

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-II, MAVELIKKARA.**Present: Anandhu.J.B, Judicial First Class Magistrate-II****Tuesday, 12th May, 2026.****CC. 448/2022**

Complainant : State represented by the Sub Inspector
of Police, Nooranadu P.S in Cr.No.701/22.
(By APP, JFCMC-II, Mavelikara)

Accused : Sajeev Abdul Rahuman
(By Adv. Sudheerkhan)

Offences : U/ss.294(b),447, 323 and 354IPC.

Plea : Not guilty

Finding : Not guilty

Sentence/order : Accused is acquitted u/s 248(1)Cr.PC.

DESCRIPTION OF ACCUSED

Name	Father's name	Occupation	Residence	Age
Sajeev Abdul Rahuman	Abdul Rahuman		Shabana manzil, Puthuppallikkunnam muri, Nooranad village	45/22

Dates of:

Occurrence	Complaint	Appearance	Release on bail	Commitment	Commencement of trial	Commencement of evidence
30.09.22	05.11.22	31.03.23	31.03.23	-	10.04.23	07.08.24
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.	
28.04.26	12.05.26	-		No delay	-	

This case coming on for hearing before me on 28.04.26 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, Nooranadu in Cr. No.701/22 alleging offences punishable u/ss.294(b), 447, 323 and 354 of the IPC.

2. **The prosecution case, in brief, is as follows:** The accused, on 30.09.2022 at 06.00 p.m., criminally trespassed into the shop of PW1 near Nooranad KCM hospital junction and attacked her. Accused uttered obscene words towards PW1, attacked her with intend to outrage her modesty. When PW2 came for the rescue of PW1, the accused attacked him also. Hence the offences.

3. The criminal law was set in motion when PW1 gave Ext.P1 FIS to PW8. Based on Ext.P1, PW6 has registered Ext.P5 FIR. PW6 has conducted the investigation and filed final report before this court. This court had taken cognizance and issued summons to the accused. On appearance of accused, copies of relevant records were furnished to him. After hearing both sides, charge for the offences punishable u/ss. 294(b),447, 323 and 354 IPC was framed, read over and explained to the accused, to which he pleaded not guilty and claimed to be tried.

4. On commencement of trial, PW1 to PW8 were examined from the side of the prosecution. Exts.P1 to Ext.P10 were marked. On closing the prosecution evidence, the accused was examined u/s 313 (1) (b) of Cr.PC. He denied all the incriminating circumstances brought out against him. Even though accused was called upon to enter upon his defence, no defence evidence was adduced.

5. Heard the learned APP and the learned counsel for the accused.

6. Following points arise for consideration.

1. *Whether the accused, on 30.09.2022 at 06.00 p.m., criminally trespassed into the property of PW1, as alleged?*
2. *Whether the accused, on the above said date and time, uttered obscene words towards PW1, as alleged?*
3. *Whether the accused, on the above said date and time, voluntarily caused hurt to PW1 and PW2, as alleged?*
4. *Whether the accused, on the above said date and time, attacked PW1 with intend to outrage her modesty, as alleged?*
5. *If so, what shall be the sentence or order?*

7. **Point Nos.1 to 4:** The case of the prosecution is that the accused, on 30.09.2022 at 06.00 p.m., attacked PW1. It is alleged that PW1 is conducting a water treatment plant by the name 'Shamani Package Drinking Water Plant'. According to the prosecution, the accused with intend to outrage her modesty, trespassed into the above plant, uttering obscene words and slapped her. When PW2 intervened, he attacked PW2 also. To prove the guilt against the accused, prosecution mainly relies on the oral evidence of PW1 to 8.

8. PW1 stated that the incident occurred on 30.09.2022 at her shop at 05.30 p.m. According to PW1, the accused came there, uttered obscene words towards her and slapped on her right cheek. When PW2 intervened, the accused beat him on his chest. She stated that the accused attacked her due to enmity since she did not construct gate to his house, as demanded by him. PW1 deposed that she and PW2 went to KCM hospital for treatment. PW1 gave FIS before the police, which is marked as Ext.P1.

