

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, RAMANKARY

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

Dated, this day the 28th day of March, 2026.**C.C.No. 168/2024**

Complainant : State-represented by the Sub Inspector of Police, Nedumudy Police Station in crime no. 94/2024

(By A P P- Ramankary)

Accused : Melbin

(By Adv. KR Sreekumar)

Offence : U/ss. 294 (b), 506 (i) Indian Penal Code

Plea : Not guilty

Finding : Not guilty.

Sentence or order : Accused is acquitted u/s 255(1) CrPC and is set at liberty.

DESCRIPTION OF THE ACCUSED:-

Sl. No	Accused	Father's name/Husband name	Occupation	Residence	Age
	Melbin	Thomas Chacko		Moonnupara Veedu, Kainakary south village, Kainakary PW 9	25/24

DATE OF:-

Offence	Complaint	Appearance	Release on bail.	Commencement of trial	Close of trial	Sentence or Order.
08.02.2024	13.02.2024	24.06.2024	24.06.2024	24.06.2024	27.03.2026	28.03.2026

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 charge sheeted by the Sub Inspector of Police, Nedumudy Police Station in Crime No.94/2024 against the accused alleging the offences punishable u/ss.294 (b), 506 (i) of Indian Penal Code, 1860.
2. **Prosecution case in brief is as follows:-** The accused, having previous enmity towards the informant- Sajeer, for questioning him for shouting had on 08.02.2024 at 11.30 p.m. at Kainakary Panchayat boat jetty and when the informant had questioned the same, the accused had verbally abused the informant before his colleagues and the friends of the accused and when informant told that he will call the police, then the accused had threatened that he will set ablaze the boat and thereby threatened the informant. The accused again uttered obscene words towards the informant and other workers of the boat and thereby alleged to have committed offences punishable u/ss. 294 (b), 506 (i) of Indian Penal Code, 1860.
3. On submission of charge sheet by the investigating officer, cognizance was taken for the offences punishable u/ss.294 (b), 506 (i) of Indian Penal Code, 1860 against the accused and the case was taken on file as CC. 168/2024. On issuance of summons the accused person entered appearance. He was represented by a counsel who filed vakalath. 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 was framed for the offence punishable u/ss. 294 (b), 506 (i) 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 the prosecution, five witnesses were examined as PW1 to PW5 and seven documents were marked as Exts.P1to Ext. P7 were 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 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 uttered obscene words to PW1- Sajeer to his annoyance at a public place and thereby committed offence punishable u/s 294(b) Indian Penal Code?*
 2. *Whether the accused criminally intimidated PW1- Sajeer and thereby committed offence punishable u/s 506 (i) Indian Penal Code ?*
 3. *If the accused are found guilty, what is the order as to sentence?*

8. **Point No.1 and 2 :-** Inorder to avoid repetition, both these points are considered together. The learned counsel for the accused had argued that, even though PW1- Sajeer had deposed that the accused had threatened him, there were inconsistencies in the version of PW2, PW3 and PW4 with that of PW1 and there was delay in lodging the First Information Statement and there were omissions in the version of PW1 and other witnesses and statements were inconsistent. All these are fatal to the prosecution. Hence, the prosecution had not recovered the essential ingredients of the offence by cogent and reliable evidence. Hence the accused is to be acquitted for the offence alleged against him.
9. Per contra, the learned APP submitted that prosecution had by oral evidence of PW1 to PW4 and the Investigating Officer had proved that the accused had verbally abused PW1- Sajeer and other workers of the boat and threatened them and it was proved by cogent and reliable evidence and the accused is to be convicted for the offence alleged against him.
10. PW1- Sajeer deposed in examination-in-chief that while he was working at the Water Transport Department at Pulinkunnu on 08.02.2024 at 11.30 p.m., the accused had shouted therein and when he along with his co-workers Ragesh, Sumesh and Anil Kumar questioned the same, the accused had verbally abused him by uttering an obscene word, "ഓ തായോളികളെ നിന്നെയും ബോട്ടും

കത്തിക്കും”. He deposed that the accused had threatened that he will set ablaze the boat and thereafter they had informed the police and they sustained fear from the incident and regarding the incident he had given Ext. P1 First Information Statement to the police.

