

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 May, 2026**C.C.No. 473/2023**

Complainant : State-represented by the Sub Inspector
of Police, Ramankary Police Station in
crime no. 556/2023
(By A P P- Ramankary)

Accused : A1. Kochumon
A2. Susha
(By Adv. Gireesh Kumar)

Offence : U/ss. 341, 294 (b), 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	Kochumon	Kutty Kuttan		Pathil chira veedu, Ramankary PW 7, Mambuzhakkary Muri, Ramankary	50/ 23
2	Sudha	w/o Kochumon		Pathil chira veedu, Ramankary PW 7, Mambuzhakkary Muri, Ramankary	45/ 23

DATE OF:-

Offence	Complaint	Appearance	Release on bail.	Commitment	Commencement of trial	Commencement of Evidence
03.08.2023	03.08.2023	13.06.2024	13.06.2024	...	13.06.2024	22.01.2025

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
26.05.2026	29.05.2026			

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. 556/2023 against the accused alleging commission of offences punishable under sections 341, 294 (b), r/w 34 of Indian Penal Code.
2. ***The prosecution case in brief as follows:-*** The accused persons having previous enmity towards the informant- Ramya and with the intention to verbally abuse and assault her, had on 03.08.2023 at around 12.30 p.m. at Ramankary Village, had verbally abused the informant by associating her with another person named Abhilash and the second accused had wrongfully restrained the informant by intercepting her motorcycle and thereby prevented her from proceeding further. Hence, the accused persons are alleged to have committed the offences punishable under sections 341, 294 (b), 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. 341, 294 (b), r/w 34 of Indian Penal Code, 1860 against the accused persons and the case was taken on file as CC. 473/2023 On issuance of summons the accused persons entered appearance and they were represented by a counsel. 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. 341, 294 (b), 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, six witnesses were examined as PW1 to PW6 and five documents were marked as Ext.P1 to P5. Since the remaining witnesses will not improve the prosecution case, they were rightly given up by the learned Assistant Public Prosecutor. 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.
5. Heard the learned Assistant Public Prosecutor and the learned counsel for the accused.
6. **The points that arise for determination are:-**

1. *Whether the accused persons had wrongfully restrained PW1- Ramya and thereby committed offence punishable u/s.341 r/w 34 of Indian Penal Code, 1860?*
 2. *Whether the accused persons had uttered obscene words against PW1- Ramya to her annoyance at a public place and thereby committed offence punishable u/s 294(b) r/w 34 of Indian Penal Code?*
 3. *What is the order as to sentence, if any, to be passed against the accused?*
7. **Point No.1 and 2** :- Inorder to avoid repetition, both points are considered together. The learned counsel for the accused had argued that there were inconsistencies in the version of PW1- Ramya with regard to her statement before police and before court and the version of PW3 and PW2 also had not corroborated the version of PW1 and the verbal abuse was not proved by the oral evidence of witnesses. All these cast doubt in the version of prosecution case and the prosecution failed to prove the essential ingredient of the offence by cogent and reliable evidence. Hence, accused persons are to be acquitted for the offences alleged against them.
8. The learned APP submitted that the accused had by oral and documentary evidence proved the case by cogent and reliable evidence and the version of PW1- Remya was corroborated by PW2 and PW3. Hence, the prosecution had established the case beyond reasonable doubt and so the accused are to be convicted for the offences alleged against them.

9. PW1- Remya deposed in examination-in-chief that on 03.08.2023 at around 12.30 p.m. near Pathil bridge, she along with the Village staff and the officials of the Taluk came to the place of occurrence and they had measured the property and put survey stone. When they tried to return, the accused persons Kochumon and Sudha had intercepted her scooter and they verbally abused her. She deposed that in front of the public, the first accused had stated that she and one Abhilash were having illicit relationship. She deposed that she was the member of that particular ward and Thressiyamma and her son came there and prevented the accused persons and regarding that she had lodged Exhibit P1 First Information Statement and she deposed that she knows the accused persons and she could identify them.
10. During cross-examination she deposed that earlier she was the CPIM party official. Now she was not working in that particular party. She deposed that she went to measure the wasteland of the Panchayat. She deposed that no decision was taken in the Panchayat committee. She went along with the taluk officials. She deposed that she received a letter from Taluk Office. She deposed that complaint was lodged before Collector RDO by one Thressiyamma. She deposed that she had lodged a complaint before police on the same day at night and she was an accused along with her husband in CC 370/2024. She denied a suggestion put to her that she without any authority

trespassed into the property of the accused, which was prevented by the public and hence she lodged a false complaint against the accused persons.

