

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

**Present: Anandhu.J.B, Judicial First Class Magistrate.**

**Monday,25<sup>th</sup> March, 2026.**

**Calendar Case No. 235 of 2021**

Complainant : State represented by the S.I of  
Police, Nooranad in Cr.No. 1157/2020.  
(By Smt.Dhanya S Pillai,APP Gr I, Mavelikara)

**DESCRIPTION OF ACCUSED**

Name	Father's Name	Occupation	Residence	Age
Anil Kumar	Kochucherukkan		Mukalayyath-Veedu, Puthupallikunnam Muri, Nooranad Village.	50/20

(By Adv. S. Sudheerkhan)

Offences : U/ss. 447,294(b),509,354D(2),506(II) of IPC and  
119(a) KP Act.

Plea : Not Guilty

Finding : Not guilty

Sentence/order : Accused is found not guilty of the offences  
punishable-U/ss.447,294(b),509,354D(2),  
506(II)of IPC,119(a) of KP Act and he  
is acquitted u/s 248(1)Cr.PC.

**Dates of:**

Occurrence	Complaint	Appearance	Release on bail	Commitment	Commencement of trial	Commencement of evidence
27.11.2020	01.12.2020	29.03.23	29.03.23		05.09.23	24.09.2024
Close of trial	Sentence or order	Service of copy of judgment or finding on accused	Explanation of delay	Period of detention undergone during investigation, inquiry or trial for the purpose of s.428 CrPC.		
11.03.2026	25.03.2026	-	No delay	-		

This case coming on for final hearing before me on 11.03.2026 and this day the court passed the following:-

**J U D G M E N T**

1. This case arose on a final report submitted by the S.I of Police, Nooranad in Cr. No.1157/2020 alleging offences punishable u/ss 447,294(b),509,354D,506(II) of IPC & 119(a) of KP Act.

2. **The prosecution case in brief is as follows:** The prosecution case is that on 27.11.2020 at about 03.00 p.m., the accused trespassed into the house of PW1 and uttered obscene words at her. When the accused attempted to hit PW1 with a roof tile fragment, she ran away screaming in fear. Thereafter, the accused left the place and returned at about 6.30 p.m., uttered obscene words at PW1 and her neighbours. When PW1 questioned him about his conduct, he lifted his dhoti and exhibited his nudity exhibiting his nudity, causing mental agony to her. Hence, the offences.

3. The law was set in motion when PW1 lodged FIS to PW7. Based on Ext.P1 FIS, PW6 registered Ext.P4 FIR. PW6 conducted investigation and filed final report before this court. On filing the final report, summons was issued to the accused. The accused appeared before the court and he was granted bail. Copies of case records were furnished to him. The charges for the offences punishable under sections 447,294(b),509,354D(2),506(II) of IPC & 119(a) of KP Act were read over and explained to the accused, to which he pleaded not guilty and claimed to be tried.

4. The prosecution has cited 8 witnesses, out of which PW1 to PW7 were examined and Ext. P1 to P8 were marked. After examining the witnesses for the prosecution, the accused was examined under section 313(1)(b) of the Cr.PC. He denied all the incriminating circumstances that

appeared in the evidence against him. Thereafter, the defence was invited to adduce evidence. Exhibit D1 was adduced by the accused.

5. The matter was considered for final decision after hearing the learned APP and the learned counsel for the accused. Perused the relevant records.

**6. Following points arise for consideration.**

1. *Whether the accused on 27.11.2020 at about 03.00 p.m., criminally trespassed into the courtyard of the house of PW1 as alleged?*
2. *Whether the accused, on the above said date, place and time, uttered obscene words towards PW1, as alleged?*
3. *Did the accused utter words on PW1 intending to outrage her modesty, as alleged?*
4. *Whether the accused, on the above said date, place and time, committed the offence of stalking by repeatedly contacting and harassing PW1 despite her objection as alleged?*
5. *Did the accused, at the aforementioned time and place, intimidate PW1 with threats to her life, thereby committing an offence punishable under Section 506(ii) of the IPC?*
6. *Whether the accused, on the above said date, place and time, committed offence u/s 119(a) of KP Act, as alleged?*
7. *If so, what shall be the sentence or order?*

7. **Point Nos.1 to 6:** The case of the prosecution is that on 27.11.2020 at about 03.00 p.m., the accused trespassed into the house of PW1 and uttered obscene words at her. The accused also lifted his dhoti towards PW1 exhibiting his nudity and caused mental agony to her. According to the prosecution, the accused thereby committed the offences

punishable under Sections 447, 294(b), 509, 354D and 506(ii) of the IPC and Section 119(a) of the KP Act.