11. During cross-examination, he deposed that all the lights of the boat were off, but there was street light. He then admitted that after one week, he had lodged First Information Statement. He deposed that he only knew one person who had shouted therein.
12. Hence, from his evidence, it is seen that even though he had deposed that the accused verbally abused him by uttering the obscene word and threatened him and other officials but there was delay of one week in lodging the First Information Statement and no reason was given by him for the said delay. He also deposed that there were other persons along with the accused. But he could remember only the accused and that alone will not incriminate the accused. Let's examine the evidence of other witnesses.
13. PW2 Ragesh deposed in examination-in-chief that on 08.02.2024 while he was working at Water Transport Department in boat at 11.30 p.m. at Kainakary Panchayath, while he along with PW1 and other witnesses Sumesh and Anil Kumar were in the boat, the accused shouted at them and uttered abusive

words towards them and threatened him and he had identified the accused in dock.

14. During cross examination, he deposed that he went to police station after 3 to 4 days and all of them came together to the police station. He also deposed that he only knows the accused and doesn't know the details of the other person who were with the accused. He deposed that he knows the accused earlier. He also deposed that while the accused was shouting near the boat jetty he was not known to him.

15. Hence from his evidence it is seen that he had given statement to police after 4 days. He deposed that he along with other witnesses together went to the police station and he saw the accused and other persons accompanying him. But only the accused had shouted at them. But he had not deposed the exact word which was uttered by the accused. Even though he had deposed that the accused had threatened them, but that was not in consistency with the version of PW1 even though it is seen as a minor discrepancy. He deposed that there were several other persons accompanying accused. But according to him, only the accused was shouting towards them. Whether he had sustained any fear from the same was not clearly deposed by him. Hence, his evidence is not helpful to prosecution.

16. PW3 Sumesh deposed in examination-in-chief that on 08.02.2024 while he was working at Water Transport Department in boat near Kainakary Panchayath, he was staying at the board along with PW1 and PW2 and Anil Kumar. The accused came therein and shouted at them and uttered abusive word and thereafter threatened that he will set ablaze the boat and he had identified the said person as the accused in dock.
17. During cross-examination, he deposed that the police officials came after 15 minutes and at that time the accused left the place and on the next day he went to the police station and given his statement. He deposed that the accused along with the other persons were consuming alcohol. Then he deposed that he doesn't saw them consuming alcohol. He then deposed that there were 5 to 8 persons along with the accused and he doesn't remember other persons who were with him. He then deposed that 3 to 4 persons were quarreling with each other and he had no previous acquaintance with the accused.
18. Hence from his evidence it is seen that, he along with other witnesses came to the police station on the next day after the alleged incident and he deposed that the accused along with other persons were consuming alcohol. Then he deposed that he had not witnessed accused consuming any alcohol. He then deposed that there were 5 to 8 persons at the place of occurrence. He had no previous acquaintance with the accused. Hence, his version is inconsistent with

the version of PW1 and PW2. Hence, his evidence is not helpful to prosecution.

19. PW4- Anil Kumar deposed in examination in chief that while he was working at Water Transport Department at Pulinkunnu on 08.02.2024 at around 11.30 p.m. he along with PW1 to PW3 were in the boat and they were taking rest and at that time they heard a shouting outside the boat and when PW1- Sajeer asked them not to shout, then the accused had verbally abused PW1- Sajeer by uttering abusive words towards him and there were other persons accompanying the accused, but due to darkness he had not witnessed the other person. He further deposed that the accused had threatened that he will set ablaze the boat and he had identified the accused in dock.
20. During cross-examination, he deposed that he doesn't know how many persons were there at the time in the boat jetty while the incident occurred. He has deposed that after 15 minutes, the police came to therein and had recorded the statement of PW1- Sajeer. Thereafter they went to police station. He further deposed that he doesn't know the details of the other person who were with the accused. He deposed that the accused had uttered abusive words towards all of them and not individually.
21. Hence, from his evidence also it is seen that the accused had threatened and uttered abusive words towards all of them. But according to PW1- Sajeer and

other witnesses, the accused had verbally abused PW1- Sajeer. According to him, the police had recorded the statement of PW1- Sajeer then and there. But according to PW1, he had given statement after 1 week. Hence, his evidence is not consistent with the version of PW1 and so not helpful to prosecution.