11. From her evidence, it is seen that there were other cases which were pending between the parties and there was a political rivalry existing there and she went to measure the wasteland and she submitted that there was no decision taken in the Panchayat committee. Hence, her evidence is seen as doubtful. Even though she deposed that she was prevented and verbally abused by the accused persons. Let's examine other evidences as well as corroborate her version.

12. PW2- Thressyamma deposed in examination-in-chief that she knows the incident. The incident happened in the year 2023 at around 12.30 p.m. and the Panchayath and Village officials came to put survey stones and there was a dispute between her and the accused persons and the Panchayath officials had put survey stones and the accused came and verbally abused them and they had verbally abused her and she identified both accused in dock.

13. During cross-examination she admitted that there was a property dispute between her and the accused persons and it was not resolved between them. She further deposed that when the stones were put, the accused persons were

not there and they went to hospital and she lodged complaint before police but no action was taken by the police.

14. Hence from her evidence it is seen that she had deposed that the accused persons had verbally abused her, but no obscene word was deposed by her. Moreover, she had not deposed that the accused persons had intercepted PW1- Ramya and hence her version doesn't corroborated the version of PW1- Remya and so not helpful to prosecution.

15. PW3- Abhilash deposed in examination-in-chief that on 03.08.2023 at around 12.30 p.m. the incident happened near Pathilpalam near the house of the accused persons. He lodged a complaint before the Collector alleging that the accused persons had encroached a rivulet. To measure the same, the survey officials came therein and a dispute arose and the accused persons had verbally abused the member and the accused persons had verbally abused the member by associating him with the member and regarding that he had given Statement before police. He identified both accused in dock.

16. During cross-examination, he deposed that he was working at a school. He admitted that PW5- Biju was his neighbour and friend and PW1- Remya was their ward member. He deposed that he doesn't remember the date in which he lodged complaint before the Collector. He deposed that he doesn't know

whether the accused persons received any notice from the Collectorate. He admitted that there was a civil case pending before Alappuzha Munsiff Court. Then he deposed that he doesn't remember whether the accused persons were present there when the stones were put by the survey officials.

17. Hence, from his evidence it is seen that there was a property dispute between the accused persons and him and he had not categorically deposed the obscene word and also not deposed that the accused persons had intercepted PW1. Hence, his version not clearly corroborated the version of PW1 and so not helpful to prosecution. He admitted that, there was a civil case pending against him with respect to the property and also he doesn't remember when he had lodged complaint before Collector and also he doesn't know whether the accused persons were present when the stones were put by the Survey Officials. All these cast doubt in his version hence not helpful to prosecution.

18. PW4- Prasanna deposed in examination-in-chief that she had witnessed the preparation of Exhibit P2 scene mahazar by the Investigating Officer. But during cross-examination, she deposed that she doesn't know what was the content of the same and her evidence is not helpful to prosecution.

19. PW5- Biju Joseph deposed in examination-in-chief that he know PW1- Remya and on 03.08.2025 near Pathilpalam at around 12.30 p.m. while he

was returning from his work, he saw the accused persons were quarreling with the ward member Remya and they had verbally abused her. When he enquired about the same, he came to know that there was a dispute with regard to pathway and he had given statement to police through phone and he had identified both accused in dock.

20. During cross-examination, he deposed that PW3- Abhilash was his friend and PW1- Remya was his ward member. He admitted that PW3 and the accused persons were having a dispute. He deposed that he went to job and returned at 12.30 p.m. He doesn't remember when he had given statement to police.