8. PW1 is the victim in this case. She deposed that the alleged incident occurred on 27.11.2020 at about 3 p.m, in front of her house. On the said day, the accused attempted to hit her with a roof tile fragment. The accused is her neighbour as well as a relative. The incident happened in the courtyard of her house. PW1 further stated that when she told the accused not to hit her, he left the place. Thereafter, the accused returned and uttered obscene words at her and lifted his dhoti towards PW1, exhibiting his nudity, thereby causing mental agony to her. He stated that the accused was not wearing any underwear. The accused exhibited his nudity when PW1 asked not to call her father. She felt mental agony due to the acts of the accused. She stated that the accused used to utter obscene words on her after getting drunk, on a daily basis. The First Information Statement given by PW1 was marked as Ext.P1. She also gave statement under Section 164 Cr.PC before the Judicial First Class Magistrate, Kayamkulam which is marked as Ext.P2. She stated that she has given several complaints before Nooranad police and no actions were taken and hence complaint was given before DySP.

9. PW2 is a neighbour and relative of both PW1 and the accused. PW2 deposed that the alleged incident happened on 27.11.2020. According to PW2, the accused uttered obscene words at PW1 and attempted to hit her with a roof tile fragment. Thereafter, the accused lifted his dhoti towards PW1, causing mental agony to her.

10. PW3 deposed that he witnessed the incident which occurred on 27.11.2020 at about 3.30 p.m. PW3 further stated that the accused attempted to hit PW1 using a roof tile piece. Thereafter, he again came to PW1 and lifted his dhoti towards her, exhibiting his nudity. Further, it is stated that the accused has done these things under the influence of alcohol.

11. PW4 is the attestor of the scene mahasar. She stated that she has seen the police coming in the place of occurrence, in the house of PW1. She signed the mahazar prepared by the police at the house of PW1, which was marked as Ext.P3.

12. PW5 is the daughter of PW1. She stated that the incident occurred on 27.11.2020. At that time she was working at the Coir Board. When she returned from work on hearing the noise, she saw the accused uttering obscene words at PW1. When she watched through the window, she saw the accused lifting his dhoti towards her. The accused was not wearing an underwear. Further, PW5 stated that the accused has uttered obscene words on the same day after noon, which was intimated to her by PW1 over phone.

13. PW7 was the SCPO at Nooranad Police Station on 13.12.2020. She deposed that she recorded the First Information Statement of PW1, which was marked as Ext.P1.

14. PW6 was the Investigation Officer in this case. He deposed that he was the SI of Nooranad Police Station on 03.12.2020. PW6 further stated that PW7 recorded Ext.P1 First Information Statement given by PW1. Based

on the same, he registered the FIR, which was marked as Ext.P4. PW6 stated that he investigated the case and prepared Ext.P3 scene mahazar. PW6 has taken steps to record the statement of PW1 u/s 164 of CrPC. He identified the correct name and address of the accused and reported the same before this court by filing Ext.P5 report. The accused was arrested by PW6 and was enlarged on bail by executing Ext.P6 bail bonds. PW6 further stated that he completed the investigation and submitted the final report before the court. He also stated that he can identify the accused, although the accused is not present in court.

15. The learned APP, relying on the prosecution evidence, would submit that the prosecution has succeeded in proving the case against the accused. It is submitted that PW1 to PW3 and PW5 has unequivocally deposed with respect to the alleged offences committed by the accused. It is submitted that the overall evidence of those witnesses are sufficient to conclude that the accused have committed the offence. Hence the learned APP would seek to punish the accused for the offences alleged against him. The learned counsel for the accused, on the other hand, would argue that this is a false case fabricated against the accused. During the examination of the accused under Section 313 CrPC, he stated his defence before this court. It is stated by the accused that the accused and PW1 are close relatives and there exists a boundary dispute between them. According to the accused, due to that grudge, PW1 has instituted this case against him. It is also stated that the case is registered against the accused due to the influence of PW5, who is a court staff.

