

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

Present : Aiswarya Ann Jacob

Judicial Magistrate of First Class

Dated this, the 30th day of March, 2026

C. C. No. 958/2019

Complainant	:	State of Kerala represented by the Sub Inspector of police, Ambalapuzha Police Station in Crime No. 657/2019. Rep. by A.P.P., Ambalapuzha
Accused	:	Subhash, aged 42/19 years, S/o. Thankappan, Kattumpuram veli Veedu, Amabalapuzha Thekk P/W-XVIII, Kattumpuramveli muri, Amablappuzha. Rep. by Adv. Satheesh Chandra
Offences	:	U/s. 506(i), 341, 294(b), 323 of Indian Penal Code
Plea	:	Not guilty
Finding	:	Not guilty
Sentence or Order	:	Accused is acquitted u/s.255(1) of Cr.P.C.

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. 657/2019	Subhash	Thankappan		Kattumpuram veli Veedu, Amabalapuzha Thekk P/W-XVIII, Kattumpuramveli muri, Amablappuzha.	42/19

DATES OF

Occurrence	Complaint	Apprehension	Release on bail	Commitment	Commencement of trial	Commencement of Evidence
19.04.19	06.05.19	09.12.19	09.12.19	...	09.12.19	06.02.26

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.
27.03.26	30.03.26	...	No delay	...

This case having been heard on 27.03.2026 and the court on 30.03.2026 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. 657/2019, alleging commission of offences punishable u/s.506(i), 341, 294(b), 323 of Indian Penal Code against the accused person.

2. The prosecution case in brief is as follows :

Due to previous animosity, on 19.04.2019 at 11.30 am the accused, at the road side near Valappil Veedu, Valappil Junction the accused wrongfully restrained PW1, uttered obscene words in a public place, and voluntarily caused hurt by catching hold of PW1's neck, kicking, slapping, and striking him with his hands.

3. On the appearance of the accused before the court, he was released on bail and copies of relevant prosecution records was furnished to him. After hearing both sides, particulars for the offences punishable u/s.506(i), 341, 294(b), 323 of 506(i), 341, 294(b), 323 of Indian Penal Code, read over and explained to accused to which he pleaded not guilty and claimed to be tried.
4. The prosecution examined PW1 and Ext.P1 was marked. Since PW1 being the injured to prove the alleged incident turned hostile to the case of the prosecution, all the other witnesses were given up by the learned APP. CW2 reported to be laid up. Since no incriminating circumstance was brought out against the accused by the prosecution in its evidence the examination under Section 313(1)(b) was also dispensed with. No defence evidence was adduced.
5. Heard both sides.
6. The following points arose for consideration

1. Whether the accused, criminally intimidated PW1 and thereby committed an offence punishable under Section 506(i) of IPC ?
2. Whether the accused, wrongfully restrained PW1 and thereby committed the offence punishable under Section 341 of IPC ?
3. Whether the accused, uttered obscene words to the annoyance of others and thereby committed an offence punishable under Section 294(b) of IPC ?

4. Whether the accused, voluntarily caused hurt to PW1 and thereby committed an offence punishable under Section 323 of IPC ?

5. What shall be the sentence or order ?

7. **Point nos.1 to 4 :** 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, wrongfully restrained PW1, uttered obscene words, criminally intimidated and voluntarily caused hurt on him, thereby resulting in the final report indicting the accused for the offences punishable u/s. 506(i), 341, 294(b), 323 of IPC.
8. To prove its case, prosecution had examined PW1. He is the injured person in the alleged incident. He deposed to the tune that he had lodged a complaint with the police and had identified his signature in Ext P1. But he turned hostile to the prosecution and denied identifying the accused.
9. Since the material witness 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, the point nos.1 to 4 are answered against the prosecution. Accordingly, this point is found against the prosecution.
10. **Point no.5:** In the light of my findings in point nos.1 to 4, accused is found not guilty of the offences punishable u/s. 506(i), 341, 294(b), 323 of Indian Penal Code and he is acquitted u/s.255(1) of Cr.P.C. The accused is set at liberty and the bail bond executed by him stand cancelled.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in the open court, on this, the 30th day of March, 2026).

Judicial Magistrate of First Class
Ambalapuzha

APPENDIX

Witnesses for the Prosecution :

PW1 : Satheesan

Exhibits for the Prosecution

P1 : First information statement marked through PW1 on 06.02.26.

Witnesses/Exhibits for Defence : NIL

Court Witnesses/Exhibits : NIL

Material objects marked : NIL

Judicial Magistrate of First Class
Ambalapuzha