

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-1,
HARIPAD**

Present: Smt. Drisya Balakrishnan, Judicial First Class Magistrate

Dated this the 30th day of March 2026

CALENDAR CASE. No 726/2024

Complainant	:	State represented by the Sub Inspector of Police, Veeyapuram police Station in Crime No. 334/2024 <i>(By Priya Rachel Abraham APP Grade-I, Haripad)</i>
Accused	:	Sureshkumar <i>(By Advocate Sri. M.A.Jayakrishnan)</i>
Charge	:	Offences punishable U/ss. 296(b) and 221 of BNS
Plea	:	Not guilty
Finding	:	Not guilty
Sentence	:	Accused is found not guilty of offences punishable U/ss. 296(b) and 221 of BNS and he is acquitted u/s.271 (1) of BNSS.

Description of accused:-

Sl. No.	Name of Police Station and the Crime No. of the offence	Name	Father's Name	Occupation	Residence	Age
1	Veeyapuram PS in crime No. 334/24	Sureshkumar	S/o Sukumaran		Tharayil veetil , karichal muri (from Kannankara thara vadakkathil, Muthukulam south muri, Muthukulam village)	40/24

Date of

Occurrence	Complaint	Apprehension	Release on bail	Commitment	Commencement of trial	Close of trial	Sentence or order	Expln. of delay
4.7 2024	23.7 2024	3.12 2024	3.12 2024	NA	11.11 2025	30.03 2026	30.03 2026	No delay

This case having been finally heard on today the court on the same day delivered the following :-

JUDGMENT

1. This case arose on the final report filed by the Sub Inspector of Police, Veeyapuram Police Station in Crime No. 334/2024 of his Police Station. The offences alleged are punishable u/ss. 296(b) and 221 of BNS.
2. The case of the prosecution is the following:- On 4.07.2024 at 2:30 PM, at the courtyard of the Govt. Higher Secondary School, the accused abused CW1 with obscene words and entered into the office room of CW2 and thereby deterred the official duty of CW1 and 2. Thereby the accused had committed the above said offences.
3. Cognizance was taken for the offences u/ss.296(b) and 221 of BNS. and processes were issued to the accused. Accused entered appearance. He was granted bail and defended by a counsel of his own choice. The accused was served with copies of all the relevant prosecution records and the same were acknowledged in due compliance of Sec. 230 BNSS. Heard the learned APP and learned counsel on charge. After hearing both sides, charge for offence under sections 296(b) and 221 of BNS was framed, read over and explained to accused. Accused pleaded not guilty of the said charges and claimed to be tried.

4. From the side of prosecution PW1 to PW3 were examined and Ext. P1 was marked. As there were no incriminating circumstances in the evidence, examination of the accused U/s.351 (1)(b) BNSS was dispensed with. No evidence adduced from the side of defence.

5. Heard both sides.

6. The points that arise for determination are as follows:-

1 Whether the accused abused defacto complainant with obscene words and thereby committed offence punishable U/s. 296(b) of BNS as alleged by the prosecution ?

2.Whether the accused deterred CW1 and 2 from discharging their official duty as a public servant and thereby committed offence punishable U/s. 221 of BNS as alleged by the prosecution ?

3. What is the punishment if any to be awarded?

7. **Point Nos.1 and 2 :-** A perusal of the final report shows that the prosecution is relying on direct evidence of PW1 to PW3 to prove the case. No part of the prosecution case is based on circumstantial evidence. In order to prove its case prosecution examined PW1 and marked Ext.P1 F I Statement. PW1 admitted his signature in Ext. P1 F I Statement. PW1 deposed that the matter has been settled and filed compromise petition. PW2 and 3 also stated that matter has been settled. The entire prosecution case is built on direct evidence, as evident from the final report. Since the injured turned hostile, even if the other witnesses appeared and gave evidence, no purpose will be served as the prosecution cannot bring out any version other than presented by the witnesses already testified. Learned Assistant Public Prosecutor has therefore given up all the other witnesses. The prosecution had not adduced any evidence to bring home the guilt of the accused and therefore, this points are answered accordingly against the prosecution.

8. **Point No.4:-** In view of my findings, the accused is found not guilty of the offences punishable u/ss. 296(b) and 221 of BNS. The accused is therefore acquitted u/s. 271 (1) of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS). His bail bond stands cancelled and he is set at liberty.

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

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Judicial First Class Magistrate-1,
Haripad

APPENDIX

I. List of Prosecution/Defence/Court Witnesses

A.Prosecution witnesses

PW1	Gopakumar	FI statement witness
PW2	Shyni Abraham	Occurrence witness
PW3	Muhammad Shareef	- do -

B.Defence witnesses: Nil

C.Court witnesses : Nil

II.List of Prosecution/Defence/Court Exhibits

A.Prosecution Exhibits:

1	Ext.P1/PW1	FI statement
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B.Defence Exhibits : Nil

C. Court Exhibits: Nil

D. Material objects: Nil

Judicial Magistrate of First Class-1
Haripad