

## IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, RAMANKARY

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

Dated, this the 30<sup>th</sup> day of May, 2026**C.C.No. 161/2024**

Complainant : State-represented by the Sub Inspector of Police, Ramankary Police Station in crime no. 61/2024  
( By A P P- Ambalappuzha)

Accused : 1. Bhaghyesh  
2. Bhavana  
3. Shylaja  
(Rep. By Adv. Kishor Kumar)

Offence : U/ss. 451, 294(b), 341, 323, 324, 506(ii) r/w 34 of Indian Penal Code.

Plea : Not guilty

Finding : Not guilty.

Sentence or order : Accused 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	Bhaghyesh	Bhasurangan		Colony No. 38, Ramankary PW 6, Ramankary Village.	18/24
2	Bhavana	Bhasurangan		Colony No. 38, Ramankary PW 6, Ramankary Village.	20/24
3	Shylaja	w/o Bhasurangan		Colony No. 38, Ramankary PW 6, Ramankary Village.	50/24

**DATE OF:-**

Offence	Complaint	Appearance	Release on bail.	Commitment	Commencement of trial	Commencement of Evidence
25.01.2024	26.01.2024	09.07.2024	09.07.2024	...	30.01.2025	10.07.2025

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
29.05.2026	30.05.2026	....	....	....

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. 61/2024 against the accused alleging commission of offences punishable under sections 451, 294(b), 341, 323, 324, 506(ii) r/w 34 of Indian Penal Code.
2. ***The prosecution case in brief as follows:-*** The accused, persons in furtherance of their common intention to assault the informant due to previous enmity towards him, had on 25.01.2024 at around 08.30 p.m. trespassed into the house of the informant- Rajashree at Ramankary Village and the first accused assaulted the informant by beating her with a stick and thereafter the accused

had pulled down CW2 Binoy. Thereafter, the second accused had kicked the informant and uttered abusive words towards her. Thereby the accused persons are alleged to have committed offences punishable under Section 451, 294(b), 341, 323, 324, 506(ii) 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. 451, 294(b), 341, 323, 324, 506(ii) r/w 34 of Indian Penal Code, 1860 against the accused persons and the case was taken on file as CC.161/2024. 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. 451, 294(b), 341, 323, 324, 506(ii) 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, eight witnesses were examined as PW1 to PW8 and eight document were marked as Ext.P1 to P8, and Ext. MO1 was also marked.

5. After the closure of prosecution evidence the accused was examined u/s.313(1)(b) Cr.Pc. for all incriminating circumstances appeared against them to which they denied and further submitted that they were falsely implicated in the case. From the side of the defence Ext. D1 to D5 were also marked.
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 uttered obscene words against PW1- Rjashree to her annoyance and thereby committed offence punishable u/s 294(b) r/w 34 of Indian Penal Code?*
  2. *Whether the accused had wrongfully restrained PW1- Rajashree and thereby committed offence punishable u/s.341 r/w 34 of Indian Penal Code, 1860?*
  3. *Whether the accused had trespassed into the sitout of the house of PW1- Rjashree and thereby committed offence punishable u/s 451 r/w 34 of IPC?*
  4. *Whether the accused persons voluntarily caused hurt to PW1- Rajashree and PW2- Binoy and thereby committed offence punishable u/s 323 r/w 34 of IPC?*
  5. *Whether the First accused voluntarily caused hurt to PW1- Rjashree by using a stick and thereby committed offence punishable u/s 324 r/w 34 of IPC?*

6. Whether the accused criminally intimidated PW1- Rajashree and thereby committed offence punishable u/s 506 (ii) Indian Penal Code ?

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 there were inconsistencies in the version of PW1 and PW2 and the independent witnesses turned hostile and the medical evidence also doesn't supported the case of the prosecution and hence the prosecution failed to prove the essential ingredients of the offences alleged against the accused by cogent and reliable evidence. Hence, the accused is to be acquitted for the offences alleged against them.

9. Per contra, the learned APP submitted that the prosecution had by oral evidence and the documentary evidence proved the essential ingredients of the offences alleged against the accused persons by cogent and reliable evidence. Hence the accused persons are to be convicted for the offences alleged against them.