9. PW2 is the business partner of PW1. He stated that the incident happened on 30.09.2022 at 5.45 p.m. PW1 came to the company to pay salary to the employees. PW2

came outside hearing hue and cry outside. When PW2 came outside, he saw accused beating PW1. When he intervened the accused beat him on his chest. He and PW1 went to hospital. According to PW2, the accused did not like them conducting the company there. He gave statement before the police.

10. PW3 is a witness to Ext.P2 scene mahazar. He admitted his signature in the scene mahazar. PW4 and 5 were cited as occurrence witnesses. Both of stated that they did not see the incident. They turned hostile to the prosecution.

11. PW7 is the doctor who examined PW1 and issued Ext.P11 wound certificate. He deposed that PW1 had pain on her cheek and there was no external injuries.

12. PW8, the then CPO of Police, Nooranad police station during the relevant period, stated that he recorded Ext.P1 FIS and Ext.P1(a) body note of PW1.

13. PW6 is the then S.I of Police, Nooranad. He registered Ext.P5 FIR on the basis of Ext.P1 F.I.Statement. He reached the place of occurrence and prepared Ext.P2 scene mahazar. He arrested the accused. While so, he prepared Ext.P6 to P8 arrest memo, inspection memo and custody memo respectively. He identified the correct name and address of the accused and reported to the court by filing Ext.P9 address report. He obtained Ext.P10 wound certificate and filed it before this court.

14. The learned APP, relying on the oral evidence adduced by PW1 and PW2, would submit that the prosecution has succeeded in proving the case against the accused. It is submitted that PW1 and PW2 are victims in the case and they have deposed in tune with the prosecution case. It is also submitted that the documentary evidence adduced by the prosecution also support the versions of PW1 and PW2. Hence, the prosecution seeks to punish the accused. The learned counsel for the accused on the other hand would contend

that this is a fabricated case and the evidence adduced by the prosecution is not at all sufficient to establish the guilt of the accused. The learned counsel for the accused raises several arguments to establish his contentions.

15. One of the major contention raised by the learned counsel for the accused is that the oral evidence of PW1 and PW2 are not trustworthy. PW1, who is the victim in this case, has deposed before this court that the accused has beaten her on the alleged day. It is deposed before this court that the accused has slapped her on the right cheek. Further, it is stated that the accused has beaten PW2 when he tried to intervene. Exhibit P1 is the first information statement given by PW1. In Exhibit P1, the body note of PW1 is stated. It is mentioned that on examination of the body of PW1, her left cheek was seen reddish in colour. Exhibit P10 is the wound certificate issued by PW6 after examining PW1. PW1 has availed medical assistants from PW6 on the same day itself. On a perusal of Exhibit P10 it is stated that she was only having pain over the left cheek. At the outset, from Exhibit P1 FIS and from Exhibit P10 wound certificate, it is revealed that she had injury on her left cheek. PW1, during the examination-in-chief before this court has stated that she got slapped by the accused on her right cheek. PW2 during the examination has also reiterated that she was beaten on the right cheek. The oral deposition about the overt act allegedly committed by the accused is not tallying with Exhibit P1 and Exhibit P10.

16. Another important aspect pointed out by the learned counsel for the accused with respect to Exhibit P1 and Exhibit P10 is that as per Exhibit P1, it was given by PW1 at 11.45 p.m. on 30.04.2022. As per Ext.P10 wound certificate, PW1 availed medical assistance at 10.53 pm. Admittedly, PW1 has availed medical assistance before giving Exhibit P1

statement. In that aspect, it is pertinent to note that even though in Exhibit P1, it is mentioned that the cheek of PW1 was in reddish colour, in Exhibit P10, no such colour change is noted.

17. PW1 has stated the overt acts done by the accused. She deposed that the accused has uttered obscene words and slapped her on her cheeks. Thereafter, when PW2 intervened, the accused has beaten him also. At the outset, PW1 has not mentioned the details of the alleged overt acts done by the accused against the PW2. PW2 when examined before this court has stated that he saw the accused slapping PW1 on her cheeks and when he intervened, the accused has beaten him on his chest. Admittedly, PW1 did not depose to the effect that the accused has beaten PW2 on his chest. PW2, during the cross-examination, has specifically stated that the accused, after beating PW1, has kicked on her knee. He further stated that when they gave statement to the police, it was already stated that the accused has beaten PW1 on her cheeks. Further, PW2 during the cross-examination has stated that when PW1 has consulted PW6, she has shown the marks on her body, specifically on her left and right cheeks. At the outset, as stated above in Exhibit P10 wound certificate, no such body marks are mentioned. Further, during the cross-examination of PW2, he stated that the accused has kicked him down. During the examination-in-chief of PW2 and during the examination of PW1, neither of them have stated about such an overt acts allegedly done by the accused. These omissions and contradictions create serious doubt on the veracity of the oral evidence of PW1 and PW2.

