

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, RAMANKARY

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

Dated, this day the 29th day of April, 2026**C.C.No. 305/2022**

Complainant : State-represented by the Sub Inspector of Police, Pulincunnu Police Station in crime no. 266/2022
(By A P P- Ramankary)

Accused : 1. KG Arunkumar
2. Joby Joseph
3. Bibin Babu
4. Rohith
(By Adv. Kishorkumar)

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

Plea : Not guilty

Finding : Not guilty.

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

DESCRIPTION OF THE ACCUSED:-

Sl. No	Accused	Father's name/Husband name	Occupation	Residence	Age
1	Arunkumar KG	Gopalakrishnan		Kaithapparambil, Chambakkulam PW 4, Thekkekkara Muri, Chambakkulam Village	27/ 22
2	Joby Jospeh	Joseph		Nedumparambil Veedu, Chambakkulam PW -4, Thekkekkara Muri, Chambakkulam Village	32/ 2

3	Bibin Babu	Babu		Kochuthara Veedu, Chambakkulam PW 13, Thekkekkara Muri, Chambakkulam Village	33/ 22
4	Rohith	Raghunathan		Valiyathara Veedu, Chambakkulam PW 13. Thekkekkara Muri, Chambakkulam Village	30/ 22

DATE OF:-

Offence	Complaint	Appearance	Release on bail.	Commence -ment of trial	Close of trial	Sentence or Order.
23-06-2022	24-06-2022	15-09-2022	15-09-2022	01-07-2023	27-04-2026	29-04-2026

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

1. This is a case charged by Sub Inspector of police, Pulincunnu in crime no. 266/2022 against the accused alleging commission of offences punishable under sections 451, 294 (b), 323, 506 (i) r/w 34 of Indian Penal Code.
2. ***The prosecution case in brief as follows:-*** The first accused, having previous enmity towards the informant – Thomaskutty Antony and with the intention to insult him, had on 23.06.2022 at 08.30 p.m. at Champakulam Village, first accused had verbally abused the informant by uttering abusive words and got hold over the neck of the informant and the second accused had also verbally abused and threatened him and third and fourth accused had also threatened that they will kill him and thereby

the accused persons have committed offence punishable under Section . 451, 294 (b), 323, 506 (i) 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), 323, 506 (i) r/w 34 of Indian Penal Code, 1860 against the accused persons and the case was taken on file as CC. 305/2022. 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. Particulars of offences punishable u/s. 451, 294 (b), 323, 506 (i) r/w 34 of Indian Penal Code, 1860 was read over to the accused to which they pleaded not guilty and claimed to be tried.
4. From the side of prosecution, six witnesses were examined as PW1 to PW6 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 were 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. Ext. D1 was marked from the side of the defence.

6. Heard the learned Assistant Public Prosecutor and the learned counsel for the accused.

7. **The points that arise for determination are:-**

- i. *Whether the accused persons had uttered obscene words against PW1- Thomaskutty Antony to his annoyance at a public place and thereby committed offence punishable u/s 294(b) r/w 34 of Indian Penal Code?*
- ii. *Whether the accused had trespassed into the sitout of the house of PW1- Thomaskutty Antony and thereby committed offence punishable u/s 451 r/w 34 of IPC?*
- iii. *Whether the accused persons had voluntarily caused hurt to PW1- Thomaskutty Antony and thereby committed offence punishable us. 323 r/w 34 of IPC?*
- iv. *Whether the second accused criminally intimidated PW1- Thomaskutty Antony and thereby committed offence punishable u/s 506 (i) r/w 34 of Indian Penal Code?*
- v. *What is the order as to sentence, if any, to be passed against the accused?*

8. **Point No.1 to 4 :-** 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 the material witness PW1 – Thomaskutty Antony and it was not corroborated by the evidence of PW2 and PW3 and the independent witnesses turned hostile to the prosecution. Hence the accused persons are entitled to get the benefit of reasonable doubt.

