

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, RAMANKARY

Present:-Sri. Arun Kumar P, Judicial First Class Magistrate

Dated, this day the 29th day of April, 2026**C.C.No. 247/2023**

Complainant : State-represented by the Sub Inspector of Police, Ramankary Police Station in crime no. 191/2023
(By A P P- Ramankary)

Accused : Sugunan @ Shaji
(By Adv. D Salimkumar)

Offence : U/ss. 294 (b), 452, 341, 323, 324, 354 of Indian Penal Code .

Plea : Not guilty

Finding : Not guilty.

Sentence or order : Accused is acquitted u/s 248(1) Cr.PC and is set at liberty.

DESCRIPTION OF THE ACCUSED:-

Sl. No	Accused	Father's name/Husband name	Occupation	Residence	Age
	Sugunan @ Shaji	Bhaskaran		Sreesarass Veedu, Velianadu PW 8, Kidangara Muri, Velianadu Village	36/23

DATE OF:-

Offence	Complaint	Appearance	Release on bail.	Commence-ment of trial	Close of trial	Sentence or Order.
13.03.2023	13.03.2023	06-04-2024	06-04-2024	29-04-2024	27.04.2026	29.04.2026

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

J U D G M E N T

1. This is a case charged by Sub Inspector of police, Ramankary in crime no. 191/2023 against the accused alleging commission of offences punishable under sections 294 (b), 452, 341, 323, 324, 354 of Indian Penal Code.

2. ***The prosecution case in brief as follows:-*** The accused having previous enmity towards the informant- Saradhamma and CW2, Sasidharan and with the intention to assault them, had on 13.03.2023 at about 01.00 p.m. at Velianadu Village, the accused had verbally abused CW2- Sasidharan by uttering abusive words towards him and thereafter assaulted CW2 by hitting with stick on his left leg and thereafter on his neck and thereafter assaulted him by hitting with hand and pulled him out of the house. When the informant, Sharadhamma, tried to prevent this, the accused also pulled the informant down and she also sustained injuries over her shoulder and thereafter uttered verbal abuse towards the informant and insulted her and thereby alleged to have committed offences punishable under Section 294 (b), 452, 341, 323, 324, 354 of Indian Penal Code .

3. On submission of charge sheet by the investigating officer, cognizance was taken for the offence punishable u/s. 294 (b), 452, 341, 323, 324, 354 of Indian Penal Code, 1860 against the accused person and the case was taken on file as CC.247/2023. On issuance of summons the accused person entered appearance and he was represented by a counsel. He was enlarged on bail. Copies of relevant records of prosecution case were furnished to him and thereby mandate u/s. 207 of Cr.PC was duly complied with. Accused was heard on charge. Charge framed for the offences punishable u/s. 294 (b), 452, 341, 323, 324, 354 of Indian Penal Code, 1860 and it was read over to the accused to which he pleaded not guilty and claimed to be tried.

4. From the side of prosecution, eleven witnesses were examined as PW1 to PW11 and thirteen document were marked as Ext.P1 to P13 and Ext. MO1 and MO2 were also marked. Since the remaining witnesses will not improve the prosecution case, they were rightly given up by the learned Assistant Public Prosecutor.

5. After the closure of prosecution evidence the accused was examined u/s.313(1)(b) Cr.Pc. for all incriminating circumstances appeared

against him to which he denied and further submitted that he was falsely implicated in the case.