10. PW1–Rajashree deposed in examination-in-chief that on 25.01.2024 at around 08.30 p.m. while she along with her parents were sitting in their house, Bhaghyesh and his mother came therein and Bhaghyesh had kicked on her

abdomen and his mother Shylaja had assaulted her and thereafter they took a broom and assaulted her and thereafter she was caught hold over her hair and their daughter Bhavana had slapped on her cheek. Hearing her scream, her husband came therein. She again screamed and her children also came therein and their father came and they were taken back. The accused persons had lodged a false complaint against her husband. She was taken to Pulinkunnu hospital and regarding the incident, she had given Exhibit P1 First Information Statement and she had identified the accused persons.

11. During cross-examination, she deposed that the accused persons were her relatives. She deposed that she is having a brother named Renjith, who had expired several days before the alleged incident and he was working at Gujarat and he committed suicide. He is having an affair with another lady. She further deposed that the accused persons had assaulted her by alleging that she had instigated her brother to commit suicide. Then Ext. D1 contradiction was put to her which was denied by her. She deposed that she had not given statement to police that the First accused, Bhagyesh trespassed into her house and assaulted her with a broom and hit her with the broom over her head and caught hold over her hair and thereafter she was dragged to the house of the accused. She deposed that she had not lodged the complaint on the same day. It was lodged on the next day. Then an omission was put to her that she had not

given statement to police that Bhaghyesh and Shaylaja both came to her house to which she deposed that she had given the same to the police. She further deposed that she was dragged through the floor and her dress was torn by the accused. She deposed that she had not shown the abrasion mark which she got from the dragging on the floor to the medical officer. Then another omission was also put to her that she had not given statement to police that Shylaja had assaulted her and she sustained injuries to which she answered that she had given the statement to the police. She denied another contradiction Ext. D2 that she had not given statement to police that the funeral of her brother Ranjith was conducted by Bahasurankan. Then she denied another contradiction Ext. D3. She denied that she had not given statement that Bhasurangan came to her house and in the sit-out he assaulted her with a broom and also assaulted her over her head with the broom. Then another omission was also put to her that she had not given statement to police that Bhavana had slapped on her cheek to which she answered that she had given such a statement to police.

12. Hence from her evidence it is seen that there were contradictions and omission which were seen as material as with regard to her assault with broom by Basurangan and also there were several omissions with respect to her assault by the second and third accused. All these cast doubt in her version. She also admitted that there was a dispute between the accused persons and her with

respect to the funeral of her brother and it was alleged that her brother committed suicide because of PW1 and that is why all the accused persons had quarreled with her, to which she denied the same. Hence, her version is seen as doubtful.

13. PW2- Binoy deposed in examination in chief that PW1- Rajashree was his wife. He further deposed that on 25.01.2024 at around 08.30 p.m. at Mambuzhakary he was not there and he heard the scream of children and when he reached there, he saw the accused persons were assaulting PW1- Rajashree with broom and he had intercepted and the quarrel was between them with regard to the funeral of his brother-in-law and he had identified the accused persons.

14. During cross-examination, he was put an omission that whether he had given statement to police that Baghyesh had kicked and Shaylaja had assaulted PW1- Rajashree with a broom, to which he answered that he had given such a statement to police. Then Ext. D4 contradiction was put to him that he had given statement to police that he saw the First accused Bhaghyesh had assaulted PW1- Rajashree with broom to which he denied the same. He deposed that at that time he was not there and he was 100 to 150 metres away from the place of occurrence. He also admitted that there was a quarrel with regard to the funeral of his brother-in-law Renjith.

15. Hence from his evidence it is seen that there was contradiction and with respect to the assault over PW1- Rajashree with broom by the accused as he denied the same. His version is also not consistent with the version of PW1- Rajashree and hence it does not corroborate the version of PW1- Rajashree. He also does not saw the incident and only he heard scream and he was 100 to 150 metres away from the alleged incident. Hence his evidence will not assist the prosecution.
  