16. To establish the innocence of the accused and to attract acquittal, the learned counsel for the accused raises several arguments. One of the major arguments raised by the learned counsel for the accused is that there exist serious contradictions between the statements of the witnesses before this court. It is pointed out by the learned counsel for the accused that the version of PW1 deposed by her before this court is not tallying with her previous statements given by her as Exhibit P1 and Exhibit P2. The main overt act deposed by PW1 is that on 27.11.2020, at about 03.00 p.m., the accused came to the courtyard of her house in a drunken stage and uttered obscene words on her. He also tried to hit her with the piece of a roof tile. PW1 demanded the accused not to hit her. Then, the accused went away and thereafter came back again. The accused thereafter has lifted his dhoti and exhibited his nudity. He also called her father. She deposed that when the accused lifted his dhoti, he was not wearing an underwear.

17. Exhibit P2 is the statement given by PW1 before the Judicial First Class Magistrate, Kayamkulam, under Section 164 of CrPC. In Exhibit P2, the PW1 has deposed the acts done by the accused in detail. She stated all the incidents that has happened on the alleged day of incident. She stated that initially the accused came to the courtyard of her house and uttered obscene words at her. But she has questioned the act of the accused. The accused has retreated from the scene. Thereafter, he again came to the courtyard of this house and tried to hit PW1 using a roof tile piece. When PW1 tried to raise alarm, the accused has again bent back. Then the accused has untied his dhoti and exhibited his nudity to the PW1. Then he

was wearing an underwear. When the PW1 again questioned this act of the accused, the people residing around there has gathered there. Further, PW1 stated that the accused has continued uttering obscene words on PW1. It was further stated by PW1 that at about 07.30 p.m. when her younger daughter was returning home from work, she intimated this aspect to her over phone. When her younger daughter reached the home, since the disturbance of the accused became unbearable, she called the Nooranad Police at about 10.30 p.m., who came to the house of PW1. In the last part of the statement of PW1, she stated that on a further day, the accused has again exhibited his nudity by lifting his towel worn by him. Then he was wearing an underwear.

18. On a close perusal of the statement of the accused before this court and Exhibit P2 statement under Section 164 CrPC, it is seen that there exist various discrepancies. It is seen that the version deposed by PW1 before this court is not tallying as such with Exhibit P2. One of the major discrepancies pointed out by the learned counsel for the accused is that when PW1 was examined before this court, he stated that when the accused has lifted his dhoti and exhibited his nudity, he was not wearing an underwear. In Exhibit P2 statement, it is seen that PW1 has stated that when the accused lifted his dhoti, he was wearing an underwear. In Exhibit P2, PW1 mentions about two similar incidents of exhibiting of nudity by the accused. In both the incidents, PW1 has stated that the accused was wearing an underwear. Exhibit D1 is the portion of Exhibit P2 statement

given by PW1, in which it is stated that the accused was wearing an underwear while exhibiting his nudity by lifting his dhoti.

19. Another discrepancy pointed out by the learned counsel for the accused is with respect to the presence of PW5 during the alleged incident. In the examination in chief of PW1, she does not mention about the presence of PW5 in the place of occurrence. During the cross examination of PW1, she stated that PW5 reached home on that day at 9 p.m. In Exhibit P2 statement under Section 164 CrPC, it is stated by PW1 that she has intimated the incidents happened in the courtyard of her house to PW5 when she was returning from her workplace. On perusing Exhibit P2, it is clear that PW5 was not in the house when the alleged offences had happened. This aspect was suggested to PW2 when she was cross-examined. PW2 stated that on the day of the incident, police came to the spot at about 03.30 p.m. since PW5 has intimated the matter to the police. PW5, the daughter of PW1, was vehemently cross examined by the alleged counsel for the accused.

20. During the examination-in-chief itself, she stated that she reached the house at 06.00 p.m. on the alleged date of incident. Further, she stated that after she reached the house, she looked through her window hearing the utterance of obscene words by the accused. When she watched through the window, she saw the accused lifting his dhoti and exhibiting his nudity. to PW1. She reiterated that the accused was not wearing an underwear. During the cross-examination of PW5, this aspect was suggested to her. She stated that the alleged incident happened after 6

pm on the alleged date. She reiterated that the incident happened once she returned from the job at 6 pm. At the outset, this statement of PW5 is against the statement of PW2 that PW5 was present at 03.00 p.m. on that day.

