

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, RAMANKARY  
 Present:-Sri. Arun Kumar P, Judicial First Class Magistrate  
 Dated, this the 26<sup>th</sup> day of May, 2026

**C.C.No. 101/2024**

Complainant : State-represented by the Sub Inspector  
 of Police, Ramankary Police Station in  
 crime no. 28/2024  
 ( By A P P- Ramankary)

Accused : Unni @ Sarath  
 (By Adv. S Ajeshkumar)

Offence : U/ss. 294 (b), 506 (i), 447 of Indian Penal Code.  
 Plea : Not guilty  
 Finding : Not guilty.  
 Sentence or order : Accused is acquitted under section 255(1)  
 Cr.PC and is set at liberty.

**DESCRIPTION OF THE ACCUSED:-**

Sl. No	Accused	Father's name/Husband name	Occupation	Residence	Age
	Unni @ Sarath	Sasidharan		Kallummel Lakham veedu, Ramankary PW 11, Ramankary Village	29/ 23

**DATE OF:-**

Offence	Complaint	Appearance	Release on bail.	Commitment	Commencement of trial	Commencement of Evidence
09.01.2024	17.01.2024	21.06.2024	21.06.2024	...	19-08-2024	16-10-2025
Close of trial	Sentence/ Order	Service of copy of Judgment or finding on account	Explanation of delay	Period of detention undergone during investigation, inquiry of trial for the purpose of section 428 Cr.PC		
25.05.2026	26.05.2026	....	....	....		

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. 28/2024 against the accused alleging commission of offences punishable under sections 294 (b), 506 (i), 447 IPC of Indian Penal Code.
2. ***The prosecution case in brief as follows:-*** The accused, having previous enmity towards the informant- Jineesh and CW2- Anu Rajan, had on 09.01.2024 in between 02.00 and 03.00 p.m. at Ramankary Village, the accused had verbally abused CW2- Anu Rajan and thereafter threatened her. When the informant tried to question this, the accused had threatened that he will kill him. Thereafter the accused again returned to the house of the informant and tried to trespass into their house and threatened him. Hence, the accused is alleged to have committed the offences punishable under sections 294 (b), 506 (i), 447 IPC 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), 506 (i), 447 IPC of Indian Penal Code, 1860 against the accused and the case was taken on file as CC. 101/2024. On issuance of summons the accused entered appearance and he was represented by a counsel. Copies of relevant

records of prosecution case were furnished to him and thereby mandate u/s. 207 of Cr.PC was duly complied with. Particulars of offences punishable u/s. 294 (b), 506 (i), 447 IPC 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, five witnesses were examined as PW1 to PW5 and four document were marked as Ext.P1 to P4. Since the remaining witness 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. No defence evidence.
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 first accused had uttered obscene words against PW1- Jineesh to his annoyance at a public place and thereby committed offence punishable u/s 294(b) of Indian Penal Code?*

2. *Whether the accused trespassed into the house of PW1- Jineesh and thereby committed offence punishable u/s 447 IPC?*
3. *Whether the accused persons criminally intimidated PW1- Jineesh and thereby committed offence punishable u/s 506(i) IPC ?*
4. *What is the order as to sentence, if any, to be passed against the accused?*

8. **Point No.1 to 3 :-** Inorder to avoid repetition, all these points are considered together. The learned counsel for the accused had argued that the prosecution failed to prove that the informant was in possession of the house where it is alleged to have been trespassed by the accused and also no verbal abuse was proved by the prosecution by any of the witnesses and there were inconsistencies in the version of PW1 and PW2 and the independent witness's version also doesn't corroborate it. Hence, the prosecution failed to prove the essential ingredients of the offence by cogent and reliable evidence. Hence, accused is to be acquitted for the offence alleged against him.

9. Per contra, the learned APP submitted that the prosecution had by oral evidence of PW1 to PW5 and the documents had proved the case by cogent and reliable evidence. Hence the accused is to be convicted for the offence alleged against him.

