

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. 226/2024**

Complainant : State-represented by the Sub Inspector of Police, Pulincunnu Police Station in crime no. 158/2024
(By A P P- Ramankary)

Accused : Narayanapanicker
(By Adv. MM Appachankutty)

Offence : U/ss. 285, 268, 278, 290 & 336 of Indian Penal Code

Plea : Not guilty

Finding : Not guilty.

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

DESCRIPTION OF THE ACCUSED:-

Sl. No	Accused	Father's name/Husband name	Occupation	Residence	Age
	Narayanapanicker	Gopalakurupp		Mallissery Veedu, Pulincunnu PW 13, Pulincunnu Village.	74/24

DATE OF:-

Offence	Complaint	Appearance	Release on bail.	Commencement of trial	Close of trial	Sentence or Order.
20.03.2024	22.03.2024	12.12.2024	12.12.2024	19.03.2025	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

This is a case charged by Sub Inspector of police, Pulincunnu police station in crime no. 158/2024 against the accused alleging commission of offences punishable under sections 285, 268, 278, 290 & 336 of Indian Penal Code.

2. *The prosecution case in brief as follows:-* The accused, with the intention to commit mischief, with the knowledge that such an accident with fire will cause danger in the property of the informant- Praveen, had on 23.02.2024 at around 12.00 p.m. at Pulincunnu, the accused had put fire to the garbage in his property and the fire had passed to the nearby property of the informant and it completely destroyed the plantations of the informant and the informant sustained a loss of ₹ 25,000/- (Rupees Twenty Five Thousand only) and thereby the accused is alleged to have committed offences punishable under Section 285, 268, 278, 298 and 336 of Indian Penal Code .

3. On submission of charge sheet by the investigating officer, cognizance was taken for the offence punishable u/s. 285, 268, 278, 290 & 336 of Indian Penal Code against the accused and the case was taken on file as CC. 226/2024. On issuance of summons the accused 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. Particulars of offences punishable u/s. 285, 268, 278, 290 & 336 of Indian Penal Code 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, four witnesses were examined as PW1 to PW4 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. From the side of defence no document was 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 negligent act of the accused caused fire so as to endanger human life and thereby committed offence punishable u/s 285 of Indian Penal Code?*
2. *Whether the negligent act of the accused caused pollution so as to endanger human life and thereby committed offence punishable u/s 268 of Indian Penal Code?*
3. *Whether the accused voluntarily made the atmosphere noxious to health and there by committed offence punishable u/s 278 of Indian Penal Code?*

4. *Whether the negligent act of the accused caused fire and caused danger, or annoyance to the public and thereby committed offence punishable u/s 290 of Indian Penal Code?*
5. *Whether the negligent act of the accused caused fire so as to endanger human life and thereby committed offence punishable u/s 336 of Indian Penal Code?*
6. *What is the order as to sentence, if any, to be passed against the accused?*

8. Point No.1 to 5 :- 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 with that of PW2 and PW3 and they have no case that the accused had set fire in his property which had emanated to the property of PW1- Praveen and nearby residence. In the scene mahazar also, it is seen that on the four sides of the place of occurrence which was mentioned therein, nowhere the accused is having any property. He further argued that there was delay in lodging First Information Statement and the prosecution failed to prove the essential ingredients of the offence alleged against the accused by cogent and reliable evidence. Hence, the accused is entitled to get acquitted for the offence alleged against him.

9. Per contra, the learned, APP submitted that the prosecution had by oral evidence of PW1, PW2, PW3 and also PW4 had proved that the essential ingredient of offences alleged. Even though the Investigating Officer was not examined, the material witnesses had proved that the accused had set ablaze, to

the garbage in his property and the fire had transmitted to the nearby residence and the informant sustained a loss of ₹ 25,000/- (Rupees Twenty Five Thousand only) and the delay was satisfactorily explained by PW1- Praveen. The inconsistencies were not fatal. Hence, the accused is to be convicted for the offences alleged against him.

