witness to prove the alleged incident turned hostile to the case of the prosecution, all the other witnesses were given up by the learned APP. Since no incriminating circumstance was brought out against the accused persons by the prosecution in its evidence the examination under Section 351(1)(b) BNSS was also dispensed with. No defence evidence was adduced.

5. Heard both sides.

6. The following points arose for consideration :

1. Whether the accused grabbed on the buttocks of PW1 with an intent to outrage her modesty and thereby committed an offence punishable under Section 354 of IPC ?
2. What shall be the sentence or order ?

7. **Point no.1** : As the matter to be discussed in these points are interrelated, for the sake of brevity and convenience, these points are considered together. The prosecution levelled against accused is that, he assaulted PW1 with an intent to outrage her modesty by grabbing her buttocks causing her mental agony, thereby resulting in the final report indicting the accused for the offences punishable u/s. 354 of IPC.

8. To prove its case, prosecution had examined PW1. She is the aggrieved in the alleged incident but denied identifying the accused committing the offence and thereby turned hostile to the prosecution. She deposed to the tune that she had lodged a complaint with the police and had identified her signature in Ext.P1. PW2 and PW3, the witnesses to prove the alleged incident, denied witnessing the incident.

9. Since all the material witnesses turned hostile to the case of the prosecution, the remaining witnesses were given up by the learned APP. Thus, the inevitable conclusion that could be drawn is that the prosecution has failed to prove the allegations levelled against the accused. Hence, this point is answered against the prosecution. Accordingly, point no.1 is found against the prosecution.

10. Point no. 2: In the light of my findings on point no.1, accused is found not guilty of the offences punishable u/s. 354 of Indian Penal Code and he is acquitted u/s.271 (1) of BNSS. The accused is set at liberty and the bail bond executed by him stands cancelled.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in the open court, on this, the 27th day of March, 2026).

Judicial Magistrate of First Class
Ambalapuzha

APPENDIX

Witnesses for the Prosecution :

PW1 : Nanditha

PW2 : Abhinand

PW3 : Nidhin

Exhibits for the Prosecution

P1 : First information statement marked through PW1 on 04.07.2025.

Witnesses/Exhibits for Defence : NIL

Court Witnesses/Exhibits : NIL

Material objects marked : NIL

Judicial Magistrate of First Class
Ambalapuzha