10. PW1- Jineesh Chandran deposed in examination-in-chief that on 09.01.2024 between 02.00 - 03.00 p.m. when he was not in his house and his

wife was alone, then the accused came to his house and he tried to trespass into his house and verbally abused PW2- Anu and his wife informed him through phone and when he returned to home, the accused again came at 03.00 p.m. and verbally abused him. Thereafter, he had lodged Exhibit. P1 First Information Statement before police and he identified the accused in dock.

11. During cross-examination, he admitted that his wife used to call the accused for the purpose of arranging vehicle for the purpose of their travel. He deposed that he doesn't remember the exact date in which First Information Statement was lodged by him. He then deposed that he doesn't know when the accused and his wife had telephoned. He deposed that there were no neighbours who had witnessed the incident. He deposed that there was a quarrel between one Sreeraj and the accused with regard to the phone call between Sreeraj and his wife, PW2- Anu. Then he was put a suggestion that he was falsely deposing according to the instruction of the said Sreeraj, to which he denied the same.

12. Hence, from his evidence it is seen that no obscene word was deposed by him as uttered by the accused. Hence, the offence under Section 294(b) of IPC cannot be attracted. Similarly, what threatening was done by him was also not deposed by him. He also doesn't remember the exact date in which he had lodged the First Information Statement. He admitted that the accused and his wife used to call each other for the purpose of arranging vehicle and there was a

quarrel between one Sreeraj and the accused with regard to call between Sreeraj and his wife PW2- Anu. Hence, all these casts doubt in his version and hence it doesn't corroborate the case of prosecution.

13. PW2- Anu deposed in examination-in-chief that on 09.01.2024 while she was at her house at Vezhapra, where she was residing on rent, at around 02.00 p.m., the accused came to their house and he had enquired about her husband. She stated to him that her husband was not in house, then the accused had verbally abused her by calling her father's and mother's name and thereafter threatened her. Then she had closed the front door. Then the accused tried to trespass into their house. Thereafter the accused left there. Then after her husband returned, the accused came therein and he threatened her husband and they had quarreled with each other. She then deposed that she doesn't heard what they were talking about. She then deposed that there was a quarrel between the accused and her husband in the year 2023 and due to that enmity the accused had threatened them and regarding that she had given statement to police and she deposed that she could identify the accused. She deposed that on the same day of the alleged incident she had given statement to police. Initially her husband had given statement. She admitted that she had telephoned the accused. She also admitted that she had telephoned another person named Sreeraj. She then deposed that she couldn't remember how many times she had telephoned the

accused. She deposed that the accused was an auto driver. She then deposed that she doesn't know the quarrel between Sreeraj and accused with regard to a telephone call between her and Sreeraj. She was then put an omission that from where and which portion of their house the accused had trespassed was not given to the police while she gave statement to which she answered that she had given such a statement. Then an omission regarding obscene words was also put to her to which she answered that she gave such a statement to police. Then a suggestion was put to her that she had after planned with her husband, was falsely deposing before court to which she denied the same.

14. From her evidence, it is seen that she had contact with the accused and she deposed that she doesn't know the quarrel between her husband and the accused. When her husband returned home, she has admitted that there was a quarrel between the one Steeraj and the accused and she doesn't know for what matter they were quarreling and she was put an omission with regard to the obscene word uttered by accused and the portion in which the accused had trespassed into her house. Hence, her version doesn't corroborate the version of PW1 and also the case of the prosecution. Hence not helpful to prosecution.

15. PW3- Sabu deposed in examination-in-chief that he had witnessed the preparation of Exhibit P2 scene mahazar by the Investigating Officer. But during

cross-examination, he deposed that he doesn't know the content of the same. Hence, his evidence is also not helpful to prosecution.