6. Heard the learned Assistant Public Prosecutor and the learned counsel for the accused.

7. **The points that arise for determination are:-**

1. *Whether the accused had uttered obscene words to PW1- Saradamma and CW2 Sasidharan to their annoyance at a public place and thereby committed offence punishable u/s 294(b) IPC?*
2. *Whether the accused criminally trespassed into the house of PW1- Saradamma having made preparation for causing hurt and thereby committed offence punishable u/s 452 IPC ?*
3. *Whether the accused had voluntarily caused hurt to CW2- Sasidharan by using a wooden stick and thereby committed offence punishable u/s 324 IPC?*
4. *Whether the accused had voluntarily caused hurt to CW2- Sasidharan and thereby committed offence punishable u/s 323 IPC?*
5. *Whether accused used criminal force to PW1- Saradamma intending to outrage her modesty and thereby committed offence punishable u/s 354 IPC?*
6. *Whether the accused had wrongfully restrained CW2- Sasidharan and thereby committed offence punishable u/s.341 of Indian Penal Code, 1860?*
7. *What is the order as to sentence, if any, to be passed against the accused?*

8. **Point No.1 to 6 :-** Inorder to avoid repetition, all these points are considered together. The learned counsel for the accused had argued that the prosecution had failed to prove the essential ingredients of the offences by

cogent and reliable evidence, and PW1 had inconsistent version with that of her statement before police and before court, and there were several omissions, and no independent witnesses had corroborated her words. The medical evidence also will not assist with the prosecution and the accused is entitled to get acquitted for the offence alleged against him.

9. Per contra APP submitted that the prosecution had by oral evidence of PW1 which was corroborated by other witnesses and also the medical witnesses and there were minor discrepancies and it will not cast doubt in the prosecution version and it is not fatal to the prosecution hence the accused is to be convicted for the offence alleged against him.

10. PW1- Sharadhamma deposed in examination-in-chief that on 13.03.2023 at about 01.00 p.m. at Veliyanadu Village while she along with her husband was at their house, their neighbour Shaji had trespassed into their house and thereafter verbally abused her husband and the accused had assaulted on her husband's neck and pulled him outside and blood was coming out from his lips. When she interfered, the accused had tore her nighty and verbally abused her. He had pelted stone which was collected in front of their house and they had screamed and the workers who were there came there and at that time the accused left there and they went into hospital and regarding that she had lodged complaint before police and she had identified the accused.

She had also given Ext. P2, 164 statement before police. She had identified Ext. MO1 nighty, which was torn by the accused.

11. During cross-examination, she deposed that the accused was her neighbour. She deposed that after giving statement, they went to hospital. She admitted that there was a property dispute between the accused and them. She deposed that no independent witnesses were in the case and the witnesses were her labourers. Then an omission was also put on her that she had not given statement to police that the accused had assaulted with stick on CW2's left hand. Another omission was also put to her that she had not given statement to police that the accused had pulled her hair. Another omission was also put to her that the accused had pelted the stone which was collected in front of their house to which she answered that she had given such a statement. She admitted that there was no demarcation between her property and the property of accused.

12. From her evidence, it is seen that there was a property dispute between accused and them. She admitted that there was no independent witness, only the witnesses were her workmates. Then several omissions were put to her that she had not given statement to police that the accused assaulted her husband with stick and also that she was pulled down over her by getting hold over her hair and also another omission that the accused had a pelted

stone which was placed in front of their house. All these are seen as material and hence the evidence will not assist the prosecution.

13. PW2- Harisudan turned hostile to the prosecution by deposing that he had not witnessed the incident nor he gave any statement before the police. Hence, his evidence is not helpful to prosecution.

14. PW3- Suresh, another independent witness, also turned hostile to the prosecution by deposing that he had not witnessed the incident nor he gave any statement before police. Hence, his evidence also will not assist the prosecution.

15. PW4- Hariharan, another independent witness, also turned a hostile to the prosecution by deposing that he had not witnessed the alleged incident nor gave any statement before the court. Hence his evidence is also not helpful to prosecution.

16. PW5 Saju Pathrose deposed in examination-in-chief that while he was working as Panchayath Secretary of Velliyanad, as per the request of the Investigating Officer, he had issued Ext. P3 certificate which was prepared after verifying the assessment register and the house was belonging to Sashidharan.

