

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, RAMANKARY

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

Dated, this day the 27th day of April, 2026.**C.C.No. 150/2024**

Complainant : State-represented by the Sub Inspector of Police, Ramankary Police Station in crime no. 731/2023
(By A P P- Ramankary)

Accused : 1. Syamkumar
2. Pratheesh KB @ Nibu
(By Adv. Sudeep V Nair)

Offence : U/ss. 452, 354, 323 r/w 34 of Indian Penal Code .

Plea : Not guilty

Finding : Not guilty.

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

DESCRIPTION OF THE ACCUSED:-

Sl. No	Accused	Father's name/Husband name	Occupation	Residence	Age
1	Shyam Kumar	Radhakrishnan		Kochithara Veedu, Muttar PW 1, Mithrakkary Muri, Muttar Village	42
2	Pratheesh KB @	Babu		Kochu Kottarathil veedu, Ramana Nagar, Changanchery Municipality, Puzhavathu Muriyil, Changanachery Village	35

DATE OF:-

Offence	Complaint	Appearance	Release on bail.	Commence-ment of trial	Close of trial	Sentence or Order.
10.10.2023	11.04.2023	A1- 26.06.2024 A2 10.01.2025	A1- 26.06.2024 A2 10.01.2025	29.10.2025	23.04.2026	27.04.2026

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

This is a case charged by Sub Inspector of police, Ramankary in crime no. 731/2023 against the accused alleging commission of offences punishable under sections 452, 354, 323 r/w 34 of Indian Penal Code.

2. *The prosecution case in brief as follows:-* The accused persons with the intention to assault the informant – Sumesh on 10.10.2023 at 11.00 pm, came in front of the house of the informant in a motor cycle bearing registration number KL- 27 – B – 9054 at Mambuzhakkary Junction, Muttar Village and trespassed into the house and caught hold over his neck and dragged him out side and slapped on his both cheeks. On seeing this CW2- *Nirmala Surendran* who was been bedridden for the past fifteen years crawled towards them and hold the leg of the first accused and pleaded not to cause hurt to the informant was kicked by the first accused and thereafter they flee from there and thereby

alleged to have committed offences punishable under Section 452, 354, 323 r/w 34 of Indian Penal Code .

3. On submission of charge sheet by the investigating officer, cognizance was taken for the offence punishable u/s. 452, 354, 323 r/w 34 of Indian Penal Code, 1860 against the accused persons and the case was taken on file as CC.150/2024. On issuance of summons the accused persons entered appearance and they were represented by a counsel. They were enlarged on bail. Copies of relevant records of prosecution case were furnished to them and thereby mandate u/s. 207 of Cr.PC was duly complied with. Accused were heard on charge. Charge framed for the offences punishable u/s. 452, 354, 323 r/w 34 of Indian Penal Code, 1860 and it was read over to the accused to which they pleaded not guilty and claimed to be tried.

4. From the side of prosecution, one witnesses were examined as PW1 and one document was marked as Ext.P1. 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 persons had trespassed in the house of PW1- Sumesh in order to commit offence and thereby committed offence punishable u/s 452 r/w 34 of IPC?*
2. *Whether the accused persons had voluntarily caused hurt to PW1- Sumesh and thereby committed offence punishable u/s 323 r/w 34 of IPC?*
3. *Whether accused persons used criminal force to CW2- Nirmala Surendran intending to outrage her modesty and thereby committed offence punishable u/s 354 r/w 34 of IPC?*
4. *What is the order as to sentence, if any, to be passed against the accused?*

8. **Point No.1 to 3 :-** In order to avoid repetition, all these points are considered together. PW1- Sumesh deposed in examination in chief that he had injured in the alleged incident but he had turned hostile to the prosecution by deposing that he does not remember who had injured him. He deposed that he had mistakenly given the name of the accused to the police. He had identified

his signature in Ext. P1 First Information Statement. He deposed that the matter is settled. He denied that he is giving false statement before the court.

9. The learned APP is fair enough to concede that the available materials on record are not sufficient to bring home the guilt of the accused persons. From the materials submitted by the prosecution and oral evidence of the witnesses, I find that the prosecution had miserably failed to establish the offences alleged against the accused persons. Hence, the points are found against the prosecution.

10. **Point No.4:-**From point no.1 to 3, it is found that the accused had not committed the offences alleged against them and hence they are not found guilty of offence punishable u/s.452, 354, 323 r/w 34 of Indian Penal Code, 1860 alleged against him. Hence, the accused are acquitted for the aforesaid offence u/s.248(1) of Cr.PC and are set at liberty. The bail bond executed by them stand cancelled and they are set at liberty.

16. No property is produced in this case.

Dictated to the Confidential Assistant transcribed by her, corrected and pronounced by me in open court on this the 27th day of April, 2026.

sd/-

Judicial first Class Magistrate

APPENDIX

WITNESSES FOR PROSECUTION:-

PW1 Sumesh

EXHIBITS FOR PROSECUTION:-

P1. First Information Statement dated 11.10.2023 proved through PW1 on 23.04.2026.

WITNESSES FOR DEFENCE:-Nil

EXHIBITS FOR DEFENCE:- Nil

MATERIAL OBJECT:- Nil

sd/-
Judicial First Class Magistrate