22. PW5- Suresh K deposed in examination-in-chief that on 13.02.2024 while he was working as Sub-Inspector of Police at Nedumudy Police Station, as per the First Information Statement Ext. P1 given by PW1, he had registered Ext. P2 First Information Report and thereafter he went to the place of occurrence and prepared Ext. P3 scene mahazar in the presence of independent witnesses and thereafter submitted Ext. P4 report to add section 34 of Indian Penal Code and thereafter submitted Ext. P5 report showing the address of the accused and thereafter given Ext. P6 notice to accused and thereafter after investigation it is revealed that other persons were not involved. Hence, he had submitted Ext. P7 report showing to delete section 34 of Indian Penal Code and thereafter Conducted investigation and recorded statement of the witnesses and submitted charge sheet before court and he deposed that he could identify the accused.

23. During cross-examination, he deposed that while PW1- Sajeer had given his statement earlier, he had given statement that there were 3 or 4 persons involved in the alleged incident and he had not went to the place of occurrence

on the same day. He deposed that the witnesses who were mentioned in the scene mahazar were not made witnesses in the memorandum of evidence. He further deposed that there was five days delay in giving Ext. P1 First Information Statement by PW1- Sajeer and there was delay of two weeks in recording the statement of other witnesses. He further admitted that it was not mentioned in mahazar that there was street light in the place of occurrence.

24. Hence from his evidence it is seen that there was delay in lodging First Information Statement and also there was delay in recording the statement of other witnesses and it was not mentioned in the scene mahazar that there was a street light when the alleged incident happened at darkness. Hence his evidence is not helpful to prosecution.

25. Hence, from the oral evidence of PW1, it is seen that there were inconsistencies in his version with that of the other witnesses. There was delay in lodging the First Information Statement. No reason was given for the same and there was darkness. PW3 had deposed that due to darkness he had not witnessed other persons who accompanied the accused. But how they had identified accused was not clearly deposed by any independent witness apart from PW1 who deposed that he had witnessed the accused from the street light and it was admitted by the Investigating Officer that there was no mentioning of street light in the scene mahazar. Hence all these cast doubt in the version of

PW1 and other independent witnesses. Hence, the prosecution had failed to prove that the accused was the person who had verbally abused and threatened PW1 and other witnesses. There was also inconsistency in their version regarding the verbal abuse towards PW1 and towards all other witnesses. All these are fatal to the prosecution and hence the offence alleged cannot be attributed towards the accused, and the accused is entitled to get the benefit of reasonable doubt. Hence these points are found against the prosecution.

26. **Point No.3:-**From point no.1 and 2, 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) of Indian Penal Code, 1860 alleged against him. Hence, he is acquitted for the aforesaid offence u/s.255(1) of Cr.PC. The bail bond of the accused stands cancelled and he is set at liberty.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open Court on this the 28th day of March, 2026.

sd/-
Judicial First Class Magistrate

APPENDIX

Witnesses for the prosecution:-

- PW1. Sajeer
- PW2. Ragesh
- PW3. Sumesh
- PW4. Anilkumar
- PW5. Suresh K

Exhibits for the prosecution:-

- P1. First Information Statement dated 13.02.2024 proved through PW1 on 18.07.2025.
- P2. First Information Report dated 13.02.2024 proved through PW5 on 17.03.2026.
- P3. Scene mahazer dated 14.02.2024 proved through PW5 on 17.03.2026.
- P4. Report from SI of police Nedumudy police station proved through PW5 on 17.03.2026.
- P5. Report from SI of police Nedumudy police station proved through PW5 on 17.03.2026.
- P6. Notice from Nedumudy police station proved through PW5 on 17.03.2026.
- P7. Report from SI of police Nedumudy police station proved through PW6 on 17.03.2026.

Material Objects:-Nil

Witnesses for the defence:- Nil

Exhibits for the defence:-Nil

sd/-

Judicial First Class Magistrate