17. During cross-examination, he has put a question that he had prepared Ext. P3 certificate as per the request of Sasidharan to which he

answered that it was as per the request of the court and he admitted that the same was not mentioned in Ext. P3 certificate.

18. PW6 Dr. Jobin Jose deposed in examination-in-chief. On 13.03.2023 at 08.35 p.m. while he was working as Casualty Medical Officer at Changanassery Government Hospital, he had examined a patient named Saradhamma, who was brought with alleged history of assault by a person who was his neighbour at their home at around 01.00 p.m. and on examination there was no visible external injury. She had complained of upper back pain, lower back pain and regarding that, he had issued Ext. P4 certificate and opinion regarding the injury could be as alleged.

19. He further deposed that on the same day he had examined a patient named Sasidharan aged 72 years with alleged history of assault and on examination he had abrasion on lower lip and pain on his left upper arm. He opined that injuries could be as alleged and regarding that he had issued Ext. P5 wound certificate.

20. During cross-examination, he deposed that the pain which was alleged could be pretended and the abrasion sign was not mentioned since it was negligible.

21. From Ext. P4 and Ext. P5 documents, it is seen that there was no external injuries to PW1 and there was mild aberration on the lower lip of

CW2 and it will not assist the prosecution as it doesn't corroborate the version of PW1.

22. PW7 - Ravidas deposed in examination-in-chief that he had witnessed the preparation of Ext. P6 scene mahazar. During cross-examination, he admitted that PW1 was his relative. He also admitted that he doesn't know the content of the scene mahazar and hence his evidence is not helpful to prosecution.

23. PW8- Minimol deposed in examination-in-chief that while she was working as Civil Police Officer at Ramankary Police Station, she had seized the nighty as per Ext. P7 seizure mahazar.

24. PW9- Lisamma Jacob deposed in examination-in-chief that on 13.03.2023 while she was working as Senior Civil Police Officer at Ramankary Police Station, she had recorded Ext. P1 First Information Statement of PW1.

25. During cross-examination, she deposed that she admitted that it was not stated in the statement of PW1 that her husband was assaulted with a stick on his left hand. She also admitted that it was not mentioned by PW1 that the accused had got hold over her hair and pulled her down and also the accused pelted stone which were in front of their house. Hence from her evidence it is seen that there were several omissions in her version and during cross-

examination those omissions were brought out and it is stand proved by the cross-examination of PW9.

26. PW10 Sanjeev Kumar deposed in Examination-in-chief that on 13.03.2023 while he was working as Sub-Inspector of Police at Ramankary Police Station, he had conducted the investigation of the case. He went to the place of occurrence and prepared Ext. P6 scene mahazar. Thereafter seized Ext. MO2 stick through which the accused assaulted CW2 Sasidharan and thereafter arrested the accused. Thereafter seized Ext. MO1 nighty and submitted before court. He had verified and submitted Ext. P11 report showing the address of the accused. He had identified the accused and he had submitted charge sheet before court.

27. During cross-examination, he deposed that there was a property dispute between the accused and PW1. Then he deposed that witness in mahazar were residing 12 to 13 kilometres away. Since they were present at the place of occurrence, they were made witnesses. He also admitted that it was not mentioned in the statement of CW2 to CW4 that where it was recorded. He admitted that it was not stated by PW1 that on which leg of CW2 he sustained injury. He also admitted that it was not mentioned in first information statement regarding the colour of the nighty which was alleged to be tore by the accused. He also admitted that when he went to the place of

occurrence at that time, PW1 had not handed over the nighty. PW1 was wearing Ext. MO1 and she had handed over the same on the same day at 03.00 p.m. and then he admitted that the said fact was not mentioned anywhere.

28. From his evidence, it is seen that there were several omissions in the version of PW1 in his statement before police and the Court of law regarding the alleged assault by the accused with a stick and also there was no proper recovery of Ext. MO1 nighty. Hence, even though Ext. MO2 was recovered, it was not shown to other witnesses. Hence his evidence cannot be relied upon and hence this evidence also will not assist to the prosecution.

