

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE -I,
PERUMBAVOOR**

Present: Smt.Nimisha Arun, Judicial First Class Magistrate -I

Tuesday the 2nd day of June, 2026/ 12th Jyaishta 1948

CALENDAR CASE No. 463/16

Complainant : State-rep. by the Sub Inspector of Police,
Perumbavoor P.S. in Crime No.2863/15

(By Nazeer S. M., APP Gr. I, JFCM-I)

Accused : Siyad, aged 35/15, S/o Alikunju, Chirayanpadan House,
Kunnakkattumala Bhahgam, Okkal Kara, Chelamattom
Village.

(By Adv. K.P.Ajayan)

Offence : U/ss. 448, 341, 323, 294(b), 427 of the Indian Penal Code,
1860.

Plea : Not Guilty

Finding : Not Guilty

Sentence or order : Accused is acquitted u/sec,255(1) of Cr.P.C

DESCRIPTION OF ACCUSED

Name	Father's name	Calling	Residence	Age
Siyad	Alikunju	-	Chirayanpadan House, Kunnakkattumala Bhahgam, Okkal Kara, Chelamattom Village	35/15

DATE OF

Offence	Complaint	Appearance of accused	Release on bail	Commencement of trial	Close of trial	Sentence or order
12.07.15	04.10.16	27.07.19	27.07.19	27.07.19	02.06.26	02.06.26

This case having been finally heard on today, the court passed the following:

JUDGMENT

The accused stands trial for the offences punishable under Section 448,
341, 323, 294(b), 427 of the Indian Penal Code, 1860 (hereinafter referred to as 'the

IPC’).

2. **The prosecution's case, in brief, is as follows:** At 2.00 p.m on 12.07.2015 the accused criminally trespassed into House No.XI/31 of Okkal Gramapanchayath situated at Kunnakkattumala Bhagam, and destroyed the window glass using soda bottle. When PW1 intervened, the accused wrongfully restrained her by catching hold of her hair, uttered obscene words towards PW2 and pushed her down. It is also alleged that the accused caused damage to a bike bearing registration No.KL-40-D-4616 with a stone and thereby caused a loss of Rs.10,000/-. Thus, the accused had committed the offences punishable under Section 448, 341, 323, 294(b), 427 of the Indian Penal Code, 1860

3. The accused was not arrested during the investigation. On receipt of the final report, this court took cognizance and issued process against the accused. The accused entered appearance and was released on bail. He was represented by a lawyer of his choice and furnished with a copy of all documents, produced and relied on by the prosecution as mandated u/sec.207 of the Code of Criminal Procedure, 1973 (hereinafter in short as “Cr.P.C”.) Particulars of offence punishable u/s 448, 341, 323, 294(b), 427 of IPC read over and explained to the accused, as per Sec. 251 of Cr.PC to which he pleaded not guilty and claimed to be tried. Thereafter the prosecution

examined PW1 and PW2 and Ext.P1 was marked. In view of the evidence adduced by PW1 and PW2, the learned APP found that the evidence of the remaining witnesses, if examined, would not improve the prosecution's case, and eventually, he gave up the examination of the remaining charge witnesses, CW3 to CW9. The examination of accused u/sec.313(1)(b) of Cr.P.C was dispensed with as no incriminating circumstances were brought out in the prosecution evidence. Thereafter the accused was called upon to enter upon his defence and produce his evidence u/sec.243(1) Cr.P.C. No evidence was adduced on the side of the accused.

4. The points that arise for consideration are as follows:

1. Has the accused at 2.00 p.m on 12.07.2015 criminally trespassed into House No.XI/31 of Okkal Gramapanchayath ?
2. Has the accused at the said time and place and during the course of same transaction wrongfully restrained PW1?
3. Has the accused at the said time and place and during the course of same transaction verbally abused PW2 by uttering obscene words ?
4. Has the accused at the said time and place and during the course of same

transaction voluntarily caused hurt to PW1 and PW2?

5. Has the accused at the said time and place and during the course of same transaction committed mischief and thereby caused a loss of Rs.10,000/- to PW1?

6. What offences if any committed and what order as to the sentence?

5. **Point Nos. (1) to (5):** As evidence on these points are common, they are considered together for the sake of convenience and also to avoid repetition. The persecution case in short is that at 2.00 p.m on 12.07.2015 the accused criminally trespassed into House No.XI/31 of Okkal Gramapanchayath situated at Kunnakkattumala Bhagam, and destroyed the window glass using soda bottle. When PW1 intervened, the accused wrongfully restrained her by catching hold of her hair, uttered obscene words towards PW2 and pushed her down. It is also alleged that the accused caused damage to a bike bearing registration No.KL-40-D-4616 with a stone and thereby caused a loss of Rs.10,000/-.

6. PW1, Asma, who set the law in motion by preferring Ext.P1 F.I Statement turned hostile to the prosecution by deposing that she is not remembering the date and time of the incident. According to PW1, an altercation occurred between his

husband and some other persons. She further testified that she did not file a complaint against the accused. Regarding the incident PW1 gave Ext.P1 F.I Statement to the police. PW2, Fathima, viz, occurrence witness and injured, also turned hostile to the prosecution by deposing that she is not remembering the date and time of incident. She further testified that did not know the assailant. Other prosecution witnesses were given up by the learned APP.

7. On analysing the entire evidence, it is found that none of the prosecution witnesses has deposed the cause of injury and also the identity of the accused. Hence, the prosecution has failed to prove the involvement of the accused in the offence and also the case alleged by the prosecution. Hence I have no hesitation to hold that the prosecution has failed to prove the case against the accused. Hence all these points are found against the prosecution.

8. **Point No.6:-** In the light of the finding in the Point No.1 to 5, I hold that the accused is found not guilty of the offences punishable u/sec. 448, 341, 323, 294(b), 427 of IPC and he is acquitted u/sec.255(1) of Cr.P.C.

9. In the result, the accused is acquitted u/sec.248(1) of Cr.P.C for the offences punishable u/sec. 448, 341, 323, 294(b), 427 of IPC. His bail bond stands cancelled

and he is set at liberty.

Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in open court, this the 2nd day of June, 2026.

sd/-

**Judicial First Class Magistrate -I,
Perumbavoor**

APPENDIX:

A-Prosecution Witnesses

Prosecution witness No.	Name of witness	Description
PW1	Asma	Eye witness (De facto complainant & injured)
PW2	Fathima	Eye witness and injured

B-Defence Witness: NIL

C-Court Witness: Nil

Exhibits marked:

Exhibit No.	Description	Proved by/Attested by
Ext.P1	F.I Statement dated 13.07.2015	PW-1

B-Defene Exhibits:Nil

C-Material Objects : NIL

sd/-

**Judicial First Class Magistrate- I,
Perumbavoor**