

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

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

Dated this, the 31st day of March, 2026.

C.C. 2551/2020

Complainant : State of Kerala represented by the Sub Inspector,
Venmony P.S. in Crime No. 71/20

[By APP, Chengannur]

Accused : Geetha Gopalakrishnan, Aged 39/20,
W/o Gopalakrishnan Nair, Gokul Nivas,
Punthala Eram Muri, Venmony Village.

[By Adv.Sooraj S Pillai - LADC]

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

Plea : Not guilty

Finding : Not guilty

Sentence or order : The accused is found not guilty of the offences punishable U/Ss. 294(b),323 IPC, and she is acquitted u/s.278(1) of BNSS. Her bail bond stands cancelled. She is set at liberty.

DESCRIPTION OF THE ACCUSED

No	Name	Husband's name	Caste	Calling	Residence	Taluk	Age
1.	Geetha Gopalakrishnan	Gopalakrishnan Nair			Gokul Nivas, Punthala Eram Muri, Venmony Village.		39/20

DATE OF				
Occurrence	Complaint	Apprehension	Released on bail	Commencement of trial
16.01.2020	19.03.2020	22.01.2025	22.04.2025	29.07.2025
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
29.07.2025	27.03.2026	31.03.2026	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, Venmani Police Station, in Crime No. 71/2020 against the accused, alleging commission of offences punishable under Sections 294(b) and 323 of the Indian Penal Code.
2. **The prosecution case in brief as follows:-** On 16.01.2020 at about 03.15 p.m., at the family house of CW1 situated at Cheruvallur, CW1 had objected to the accused speaking loudly near his ailing grandfather and requested the accused speak in a lower voice. The accused, on the same day, in retaliation , on the Panachamoodu -Puncha road, on the alley and its premises,abused the complainant in a filthy language and questioned his authority. The accused kicked CW1 by bending her leg and striking on his left knee. When CW1 moved away, the accused chased him, came near and slapped him on his cheek. When the witness attempted to ward off the attack, the accused caught hold of his shirt and tore it. The accused further beaten CW1 on his back and chest with her hands and and scratched his chest with her nails causing injuries and caught hold of his head and hit it against a post. The accused alleged to have committed the offences punishable U/Ss. 294(b) and 323 of IPC.

3. The crime was registered, investigation was conducted, and the final report was laid by CW7 under Section 173(2) of CrPC. After taking cognizance of the offences, taking the case on file as the afore CC, this Court issued summons to the accused. On 22.04.2025, the accused appeared. She was enlarged on bail. Copies of relevant prosecution records were served on her. On 29.07.2025, the particulars of the offences under Sections 294(b) and 323 IPC were read over to the accused. She 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 to PW3 were examined and Ext.P1 First Information Statement was marked. 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.351(1)(b) of BNSS was dispensed with.
6. Heard both sides.
7. The following points arise for consideration;

POINTS

- (i) *Has the prosecution proved that the accused, on 16.01.2020, on the Panachamoodu -Puncha 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?*
- (ii) *Has the prosecution proved that the accused, on 16.01.2020, on the Panachamoodu -Puncha road, and its vicinity, kicked CW-1 on his left knee, slapped him, beaten him on his chest and back, scratched on his chest with nails, and hit his head against a post, causing him*

pain and thereby committed the offence punishable U/s.323 of IPC?

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

8. **Point Nos. 1 and 2** :- 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 16.01.2020 at about 3.15 p.m., at the family house of CW1 situated at Cheruvallur, CW1 objected to the accused speaking loudly near his ailing grandfather and requested her to speak in a lower voice. Aggrieved by the same, the accused, on the very same day, at Panachamoodu–Puncha road and its vicinity, abused CW1 in filthy language, questioned his authority, and assaulted him by kicking on his left knee, slapping him, tearing his shirt, beating him on his chest and back, scratching his chest with nails, and hitting his head against a post.
10. The prosecution case originates from Ext.P1 First Information Statement given by CW1 before the Sub Inspector of Police, Venmani Police Station.
11. PW1 Jayakrishnan 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 injuries on him and specifically exculpated the accused from the alleged acts. Thus, PW1 has not supported the prosecution case and was declared hostile.
12. PW2 Sivankutty Nair and PW3 Jaya are cited as occurrence witnesses. Both of them denied having witnessed any such incident. Their attention was drawn to their previous statements by the learned Assistant Public Prosecutor after obtaining permission under Section 154 of the Indian Evidence Act. However, they 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 and PW3 have 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 she voluntarily 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 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.3:-** For the reasons and findings stated in the preceding points, the accused is not found guilty of the offences punishable U/Ss. 294(b), 323 of IPC and is acquitted under Sec.278(1) of BNSS. The point is found against the prosecution.

In the result,

The accused is found not guilty of the offences punishable U/Ss. 294(b), 323 IPC, and she is acquitted u/s.278(1) of BNSS. Her bail bond stands cancelled. She is set at liberty.

(Typed by me , corrected by me and pronounced in open court, this the 31st day of March, 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	Jayakrishnan	Eye witness
PW2	Sivankutty Nair	Eye witness
PW3	Jaya	Eye witness

A.Prosecution Exhibits: Nil

B. Defence Witness: Nil

C. Court Witness: Nil

D. Material Objects : Nil

Sd/-

Judicial First Class Magistrate-I
Chengannur