16. PW4- Baiju deposed in examination-in-chief that on 17.01.2004 while he was working as Assistant Sub-Inspector of Police at Ramankary, he had recorded Exhibit P1 First Information Statement of PW1- Jineesh.

17. During cross-examination, he admitted that the First Information statement was lodged after seven days of the alleged incident and no reason was given for the delay. He also admitted that what obscene word was used by the accused towards PW2- Anu was also not stated by PW1- Jineesh in Exhibit P1 First Information Statement. He also admitted that no document was produced to show that the house was rented by PW1- Jineesh. He also admitted that there was a correction in the date and time in First Information statement. Hence, from his evidence it is seen that there were corrections in the First Information Statement and also there was a delay of seven days and no proper explanation was given by PW1- Jineesh for the same and no document was produced by PW1 to show that the same was tented to him. Hence, his evidence is also not helpful to prosecution.

18. PW5 - Murugan deposed in examination in chief that on 18.01.2024 while he was working as Sub Inspector of Police at Ramankary Police Station he had conducted the investigation of the case and went to the place of occurrence

and prepared Exhibit P2 scene mahazar and thereafter he had submitted Exhibit P3 report showing the full address and details of the accused and thereafter he had given Exhibit P4 notice to the accused and thereafter concluded the investigation and submitted charge sheet before court.

19. During cross-examination, he admitted that there was seven days delay in lodging the First Information Statement and no reason was shown for the same. He also admitted that no document was produced by PW1- Jineesh to show that he was the tenant of the house in which it is alleged to be trespassed by the accused. He also admitted that from the statement of PW1, it is not seen that what obscene word was uttered by the accused and also what threatening was done by the accused.

20. From his evidence, it is seen that there was delay in lodging the First Information Statement and no document was produced to show that the PW1 was the tenant of the house in which it is alleged to be trespassed by the accused and no obscene word was also deposed by PW1 in his statement. So his evidence also will not assist the prosecution.

21. From the overall evidence of PW1 and PW2, it is seen that there were no independent witnesses in the case and also no obscene word was uttered and deposed by them. It is deposed by the Investigating Officer that there was delay in lodging First Information Statement of seven days and no specific reason was

given for the same and it is admitted by PW1 and PW2 that there was earlier dispute between the accused and PW2- Anu and no document was produced to show that PW1 was the tenant of the house in which it is alleged to be trespassed by the accused and there was no independent witness. All these cast doubt in the version of the prosecution and the prosecution miserably failed to prove the essential ingredient of the offence by cogent and reliable evidence. So the offences alleged cannot be attributed towards the accused and the accused is entitled to get the benefit of reasonable doubt. These points are found against the prosecution.

22. **Point No.6:-**From point no.1 to 5, it is found that the accused had not committed the offences alleged against him and hence he is not found guilty of offence punishable u/s. 294 (b), 506 (i), 447 of Indian Penal Code, 1860 alleged against him. Hence, accused is acquitted for the aforesaid offence u/s.255(1) of Cr.PC. The bail bond of accused 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 26<sup>th</sup> day of May, 2026.

sd/-  
Judicial first Class Magistrate

**APPENDIX**

**WITNESSES FOR PROSECUTION:-**

PW1. Jineesh  
PW2. Anu Rajan  
PW3. Sabu  
PW4. Baiju EV  
PW5. Murugan

**EXHIBITS FOR PROSECUTION:-**

- P1. First Information Statement dated 17.01.2024 proved through PW1 on 16.10.2025.
- P2. Mahazer dated 18.01.2024 proved through PW3 on 16.04.2026.
- P3. Address Report from SI of police Ramankary dated 18.01.2024 proved through PW5 on 19.05.2026.
- P4. 41 A Notice dated 25.01.2024 proved through PW5 on 19.05.2026.

**WITNESSES FOR DEFENCE:-Nil**

**EXHIBITS FOR DEFENCE:- Nil**

**MATERIAL OBJECT:- Nil**

sd/-  
Judicial First Class Magistrate