

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

Present: Sri. Anandhu.J.B, Judicial First Class Magistrate-II

Dated this the 27th day of April, 2026.

CC. 385/2019

Complainant : State represented by the S.I of
Police, Nooranad in Cr.No.1093/2019.
(By APP, JFCM Court-II, Mavelikara)

Accused : Rajan
(By Adv.Athira Vijayakumar)

Offences : U/ss.447,427,294(b) and 506(ii) of IPC.

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
Rajan	Gopalan		Vilayasseril Vadakkethil, Ulavukkadu Muri, Palamel Village	65/19

Dates of:

Occurrence	Complaint	Appearance	Release on bail	Commitment	Commencement of trial	Commencement of evidence
18.12.18	09.08.19	21.12.20	21.12.20		05.01.21	09.07.25
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.	
24.04.26	27.04.26	-		No delay	-	

This case coming on for hearing before me on 27.04.2026 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.1093/2019 alleging offences punishable u/ss.447,427,294(b) and 506(ii) of IPC.

2. **The prosecution case in brief is as follows:** The accused, due to his enmity towards PW3 in connection with the installation of a rubber roller machine at the boundary of her property, on 18.12.2018 at 02.00 p.m.,criminally trespassed into her property situated in Ulavukkadu Muri in the Vllage of Palamel and demolished the upper part of the pitching using an iron piece. When CW5 and 6 attempted to turn him back, the accused threatened them raising the iron piece. PW3 sustained a loss of Rs.6,000/- due to the demolishing of the granite pitching. Hence the offences.

3. On appearance of accused, copies of relevant records were furnished to him. After hearing both sides, charge for the offences punishable u/ss. 447,427,294(b) and 506(ii) of IPC was framed, read over and explained to the accused, to which he pleaded not guilty and claimed to be tried.

4. PW1 to PW8 were examined from the side of the prosecution. Exts.P1 to Ext.P5 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.

5. Heard both sides.

6. Following points arise for consideration.

1. *Whether the accused, on 18.12.2018 at 02.00 p.m., criminally trespassed into the property of PW3 situated in Ulavukkadu Muri in the Vllage of Palamel, as alleged?*
2. *Whether the accused, on the above said date and time demolished the granite pitching of the property of PW3 and thereby caused wrongful loss of Rs.6,000/- to PW3, as alleged?*
3. *Whether the accused, on the above said date and time criminally intimidated PW5 and CW6 raising an iron piece, as alleged?*
4. *Whether the accused, on the above said date and time uttered obscene words, as alleged?*
5. *If so, what shall be the sentence or order?*

7. **Point Nos.1 to 4:** Since the evidence involved is common, these points are considered together. PW3 stated that her husband has property in Palamel village. According to PW3, on 18.12.2018, the accused trespassed into her property and demolished wall of the property to a length of 7 metres using an iron bar. When PW5, her

mother, tried to prevent him, the accused uttered obscene words and attempted to assault her. She gave complaint before the police. But they did not take any action and thereafter he gave Ext.P1 complaint before the court. She sustained a loss of Rs.15,000/- in the alleged incident .

8. PW1, PW2, PW4 and PW5 are cited to prove the occurrence. PW1 and PW2 stated that they did not see the incident. They turned hostile to the prosecution. PW4 deposed that PW3 is her neighbour and she witnessed the incident. She further deposed that she did not know the date and time of occurrence. Something was done by the accused on the northern side wall of the house of PW3. She went outside hearing noise and found that the stones were displaced and she did not see anything else. She turned hostile to the prosecution.

9. PW5 is the mother of the de facto complainant. She deposed that in the after noon on 18.12.2018, the accused demolished the wall using an iron bar and when she tried to turn him back, the accused attempted to attack her with the iron bar. She further deposed that the accused also hurled abusive words on her.

10. PW6 is an attestor to Scene mahazar. He disowned his signature in the mahazar and turned hostile to the prosecution. PW7 is the then sub Inspector of Police, Nooranad P.S. He deposed that on 17.7.2019, he registered Ext. P3 FIR on the basis of Ext.P1. Thereafter, PW8 conducted the investigation of this case.

11. PW8 is the investigating officer. He deposed that, as part of the investigation, he proceeded to the scene of offence, prepared Ext.P4 scene mahazar and recorded the statements of the witnesses. PW8 further deposed that he prepared Ext. P5 report identifying the name and address of accused. On completion of the investigation, he laid the final report before the Court.

12. The first and foremost question to be considered by this court is whether the prosecution has adduced any satisfactory evidence to bring home the guilt of the accused beyond all reasonable doubt. PW3 is the de facto complainant in this case. She deposed that she was not in station at the time of the alleged incident and she did not see the incident. On perusing her deposition, it can be seen that a civil dispute is pending before the Munsiff court, Mavelikara regarding property dispute. PW4 is an occurrence witness. She deposed that when she reached at the scene, hearing noise, the stones were found displaced and she did not see anything else. There is nothing in her deposition with regard to any overt acts by the accused.

13. PW5, the mother of the de facto complainant, is the only occurrence witness who deposed in tune with the prosecution case. She has reiterated the prosecution case, when she was examined in chief. But in her cross examination, she stated that she rushed to the

scene hearing the noise and at that time the accused was standing in his property. The evidence of PW5 is not of sterling quality so as to solely rely to find the guilt of the accused, especially when there exist civil case between them. There is no independent corroboration to the evidence of PW5.

14. The available prosecution evidence is not fool proof. The entire evidence adduced by the prosecution is not free from doubt. From the available prosecution evidence, it cannot be concluded that the accused has committed offenses alleged against him. Prosecution has failed to prove that the accused have committed the offenses alleged against him, beyond reasonable doubt. Hence, points 1 to 3 are found against the prosecution.

15. **Point no.5**: In view of the findings in point nos.1 to 4, this point need not be discussed.

In the result, accused is found not guilty of the offences punishable u/ss. 447,427,294(b) and 506(ii) 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 27th day of April, 2026.

Judicial First Class Magistrate-II,
Mavelikara.

APPENDIX:**1. List of prosecution/Defence/Court witnesses****A. Prosecution witnesses.**

PW1	Chitharajan	Eye witness
PW2	Jayan	Eye witness
PW3	Manju	Other Witness
PW4	Radha	Eye witness
PW5	Pushpavally	Eye witness
PW6	Balan	Other Witness
PW7	V.Biju	Police Witness
PW8	Sureshkumar	Police Witness

B. Defence witness: Nil**C. Court witness:** Nil**II. List of prosecution/Defence/ Court Exhibits**

1	Ext.P1/PW3	Complaint
2	Ext.P2/PW4	Relevant Portion of statement recorded U/s 161 Cr.P.C
3	Ext.P3/PW7	First Information Report
4	Ext.P4/PW8	Scene mahazar
5	Ext.P5/PW8	Address report

B. Defence Exhibits: Nil**C. Court Exhibits:-** Nil**D. Material Objects:** Nil

Judicial First Class Magistrate-II,
Mavelikara