18. One of the main arguments raised by the learned counsel for the accused is that, PW1 and PW2 are partners of a company and thus PW2 cannot be stated as independent witness. Admittedly, PW2, who is the only loyal eyewitness to the incident, is none other than the partner of PW1. It is argued that there is no independent corroboration to the oral evidence of

PW1, as PW2 cannot be stated as an independent witness. At the outset, PW4 and PW5 were cited as eye witnesses to the incident. Both of them have turned hostile to the prosecution. The important aspect to be noted is that PW4 and PW5 are the employees of PW1. They deposed this aspect before this court. This draws importance, especially when even the employees of PW1 have not supported the case of PW1 and PW2.

19. The allegation of the prosecution is that the accused has uttered obscene words towards the PW1 and PW2. At the outset, in Exhibit P1, no such obscene words are mentioned. When PW1 and PW2 were examined before this court also, no such obscene words are mentioned by them. Therefore, there is no prima facie material to attract Section 294(b) IPC.

20. On an analysis of the prosecution evidence, it is seen that PW1 and PW2 are the only two witnesses who supported the prosecution. PW1 is the victim in this case, and PW2 is an eye witness. Both of them are business partners. The other eyewitnesses cited by PW4 and PW5 have turned hostile to the prosecution. The oral evidence adduced by PW1 and PW2 are not of sterile quality, as discussed above. There are material contradictions and omissions from the part of PW1 and PW2. The oral evidence adduced by PW1 is not tallying with Exhibit P1 FIS or Exhibit P10 wound certificate. The oral evidence of PW1 is also not tallying with oral testimony of PW2 either. There is no independent corroboration to the oral evidence of PW1 and PW2. Therefore, from the above discussion, this court is of the opinion that the oral evidence of PW1 and PW2 cannot be used to find the guilt of the accused. The prosecution has failed to prove the case against the accused beyond reasonable doubt. The accused is entitled for the benefit of the doubt. Hence, points 1 to 4 are found against the prosecution.

18. **Point no.4:** In view of the findings in point nos.1 to 3, this point need not be discussed

In the result, accused is found not guilty of the offences punishable u/ss.447, 294(b), 323 and 354 of IPC and he is acquitted u/s 248(1) of Cr.PC. His bail bond stands cancelled, and he is set at liberty.

Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in open court on this the 12th day of May, 2026.

sd/-

Judicial First Class Magistrate-II,
Mavelikara.

APPENDIX:

1. List of prosecution/Defence/Court witnesses

A. Prosecution witnesses.

PW1	Mubeena	De facto complainant/injured
PW2	Sarath	Occurrence witness/injured
PW3	Syam	Mahazar witness
PW4	Midhun	Occurrence witness
PW5	Sabitha	Occurrence witness
PW6	Nitheesh	Investigating Officer
PW7	Dr.Sethurajan	Medical witness
PW8	Rajani	Police witness

B. Defence witness: Nil

C. Court witness: Nil

II. List of prosecution/Defence/ Court Exhibits

A. Prosecution Exhibits:

1	Ext.P1/PW1	FIS
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2	Ext.P2/PW3	Scene mahazar
3	Ext.P3/PW4	161 statement of CW3
4	Ext.P4/PW5	161 statement of CW3
5	Ext.P5	FIR
6	Ext.P6/PW6	Arrest memo
7	Ext.P7/PW6	Inspection memo
8	Ext.P8/PW6	Custody memo
9	Ext.P9/PW6	Report
10	Ext.P10/PW6	Wound certificate

B. Defence Exhibits:

C. Court Exhibits:- Nil

D. Material Objects: Nil

sd/-

Judicial First Class Magistrate-II.

Mavelikara.