10. PW1 -Praveen deposed in examination in chief that he was the informant in the case. The incident occurred on 20.03.2024 at about 12.00 p.m. The neighbour of his property had set ablaze to the garbage in his property and the fire had emanated into his property and he was told by his neighbours and he immediately ran to his property and he saw that fire was emanating to his property and he tried to prevent the same by pouring water upon the fire and thereafter he went to his job and at 06.00 p.m. He returned to his home and then he saw that his two coconut tree was completely destroyed and one acacia tree was also completely destroyed. Thereafter, a water tank was also completely destroyed and he sustained a loss of ₹ 25,000/- (Rupees Twenty Five Thousand only). He had given Ext. P1 First Information Statement to the police and he had identified accused in dock.

11. During cross-examination, he deposed that when he reached his property, he saw that the fire was emanating towards his property and he admitted that he doesn't saw accused putting fire and he had given statement to police on the next

day morning at 11 a.m. Thereafter he admitted that the police came to the place of occurrence and at that time they had noted only two coconut tree. The said omission was put to him to which he deposed that he had given such a statement to police. Then he deposed that the acacia tree was not completely destroyed. He then deposed that the water tank also was not completely destroyed. Only a hole was there in the water tank. He deposed that the property of the accused was also destroyed. He deposed that he doesn't know about the details of the property of the accused. He deposed that there was a clear boundary setting apart this property with that of the accused and during re-examination, he deposed that the water tank had become useless due to the hole in it.

12. Hence, from his evidence it is seen that he doesn't saw the accused setting ablaze the garbage in the property of the accused. He only saw that the fire was emanating to his property and he doesn't deposed that he had tried to prevent the same. He deposed in examination-in-chief that he had poured some water and went to his job and while he returned from there he saw that his plantations were completely destroyed and the omission regarding the destruction of the coconut tree and his admission that only coconut tree was completely destroyed, other trees and the water tank was not completely destroyed, all these are inconsistent with the case of the prosecution and how he quantified ₹ 25,000/- (Rupees Twenty Five Thousand only) was also not clearly deposed by him. Hence, his

evidence is not helpful to prosecution as the essential ingredients of the mischief and the loss sustained to him was not proved by his evidence.

13. PW2- Santhosh kumar deposed in examination in chief that on 20.03.2024 at around 12.00 p.m. he saw the incident and the accused had put fire in his property and the same had emanated to the property of nearby persons and he had informed PW1 regarding the same and Praveen came to his property and poured some water and they went to job and when they returned from there, he also went to the place of occurrence and he saw that two coconut tree one Acacia tree and a water tank had completely destroyed and PW1 -Praveen had sustained a loss of ₹ 25,000/- (Rupees Twenty Five Thousand only) and he had given statement to police.

14. During cross-examination, he deposed that he doesn't know who had put fire in the property of the accused and he also doesn't know that the fire had emanated from the house of the accused towards the property of PW1- Praveen. He then deposed that he doesn't saw any document which shows that the property belonged to the accused. He then deposed that when he went there, there was no fire. He was then put a question that there was no boundary separating the property of the accused and PW1, to which he answered that he doesn't know.

15. Hence, from his evidence it is seen that he also does not know who had put fire in the property of the accused and also does not witness the fire emanating from the property of the accused towards PW1's property and when he went there, there was also no fire and he also doesn't witnessed any boundary separating the property of the accused with PW1- Praveen. So all these casts doubt in his version. If he would have went to the place of occurrence, he would have saw a boundary which was clearly deposed by PW1. Hence, his version is not consistent with PW1 and hence not helpful to prosecution.

16. PW3- Antony deposed in examination-in-chief that on 20.03.2024 at around 12.00 a.m. PW1's property was set ablaze by the accused and PW1- Praveen sustained loss of two coconut tree, one water tank and one acacia tree. The fire had emanated from the property of the accused and he went to the place of occurrence at 06.00 p.m. for preventing the fire and at 12 pm, he saw smoke was coming from the place where fire was put and he was informed by PW1 and he had identified the accused in dock.