21. Hence from his evidence also it is seen that he had not corroborated the version of PW1 with regard to the verbal abuse and also the wrongful restrain of PW1 by the accused persons. What obscene word was uttered by the accused persons was not categorically deposed by him. Hence his version does not corroborate the version of PW1 and is also not helpful to prosecution.

22. PW6- Murugan deposed in examination-in-chief that on 03.08.2023 while he was working as Sub Inspector of Police at Ramankary Police Station, he had recorded Exhibit P1 First Information Statement of PW1 and based on that he had lodged Exhibit P3 First Information Report and thereafter he went to the

place of occurrence and prepared Exhibit P2 scene mahazar and thereafter he had given Exhibit P4 series notice to the accused persons and thereafter submitted Exhibit P5 report showing the address of the accused persons and concluded the investigation and submitted charge sheet before court.

23. During cross-examination, he deposed that he had not collected the details of the revenue officials who came to the place of occurrence for measuring the property. He also deposed that no document or order was produced by PW1 to show that there was an order of RDO for measuring the property. He deposed that the statement of independent witnesses were recorded, who were public. She deposed that there was no prohibition in mentioning the parking of the scooter at the place of occurrence in the scene mahazar. She also admitted that there was a political rivalry between two factions of the communist party and PW1 was earlier working as CPIM and later she was not associated with the said party. He further admitted that the police station was 1.5 km away from the place of occurrence. But PW1- Remya has lodged the complaint at 10.00 p.m. He further admitted that in scene master there was only one witness.

24. From his evidence, it is seen that no order was produced to show that the revenue officials and the other surveying officials came to the place of occurrence for measuring the property and also no document was produced to

show that there was an order of RDO for measuring the property and he admitted that there was a political rivalry between the two factions of the communist party and PW1- Remya was earlier working in CPIM and later she changed the party. Hence, from his evidence also nothing incriminating has come out hence so his evidence also will not assist the prosecution.

25. From the oral evidence of PW1- Remya, it is seen that PW1 had deposed that she was verbally abused by the accused persons by associating her with PW3- Abhilash and she was wrongfully restrained by the accused persons. The said fact was not corroborated by any other witness apart from a part corroboration by PW3 in which he deposed that his name was associated with PW1. Apart from that all other independent witnesses had not corroborated her version and admitted fact that there was a political rivalry between two factions of communist party and PW1 was working in one of them and there was a property dispute between PW3 and the accused persons and civil cases were pending before Munsiff Court. So the version of PW1- Remya is seen as doubtful and it was not corroborated by other witnesses. So the prosecution failed to prove the essential ingredient of offence alleged against the accused persons by cogent and reliable evidence and so the accused persons are entitled to get the benefit of reasonable doubt. The offence alleged cannot be attributed towards them. Hence these points are found against the prosecution.

26. Hence prosecution miserably failed to establish the essential ingredients of offences punishable under section 341, 294 (b), 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.

27. **Point No.3:-**From point no.1 and 2, 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. 341, 294 (b), r/w 34 of Indian Penal Code, 1860 alleged against them. Hence, the accused persons are acquitted for the aforesaid offence u/s.255(1) of Cr.PC. The bail bond of accused persons stand cancelled and they are set at liberty.

28. 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 29th day of May, 2026.

sd/-
Judicial first Class Magistrate

APPENDIX

WITNESSES FOR PROSECUTION:-

PW1. Remya Sajeerv
PW2. Thressiamma Mariyan
PW3. Abhilash
PW4. Prasanna
PW5. Biju Joseph
PW6. Murukan P

EXHIBITS FOR PROSECUTION:-

- P1. First Information Statement dated 03.08.2023 proved through PW1 on 22.01.2025.
- P2. Mahazer dated 04.08.2023 proved through PW4 on 14.10.2025.
- P3. First Information Report dated 03.08.2023 proved through PW6 on 26.05.2026.
- P4. Notice series dated 04.08.2023 proved through PW6 on 22.05.2026.
- P5. Report from SI of police Ramankary police station proved through PW6 on 22.05.2026.

WITNESSES FOR DEFENCE:-Nil

EXHIBITS FOR DEFENCE:- Nil

MATERIAL OBJECT:- Nil

sd/-
Judicial First Class Magistrate