

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

Present : Aiswarya Ann Jacob

Judicial Magistrate of First Class

Dated this, the 13th day of March, 2026

C. C. No.522/2020

Complainant : State of Kerala represented by the Sub
Inspector of police, Ambalapuzha Police
Station in Crime No.559/2020

Rep. by A.P.P., Ambalapuzha

Accused : Shemeer aged 38/20, S/o Moideen,
Pranavam, Neerkunnam, Ambalapuzha
North Panchayath Ward No.5

Rep. by Adv. Bibin Balakrishnan

Offences : U/s.354A(1)(i), 509 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.559/2020	Shemeer	Moideen	...	Pranavam, Neerkunnam, Ambalapuzha North Panchayath Ward No.5	38/20

DATES OF

Occurrence	Complaint	Apprehension	Release on bail	Commitment	Commencement of trial	Commencement of Evidence
16.04.20	16.09.20	18.09.20	18.09.20	...	28.07.25	23.09.25

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.
11.03.26	13.03.26	...	No delay	...

This case having been heard on 11.03.2026 and the court on 13.03.2026 delivered the following :

J U D G M E N T

1. This is a case instituted on a final report filed by the Sub Inspector of police, Ambalapuzha Police Station in Crime No.559/2020, alleging commission of offences punishable u/s.354A(1)(i), 509 of Indian Penal Code against the accused.

2. The prosecution case, in brief, is that, the accused on 16.04.2020 at 12:30 P.M. at the hall room of the house bearing No.XV/254 belonging to PW1, where she was conducting business by the name Photostat and Lamination, made physical contact with her by grabbing her hand while taking photocopy and made unwelcome and explicit sexual gestures and uttered words with an intent to insult her modesty. Thus, the accused is alleged to have committed the above said offences.
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.354A(1)(i), 509 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 witnesses 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 made physical contact and advances involving unwelcome and explicit sexual overtures with PW1 and thereby committed the offence punishable under Section 354A(1)(i) of IPC ?

2. Whether the accused uttered words with an intent to insult the modesty of PW1 and thereby committed an offence punishable under Section 509 of IPC ?
 3. What shall be the sentence or order ?
7. **Point nos.1 and 2** : 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 made physical contact with PW1 and made unwelcome and explicit sexual gestures and uttered words with an intent to insult the modesty of PW1, thereby resulting in the final report indicting the accused persons for the offences punishable u/s. 354A(1)(i), 509 of IPC.
8. To prove its case, prosecution had examined PW1. She is the aggrieved in the alleged incident who turned hostile to the prosecution and denied identifying the accused. 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 identifying the accused and having direct knowledge regarding 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, these points are answered against the prosecution. Accordingly, these points are found against the prosecution.
10. **Point no.3** : In the light of my findings on point nos.1 and 2, accused is found not guilty of the offences punishable u/s. 354A(1)(i), 509 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. Material object shall be disposed of after the appeal period is over, as per rules.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in the open court, on this, the 13th day of March, 2026).

Sd/-
Judicial Magistrate of First Class
Ambalapuzha

APPENDIX

Witnesses for the Prosecution :

PW1 : Girija
PW2 : Jishma
PW3 : Siyad

Exhibits for the Prosecution

P1 : First information statement marked through PW1 on 23.09.2025

Witnesses/Exhibits for Defence : NIL

Court Witnesses/Exhibits : NIL

Material objects marked : NIL

Sd/-
Judicial Magistrate of First Class
Ambalapuzha