

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-I,
CHENGANNUR**

Present:- Smt.Anupama S.Pillai, Judicial First Class Magistrate-I

Dated this, the 04th day of April, 2026.

C.C.31/2020

Complainant : State of Kerala represented by the Sub Inspector,
Mannar P.S. in Crime No.1849/2019
[By APP, Chengannur]

Accused : Suresh, Aged 49/19, S/o Surendran, Madhavassery
Kizhakkethil, Chennithala South Muri,
Thripperunthura Village.
[By Adv. Manu V Balan]

Offence : U/Ss. 341, 323, 294(b) of IPC

Plea : Not guilty

Finding : Not guilty

Sentence or order : The accused is found not guilty of the offences
punishable U/Ss. 341, 294(b), 323 IPC and he is
acquitted u/s. 255(1) of CrPC. His bail bond
stands cancelled. He is set at liberty.

DESCRIPTION OF THE ACCUSED

No	Name	Husband's name	Caste	Calling	Residence	Taluk	Age
1.	Suresh	Surendran			Madhavassery Kizhakkethil, Chennithala South Muri, Thripperunthura Village.		49/19

DATE OF				
Occurrence	Complaint	Apprehension	Released on bail	Commencement of trial
09.09.2019	04.01.2020	18.05.2023	18.05.2023	13.01.2025
Commencement of evidence	Close of trial	Sentence or order	Explanation for delay	Period of detention undergone during investigation, inquiry or trial for the purpose of Section 428 Cr.P.C
19.06.2025	30.03.2026	04.04.2026	No delay	Nil

This case coming on this day for consideration, the court delivered the following:

J U D G M E N T

1. This case arises out of a final report laid by the Sub Inspector of Police, Mannar Police Station, in Crime No. 1849/19 against the accused, alleging commission of offences punishable under Sections 341, 294(b) and 323 of the Indian Penal Code.
2. **The prosecution case in brief as follows:-** The accused on account of prior enmity arising from the fact that CW3 his minor son had taken money from his house and given it to CW1 another minor child, on 09.09.2019 at about 12.30 p.m. at the tar road or area of Chennithala Valiyaperumbuzha -Kinaruvila Cherukol road and its vicinity, wrongfully restrained CW1 while he was riding a bicycle by intercepting and stopping him. The accused then assaulted CW1 by slapping him on his face with his hand and abused him in obscene language. The accused alleged to have committed the offences punishable U/Ss. 341, 294(b) and 323 of IPC.
3. The crime was registered, investigation was conducted, and the final report was laid by CW-6 under Section 173(2) of Cr.PC. After taking cognizance of the offences, taking the case on file as the afore CC, this Court issued summons to the

accused. Though summons served, he did not turn up. Non-bailable warrant was issued against him. On 18.05.2023, the accused surrendered. He was enlarged on bail. Copies of relevant prosecution records were served on him. On 13.02.2025, the particulars of the offences under Sections 341, 294(b) and 323 IPC were read over to the accused. He pleaded not guilty and claimed to be tried. The case was then proceeded with the prosecution evidence.

4. The prosecution cited seven witnesses. However, only PW1 and PW-2 were examined and Ext.P1 First Information Statement was marked. Despite repeated coercive steps, the presence of CW2 could not be recovered within a reasonable time. CW4 expired. The copy of his death certificate was produced. The remaining witnesses were given up.
5. Since no incriminating circumstances appeared against the accused in the prosecution evidence, examination of the accused u/S.313(1)(b) of CrPC was dispensed with.
6. Heard both sides.
7. The following points arise for consideration;

POINTS

- (i) *Has the prosecution proved that the accused, on 09.09.2019 at about 12.30 p.m. at the tar road or area of Chennithala Valiyaperumbuzha -Kinaruvila Cherukol road and its vicinity, wrongfully restrained CW1, and thereby committed the offence punishable U/s.341 of IPC?*
- (ii) *Has the prosecution proved that the accused, on 09.09.2019 at about 12.30 p.m. at the tar road or area of Chennithala Valiyaperumbuzha -Kinaruvila Cherukol road and its vicinity, abused CW-1 in a filthy language, called CW1 obscenities, and thereby committed the offence*

punishable U/s.294(b) of IPC?