17. During cross examination, he admitted that he doesn't saw fire in the property of the accused. He saw smoke was coming from the property of the accused and he was working in nearby paddy field and he came to the place of occurrence by seeing smoke and when he came there, he saw the coconut tree was completely destroyed. He then admitted that he only had hearsay knowledge

about the fact that accused had put fire in his property. He also deposed that he doesn't know whether the accused is having any property or he is a caretaker of the property. He deposed that there was a boundary separating the property of the accused with that of PW1.

18. Hence, from his evidence, it is seen that he had only hearsay knowledge about the alleged incident. He only witnessed smoke emanating from the place of occurrence and when he went there, he saw fire in the property of PW1. But by the act of the accused the said fire had destructed the plantation of PW1 was not clearly deposed by him. His version is inconsistent with the version of other witness PW2- Santhosh Kumar that there was boundaries separating the property of PW1 and accused. Hence all these are inconsistent with the version of PW1 and prosecution case. Hence his evidence is also not helpful to prosecution.

19.PW4- Shaji deposed in examination in chief that, on 22.03.2024, while he was working as Assistant Sub Inspector of Police at Pulinkunnu police Station, he had recorded Ext. P1 First Information Statement of PW1- Praveen at 01.30 p.m.

20. During cross-examination, he admitted that there was delay in lodging the First Information Report of two days and no reason was given by PW1 for the said delay. Hence from his evidence it is seen that the delay in lodging the First

Information Statement was not satisfactorily explained and hence, his evidence is not helpful to prosecution.

21. The prosecution failed to produce CW6, the Investigating Officer. Even if he had been examined, nothing more would have been brought out to incriminate the accused. As from the oral evidence of PW1 to PW4, it is seen that the version of PW1 was not corroborated by PW2 and PW3, who were independent witnesses. There were inconsistencies and omissions in the version of PW1 with that of PW2 and PW3. PW3- Antony only had hearsay knowledge about the alleged incident. PW2- Santhosh Kumar had deposed that he saw fire in the property of accused and PW1, but by whom the fire was set was not clearly deposed by him. He deposed that he only saw fire in the property of the accused and PW1 and according to him there was no boundary separating the property of PW1 with that of the accused which was against the case of PW1 and the prosecution. Where as PW3- Antony deposed that there was clear demarcation of property between the accused and PW1- Praveen. Hence the independent witnesses version were inconsistent in between themselves and PW1. Moreover, how the amount was quantified also was not clearly deposed by PW1. As discussed earlier from the version of PW1, the essential ingredient of the offence alleged against the accused was not proved by the prosecution by cogent and reliable evidence. Hence, the prosecution miserably failed in establishing the

guilt of the accused beyond reasonable doubt. Hence the accused is entitled to get benefit of doubt and the offences alleged cannot be attributed towards him. Hence these points are found against the prosecution.

22. Point No.6:-From point no.1 to 5 , 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.285, 268, 278, 290 & 336 of Indian Penal Code, alleged against him. Hence, the 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 28th day of March , 2026 sd/-

Judicial first Class Magistrate

APPENDIX

Rank	WITNESSES FOR PROSECUTION:-	Whether Eye witness, Police witness, Expert witness, Medical witness,
PW1	Praveen	Informant
PW2	Santhoshkumar	Eye witness
PW3	Antony	Eye witness
PW4	Shaji	Eye witness

EXHIBITS S FOR PROSECUTION:-

P1. First Information Statement dated 22.03.2024 proved through PW1 on 18.11.2025.

WITNESSES FOR DEFENCE:- Nil

EXHIBITS FOR DEFENCE:- Nil

MATERIAL OBJECT:- Nil

sd/-

Judicial First Class Magistrate