21. Another aspect pointed out by the learned counsel for the accused is with respect to the time of the alleged incident. PW1, during her examination before this court, has stated that the alleged incident happened at around 03.00 p.m. on 27.11.2020. During the cross-examination, she stated that on the alleged day of incident the alleged acts spanned from 3 p.m. till 10 p.m. PW2, during the examination-in-chief, has stated that the incident happened at 03.00 p.m., whereas PW3 has stated that the incident happened at 03.30 p.m. Pertinently, PW5, during her examination-in-chief, has stated that she saw the accused lifting the dhoti and exhibiting the nudity after 6 p.m. on that day. When comparing these aspects, it is seen that there exists uncertainty with respect to the time of the alleged incident.

22. Another major argument raised by the learned counsel for the accused is that there exists an inordinate delay in registering the FIR. The alleged date of incident is 27.11.2020. The first information statement was given by PW1 on 03.12.2020. FIR was registered on 03.12.2020. Admittedly, there is delay of 6 days in registering the FIR. On perusing Exhibit P4 FIR, no reason is stated for the delay in registering the FIR on the eighth columns provided for it. On going through Exhibit P1 FIS also, no reason is seen stated for the delay. It is pertinent to note that from the

deposition of PW1 to PW3 and as well as from the deposition of PW5, it is seen that the police has reached the place of incident on the same day of the incident. When PW6, the investigation officer was cross examined, this aspect was suggested to him. He stated that he is unaware of the fact that some police officers have reached the place of incident on the alleged date of incident. No materials before this court would show that the PW1 has given the information to the police on the day of the alleged incident. Therefore, perusing the materials before this court, it is clear that the delay is not explained properly.

23. Considering and evaluating the prosecution evidence, it is seen that even though PW1 to PW3 and PW5 have disposed in tune with the prosecution and loyal to the prosecution, there exist several discrepancies in the evidence adduced by them. The time of the alleged incident and the specific overt acts done by the accused are not clearly stated by all the witnesses. There exist major discrepancies in those facts. With respect to the presence of PW5 also, the versions of the witnesses are contradictory to each other. When these discrepancies are read along with the delay in lodging the FIR, it is to be concluded that the possibility of fabrication cannot be ruled out. In order to punish a person for a criminal offences, the prosecution shall prove the case beyond reasonable doubt. The above discussed aspects create a doubt in the evidence adduced by the prosecution witnesses. The benefit of that doubt shall go to the accused. Hence, it is concluded that the prosecution has failed to prove the case

against the accused beyond reasonable doubt. Points 1 to 6 are found accordingly. Consequently, point no.7 does not arise for consideration.

24. In the result, accused is found not guilty of offenses punishable u/ss4 47,294(b),509,354D(2),506(II) of IPC & 119(a) of KP Act and is acquitted u/s 248(1)of CrPC. His bail bond is cancelled and he is set at liberty.

*(Typed by me using Adalat AI in my personal laptop, corrected and pronounced by me, in open court, on this the 25<sup>th</sup> day of March, 2026.)*

Judicial First Class Magistrate-II,  
Mavelikara.

### **A P P E N D I X:**

#### **1. List of prosecution/Defence/Court witnesses**

##### **A. Prosecution witnesses.**

PW1	Ponnamma.S	Occurence Witness
PW2	Thulasibhai	Eye Witness
PW3	Satheeshkumar	Eye witness
PW4	Vimala Somarajan	Other Witness
PW5	Jisha	Eye Witness
PW6	K. Babukuttan	Police Witness
PW7	Radhamani	Police Witness

##### **B. Defence witness:**

##### **C. Court witness: Nil**

#### **II. List of prosecution/Defence/ Court Exhibits**

##### **A. Prosecution Exhibits:**

1.	Ext.P1/PW1	FIS
2.	Ext.P2/PW1	164 Statement(PW1)
3.	Ext.P3/PW4	Scene Mahazer
4.	Ext.P4/PW6	FIR
5.	Ext.P5 /PW6	Report
6.	Ext.P6/PW6	Bail Bond

##### **B. Defence Exhibits:**

1.	Ext.D1	Portion of 164 Statement(PW1)
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**C. Court Exhibits:- Nil**

**D. Material Objects: Nil**

Judicial First Class Magistrate-II.  
Mavelikara.