16. PW3 - Avantika deposed in examination-in-chief that PW1- Rajashree was her mother. She further deposed on 25.01.2024 at around 08.30 p.m. at Mambuzakari, the incident happened at the house of her grandmother. She further deposed that the accused persons had assaulted her mother. The First accused Bhaghyesh came to their sit-out and assaulted PW1- Rajashree and also kicked her mother. Thereafter, Shaylaja came therein and assaulted PW1- Rajashree with a broom and dragged her and took her to their house and she had identified the accused persons.
  
17. During cross examination she deposed that there were no local residents who had witnessed the alleged incident. She deposed that the First accused Bhaghyesh had assaulted and kicked PW1- Rajashree. Then Ext. D5 contradiction was put to her that she had given statement to police that Bhaghyesh had assaulted PW1- Rajashree with broom to which she denied the

same. Then another omission was also put to her that she had not given statement to police that her mother PW1- Rajashree was dragged through the sit-out to their house to which she answered that she had given such a statement to police.

18. Hence from her evidence also it is seen that she also deposed that she had not given statement to police that First accused had assaulted PW1- Rajashree with broom and hence there was an omission that her mother was dragged through sit-out by the second accused. Her version also doesn't corroborate the version of PW1- Rajashree that Shaylaja had slapped and it will not assist the prosecution.

19. PW4- Jishnu turned hostile to the prosecution by deposing that he had not witnessed the alleged incident nor he gave any statement to police and hence his evidence is not helpful to prosecution.

20. PW5 - Joby deposed in examination in chief that he had witnessed the preparation of Ext. P2 scene mahazar by the Investigating Officer.

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

22. PW6- Mobin deposed in examination-in-chief that on 02.02.2024 while he was working as Civil Police Officer at Ramankary Police Station, he

had witnessed the preparation of Ext. P3 seizure mahazar in which the broom was seized by the Investigating Officer. Even though he was not cross-examined, but that alone will not attribute the offence alleged towards the accused.

23. PW7- Dr. Moby Jacob deposed in examination-in-chief that on 26.01.2024 while he was working as Junior Consultant Ophthalmology at Taluk Head quarter Hospital, he had examined a patient named Rajashree aged 47 years. She was brought with alleged history of assault at 10.30 p.m. on 25.01.2024 at Mambuzhakari. He further deposed that the patient had complained of pain on the back of her neck and also complained of pain over her right arm and she also complained of lower abdominal pain. He further deposed that on examination the patient had abrasion on her right arm and there was tenderness on the back of her neck and there was tenderness on the left side of her forehead and he had issued Ext. P4 wound certificate, and the opinion regarding the injury could be as alleged by the prosecution.

24. During cross-examination, he deposed that the patient had not complained of pain on her both side of cheek and she had not complained of use of any weapon like any broom.

25. Hence, from his evidence it is seen that there were injuries and tenderness on her neck and backside. But during cross examination he admitted that the patient had not complained of any pain on the cheek and also she had not stated that the accused persons had used any weapon like broom. Hence, the medical evidence doesn't assist the version of PW1- Rajashree and it doesn't corroborate the version of PW1 and the injuries sustained to her cannot be attributed towards the accused persons.
26. PW8- Sajneev Kumar deposed in examination-in-chief that on 31.03.2024 while he was working as Station House Officer at Ramankari Police Station, he had registered Ext. P5 First Information Report and he went to the place of occurrence and prepared Ext. P2 scene mahazar and thereafter arrested the accused and released the accused on Ext. P6 bail bond and thereafter submitted Ext. P7 report showing the address of the accused and thereafter he had seized Ext. MO1 broom with which the accused persons had assaulted the informant and he had seized the same as per Ext. P3 seizure mahazer and thereafter conducted investigation and concluded investigation and submitted charge sheet before court.
27. During cross examination he deposed that in First Information Report, the time of the complaint at which it was lodged was not mentioned therein. He also admitted that there was a delay of six days in lodging the

complaint and no reason was stated in the complaint regarding the same. He also admitted that Ext. P1 complaint was lodged not for the incident which happened at 08.30 p.m. He also admitted Ext. D2 to D4 contradictions and the same was proved from the statement of PW1 to PW3. Then he was put a question that how many midribs were present in the broom, to which he answered that it was not mentioned in the mahazar.