9. Per contra, the learned A. P. P. submitted that the prosecution had by oral evidence of PW1 to PW3 had established the case, even though the investigating officer did not turn up. But from the oral evidence of PW1 to PW3, the prosecution has proved the essential ingredients of the offence alleged against them and hence the accused are to be convicted for the offence alleged against them.
10. PW1- Thomaskutty deposed that on 23.06.2022 at 08.30 p.m. the incident happened in his house. The accused persons came to his house and threatened him and they had caught hold over his abdomen and wrongfully restrained him. Then the first accused came, with a scheme for constructing house by name Snehaved and demanded ₹ 10,000/- (Rupees ten thousand only) for the same and thereafter they threatened that if he doesn't give ₹ 5,000/-, his construction work will be blocked by them. They further threatened that they will show that who are the CPIM party is. He further identified all the accused persons in dock.
11. During cross examination he deposed that he was a member of Youth Congress, Kuttanad assembly block and the accused persons were of C. P.(I).M. party and the first accused was a construction worker having civil diploma. He deposed that only those four persons were present there. He further denied a suggestion that, he had not given statement to police that the other persons had not verbally abused him. He further admitted that he had given statement to police that the accused got hold over

his shirt and neck. The said omission was brought to his notice, but he deposed that he had given such a statement to police. He further deposed that the accused had telephoned him and threatened him and the said fact was also stated to the police and that incident happened at 06.00 p.m. He further deposed that the accused had threatened him at 06.00 p.m. and then he denied the suggestion that he had not given statement to police that he was threatened at 07.30 p.m. He denied suggestion that he was falsely deposing before the court.

12. From his evidence, it is seen that there was a political rivalry between him and the first accused. According to him, the incident happened at 08.30 p.m., but during cross-examination, he deposed that the accused had telephoned him and verbally abused him and threatened him, and according to PW1 – Thomaskutty Antony, the accused had got hold over his abdomen and wrongfully restrained him, but when during cross examination he deposed that accused had caught hold over his shirt, head and a neck, and wrongfully restrained him. Even though it is seen as minor discrepancy, another omission was put to him that the said fact was not given to the police. Another fact is that the incident happened at 08.30 p.m. but according to him the accused had called him on 06.00 p.m. and he had denied another suggestion that the time mentioned by him to police was not 07.30 p.m. but it was 06.00 p.m. and so his evidence is not seen as believable one.

13. PW2- Thressyamma deposed in examination-in-chief that on 23.06.2022, the incident happened at night and the accused persons came to their house. At that time PW1- Thomaskutty was not there and there after at 09.30 pm all the accused came and the first accused came there caught hold over PW1 – Thomaskutty Antony by uttering that whether he knows who the local committee of CP(I)M is. Thereafter demanded ₹ 10,000/- for a welfare scheme by name Snehaveed. When PW1- Thomas kutty had stated that he will not give ₹ 10,000/- then one among them had demanded ₹ 5,000/- and threatened that they will stab him and thereafter, threatened that they will block his construction work and she had identified the accused persons in the dock.
14. During cross-examination, she deposed that PW1- Thomas kutty was working as a contractor and the first accused was also a contractor. She further deposed that the first accused came initially at 07.30 p.m. and after 5 minutes PW1 - Thomas kutty came. An omission was put to her that whether she had given statement that initially they demanded ₹ 10,000/- and there after ₹ 5,000/- was demanded by them and whether she heard the same then she answered that she had heard the same and she doesn't remember whether she had stated the same to police. Then another omission was also put to her that whether she had given statement to police that if the amount were not given by PW1 - Thomas kutty, they will stab them. She answered that she had given such a statement. Then another omission was also put to her that whether

she had given statement to police that they said to PW1 - Thomas kutty that they will block the construction of PW1 to which she answered that she had given such a statement. She denied that it is due to political rivalry and as per the incident of PW1- Thomas kutty she was falsely deposing before the court.

15. From her evidence it is seen that there were several omissions which were seen as material with respect to the demand of ₹ 5,000/- and threatening and also the other threatening with respect to blocking of the construction of PW1 and also threatening to stab PW1 by the accused persons and also regarding the time she deposed that the incident happened at 09.30 p.m. which was against the version of PW1 and since the version of PW1 was not corroborated by the evidence of PW2 hence her evidence is not helpful to prosecution.
16. PW3- Wilson Chacko had Examination-in-chief that on 23.06.2022 at 08.00 p.m. the incident happened in the house of PW1. The accused persons demanded ₹.10,000/- for a scheme by name Snehaved and through phone they had demanded the same and threatened PW1. Thereafter at 08.00 p.m. the accused persons came there and they had caught hold over the neck of PW1 and threatened PW1. There were 10 to 15 persons and he had identified the four accused persons.
17. During cross examination he deposed that he was the president of Youth Congress of Chambakkulam block and PW1 was not a worker of Youth Congress and he was