(iii) Has the prosecution proved that the accused, on 09.09.2019 at about 12.30 p.m. at the tar road or area of Chennithala Valiyaperumbuzha -Kinaruvila Cherukol road and its vicinity, slapped CW-1 on his face, causing him pain and thereby committed the offence punishable U/s.323 of IPC?

(iv) What is the order as to sentence if any?

8. **Point Nos. 1 to 3** :- Since the appreciation of evidence and appraisal of facts involved in both these points are similar they are considered together for the sake of brevity and to avoid the monotony of repetition.
9. The prosecution case, in brief, is that on 09.09.2019 at about 12.30 p.m. at the tar road or area of Chennithala Valiyaperumbuzha -Kinaruvila Cherukol road and its vicinity, wrongfully restrained CW1 while he was riding a bicycle by intercepting and stopping him. The accused then assaulted CW1 by slapping him on his face with his hand and abused him in obscene language.
10. The prosecution case originates from Ext.P1 First Information Statement given by CW1 before CW-6, the Sub Inspector of Police, Mannar Police Station.
11. PW1 Ashwin Ashok is the de facto complainant. Though he admitted lodging of the complaint and occurrence of an incident, he categorically deposed that he does not know who inflicted him hurt and specifically exculpated the accused from the alleged acts. Thus, PW1 has not supported the prosecution case and was declared hostile.
12. PW2 Amodh is cited as occurrence witness. The witness denied having witnessed any such incident. His attention was drawn to his previous statements by the learned Assistant Public Prosecutor after obtaining permission under Section 154

of the Indian Evidence Act. However, he denied having given such statements.

13. It is settled law that the evidence of a hostile witness is not to be rejected in toto, but can be relied upon to the extent it supports the prosecution. However, in the present case, PW1 has not implicated the accused in any manner. PW2 has also not supported the prosecution case.
14. Apart from Ext.P1, which is only a previous statement and not substantive evidence, there is no independent material to connect the accused with the alleged occurrence. There is absolutely no evidence to prove that the accused uttered obscene words in a public place or that he voluntarily obstructed and caused hurt to PW1.
15. In a criminal trial, the burden lies on the prosecution to prove the guilt of the accused beyond reasonable doubt. Suspicion, however strong, cannot take the place of proof.
16. In the absence of any reliable and convincing evidence, this Court is of the considered opinion that the prosecution has failed to establish the ingredients of offences under Sections 341, 294(b) and 323 IPC.
17. Thus, the prosecution failed to prove the alleged accusations beyond reasonable doubt. The accused is entitled to the benefit of doubt under law. The points are found against the prosecution.
18. **Point No.4:-** For the reasons and findings stated in the preceding points, the accused is not found guilty of the offences punishable U/Ss. 341, 294(b), 323 of IPC and is acquitted under Sec.255(1) of CrPC. The point is found against the prosecution.

In the result,

The accused is acquitted u/s. 255(1) of CrPC of the offences punishable U/Ss. 341, 294(b), 323 IPC. His bail bond stands cancelled. He is set at liberty.

Typed by me , corrected by me and pronounced in open court, this the 04th day of April, 2026.)

Sd/-
Judicial First Class Magistrate-I
Chengannur

Appendix

List of Prosecution/Defence/Court Witness

(Rule 134 Criminal Rules of Practice, Kerala)

A. Prosecution Witnesses :

Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, Other witness Eye witness
PW1	Aswin Ashok	Eye witness
PW2	Amod	Eye witness

A.Prosecution Exhibits:

SL.No	Exhibit Number	Description
1	Ext.P1/PW1	First Information Statement

B. Defence Witness: Nil

C. Court Witness: Nil

D. Material Objects : Nil

Sd/-
Judicial First Class Magistrate-I
Chengannur