28. Hence from his evidence it is seen that the contradictions in the version of PW1 to PW3 were proved and their omissions were also proved and there was delay in loading the First Information Report and in Ext. P1 complaint also no reason was given for the same and also Ext. P1 complaint was not given for the incident happened at 08.30 p.m. All these cast doubt in the version of PW1. Hence his version also doesn't assist the prosecution case.

29. From the oral evidence of PW1- Rajashree, it is seen that there was an enmity between PW1 and the accused persons and it was corroborated by PW2 and PW3 and there were omissions and contradictions in the version of PW1 to PW3 and it was proved by the Investigating Officer. There was delay in lodging the Ext. P1 complaint and no reason was shown by PW1 and it was admitted by the Investigating Officer there was a dispute with regarding to the funeral of the brother of PW1 and all the accused were the relatives of PW1. Hence, the prosecution failed to prove the essential ingredient of the offence

alleged against the accused by cogent and reliable evidence and the version of PW1 cast doubt and it was not corroborated by the evidence of PW2 and PW3 and the independent witness turned hostile. The medical witness also doesn't supported the version of PW1 and the weapon used was also not clearly proved by the prosecution from the oral evidence of PW1 and it was against the version of PW2 and PW3. Hence all these cast doubt in their version.

30. Hence, prosecution miserably failed to establish the essential ingredients of offences punishable under section 451, 294(b), 341, 323, 324, 506(ii) r/w 34 of Indian Penal Code, 1860 by cogent and reliable evidence and I find enough force in the submission of learned counsel for the accused persons. The offences alleged against accused persons cannot be attributed towards them and they are entitled to get benefits of reasonable doubt. Hence, these points are found against the prosecution.

31. **Point No.7:-**From point no.1 to 6, it is found that the accused persons had not committed the offences alleged against them and hence they are not found guilty of offence punishable u/s. 451, 294(b), 341, 323, 324, 506(ii) r/w 34 of Indian Penal Code, 1860 alleged against them. Hence, the accused persons are acquitted for the aforesaid offence u/s.248(1) of Cr.PC. The bail bond of accused persons were cancelled and they are 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 30<sup>th</sup> day of May, 2026.

sd/-

Judicial First Class Magistrate

### **APPENDIX**

<b>Rank</b>	<b>WITNESSES FOR PROSECUTION:-</b>	<b>Whether Eye witness, Police witness, Expert witness, Medical witness,</b>
PW1	Rajashree	Informant
PW2	Binoy	Occurrence witness
PW3	Avanthika	Occurrence witness
PW4	Jishnu Ramesh	Occurrence witness
PW5	Jobi	Mahazer witness
PW6	Mobin	Police witness
PW7	Dr. Mobi Jacob	Medical witness
PW8	Sanjeev Kumar	Police witness

### **EXHIBITS FOR PROSECUTION:-**

- P1. First Information Statement dated 26.01.2024 proved through PW1 on 10.07.2025.
- P2. Mahazer dated 01.02.2024 proved through PW5 on 03.11.2025.
- P3. Seizure mahazer dated 03.02.2024 proved through PW6 on 25.11.2026.
- P4. Wound certificate dated 26.01.2024 proved through PW7 on 21.04.2026
- P5. First Information Report dated 01.02.2024 proved through PW8 on 23.04.2026.
- P6. Bail bond proved through PW8 on 23.04.2026.
- P7. Report from Inspector of police Ramankary proved through PW8 on 23.04.2026.

P8. 151 (A) Form (Property list) dated 03.02.2024 proved through PW8 on 23.04.2026.

**WITNESSES FOR DEFENCE:-** Nil

**EXHIBITS FOR DEFENCE:-**

- D1. Portion of 161 statement of PW1 proved through PW on 10.07.2025.
- D2. Portion of 161 statement of PW1 proved through PW on 10.07.2025.
- D3. Portion of 161 statement of PW1 proved through PW on 10.07.2025.
- D4. Portion of 161 statement of PW2 proved through PW2 on 23.04.2026.
- D5. Portion of 161 statement of PW3 (Subject to proof) proved through PW3 on 08.09.2025.

**MATERIAL OBJECT:-** TR 83/2024

MO1. Broom

sd/-  
Judicial First Class Magistrate