residing 3 km away from the house of PW1. He deposed that he had not given statement to the police that the accused persons had threatened and demanded an amount from PW1 through telephone and the said fact was given to police by him. He deposed that he had given statement to the police that the incident happened at 07.30 p.m. When he was put a question that it was not seen in the statement that PW1 had telephoned him at 07.30 p.m. to which he answered that he does not know. Then another omission was also put to him that when he went to the house of PW1, he saw first accused was demanding amount to which he answered that he had given such a statement to police. He further deposed that he was inside the house and then several persons came outside and he then deposed that when he went there, that time four persons were in the house of PW1. Then a contradiction was put to him that when he went to the house of PW1, he saw four accused persons were there and they had threatened him and the first accused had caught hold over the neck of PW1 to which he answered that he had not given such a statement. He further deposed that when there was quarrel between PW1 and the accused persons, he had not went there to prevent the same. Then a suggestion was put to him that he was deposing due to political rivalry, which was denied by him.

18. From his evidence it is seen that there was contradiction and omissions with regard to the incident and in his deposition he admitted that, there was a political rivalry between PW1 and the first accused and he was also a rival political party member.

Another contradiction was put to him with respect to the presence of the accused that when he went there and also the threatening of the accused and the caught hold over the neck of PW1 which was denied by him and also there were omissions with respect to the time and the place of occurrence. From his evidence it is seen that there were several omissions and contradictions with regard to the version of PW1 and hence evidence is not helpful to prosecution.

19. PW4- Antony Varghese deposed in examination-in-chief that he knows the incident in which PW1 was sustained injury, but he doesn't remember the exact date. He deposed that he saw the first accused had fisting PW1 and accused persons were members of CP(I)M party and they came to the house of PW1 demanding amount for a scheme named Snehaved. He also deposed that PW1 is his son and he had identified accused.
20. During cross-examination he deposed that, at the time of the incident, he and his wife and his younger son were present. He admitted that he had not given statement to police that the accused had fisted PW1 and the accused had caught hold over the shirt and the neck of PW1.
21. Hence from his evidence it is seen that, his version is different from that of PW1. According to him, the accused had fisted PW1- Thomaskutty and then he deposed that

the accused had caught hold over the neck and shirt of PW1. Hence his version doesn't corroborate the version of PW1 and is also not helpful to prosecution.

22. PW5- Matthew Varghese turned hostile to the prosecution by deposing that he had not witnessed the incident and had not gave any statment to police and hence his evidence is not helpful to prosecution.
23. PW6- Thomas Joseph also turned hostile to the prosecution by deposing that he had not witnessed the incident nor he gave any statement before police. Hence his evidence is also not helpful to prosecution.
24. From the oral evidence of PW1- Thomaskutty it is seen that there was a political rivalry between him and the first accused and according to him the incident happened at 06.00 p.m. and thereafter he deposed that the incident happened at 08.30 p.m. but the said fact was not corroborated by any of the witnesses. The presence of the independent witnesses PW3- Wilson Chacko was also seen as doubtful, and the version of PW1 is that he was caught hold over his abdomen, but during examination-in-chief, he had deposed that he was caught hold over the neck and also his shirt and thereafter threatened him. But the said fact was not corroborated by any of the witnesses and there were contradictions from the statement of the independent witness, who was also a political rival party member. All these cast doubt in the version of the witnesses.

25. Hence prosecution miserably failed to establish the essential ingredients of offences punishable under section 451, 294 (b), 323, 506 (i) 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.

26. **Point No.5:-**From point no.1 to 4, 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), 323, 506 (i) r/w 34 of Indian Penal Code, 1860 alleged against them. Hence, the accused are acquitted for the aforesaid offence u/s.248(1) of Cr.PC. The bail bond of accused persons stand cancelled and they are set at liberty.

27. No property produced in this case.

Dictated to the Confidential Assistant transcribed by her, corrected and pronounced by me in open court on this the 29th day of April, 2026

sd/-
Judicial first Class Magistrate

APPENDIX

WITNESSES FOR PROSECUTION:-

PW1. Thomaskutty
PW2. Thressiyamma
PW3. Wilson Chacko

PW4. Antony Varghese

PW5. Mathew Varghese

PW6. Thomas Joseph

EXHIBITS FOR PROSECUTION:-

P1. First Information Statement dated 24.06.2022 proved through PW1 on 03.02.2025.

WITNESSES FOR DEFENCE:-Nil

EXHIBITS FOR DEFENCE:-

D1. Portion of 164 Cr. PC statement proved through PW3 on 12.03.2025.

MATERIAL OBJECT:- Nil

sd/-

Judicial First Class Magistrate