29. PW11, Ravi Santhosh deposed in Examination-in-chief that on 13.03.2023 while he was working as Inspector of Police at Ramankary Police Station, he had registered Ext. P13 First Information Report.

30. From the oral evidence of PW1, it is seen that there were several omissions with regard to the alleged assault by the accused on her husband. i.e. she had not properly identified Ext. MO2 stick and Ext. MO1 nighty which was alleged to be torn by the accused. According to the Investigating Officer, when he went for preparing the scene mahazar, PW1 was wearing the same and she had handed over the same on the same day at 03.00 p.m. Also there was no external injury on the body of PW1 and the injury, the abrasion, which

was mild, present on the body of CW2-Shashidharan. But the version of PW1 was not corroborated by the medical evidence and the independent witnesses turned hostile to the prosecution. Hence, the prosecution failed to prove the essential ingredient of the offence alleged against the accused by cogent and reliable evidence. Since the offence alleged cannot be attributed to itself, he is entitled to get the benefit of reasonable doubt. All these points are found against the prosecution.

31. **Point No.7:-**From point no.1 to 6, it is found that the accused person had not committed the offences alleged against him and hence he is not found guilty of offence punishable u/s.294 (b), 452, 341, 323, 324, 354 of Indian Penal Code, 1860 alleged against him. Hence, the accused person is acquitted for the aforesaid offence u/s.248(1) of Cr.PC. The bail bond of accused person stands cancelled and he is set at liberty.

32. Property produced in this case will be disposed of after the expiry of period of appeal if no appeal is preferred and if appeal is preferred after the conclusion of appeal.

Dictated to the Confidential Assistant transcribed by her, corrected and pronounced by me in open court on this the 29th day of April, 2026

sd/-

Judicial first Class Magistrate

APPENDIX

WITNESSES FOR PROSECUTION:-

PW1. Saradamma
PW2. Harisudan
PW3. Suresh
PW4. Hariharan
PW5. Saju Pathrose
PW6. Dr. Jobin Jose
PW7. PK Ravidas
PW8. Minimol, SCPO
PW9. Lisamma Jacob
PW10. Sanjeev Kumar
PW11. Ravi Santhosh

EXHIBITS FOR PROSECUTION:-

- P1. First Information Statement dated 13.03.2023 proved through PW1 on 29.07.2024.
- P2. 164 statement dated 18.04.2023 proved through PW1 on 29.07.2024.
- P3. Ownership certificate dated 27.04.2023 proved through PW5 on 01.01.2025.
- P4. Wound certificate dated 13.03.2023 proved through PW6 on 05.03.2025.
- P5. Wound certificate dated 13.03.2023 proved through PW6 on 05.03.2025.
- P6. Scene mahazer dated 14.03.2023 proved through PW7 on 05.06.2025.
- P7. Seizure mahazer dated 14.03.2023 proved through PW8 on 07.07.2025.
- P8. Property list dated 14.03.2023 proved through PW10 on 03.11.2025.
- P9. Arrest memo dated 14.03.2023 proved through PW10 on 03.11.2025.
- P10. Inspection memo dated 14.03.2023 proved through PW10 on 03.11.2025.
- P11. Address report dated from SI of Police Ramankary dated 14.03.2023 proved through PW10 on 03.11.2025.
- P12. Property list dated 14.03.2023 proved through PW10 on 03.11.2025.
- P13. First Information Report dated 13.03.2023 proved through PW11 on 20.04.2026.

WITNESSES FOR DEFENCE:- Nil

EXHIBITS FOR DEFENCE:-

MATERIAL OBJECT:- TR 91/2023, TR94/2023

MO1. Nighty
MO2- Wooden stick

sd/-
Judicial First Class Magistrate