

**IN THE COURT OF THE JUDICIAL I CLASS MAGISTRATE, PIRAVOM**

**Present :-Anand.A.B, Judicial I Class Magistrate**

Friday, the 5<sup>th</sup> day of December, 2025/ 14<sup>th</sup> day of Agrahayana,1947.

**CMP.2034/2025 in CC.594/2017**

Petitioner / Accused	: Naveen Anthraper, S/o. Joseph Anthraper, aged 34/17, Koottukal House, Moolepadam Nagar Part, Kalamassery P.O., Thrikkakara North Village - now residing at house of Joseph, Pulickal House, House No.6/439, Kalamassery Municipality. <b><i>By Adv. Sreejith V.G.</i></b>
Complainant	: State represented by the Sub Inspector of Police, Piravom - <b>Cr. No. 760/2016.</b> <b><i>By Sudheesh S., APP Piravom</i></b>
Proceedings	: u/s.239 of CrPC.

This petition coming on for hearing today, the court passed the following :-

**ORDER**

This is a petition filed u/s.239 of Cr.PC by the accused in the above case. The offences alleged against the accused in this case are under section 354(A)(iv), 509 of IPC & Sec.67, 67(A) of IT Act

2. The petition averments in brief is as follows :- The offences alleged against the accused are under section 354(A)(iv), 509 Indian Penal Code and section 67, 67(A) of IT Act. The allegation against the accused is that he had morphed the photographs of defacto complainant with some other nude pictures of ladies and posted in the face book with caption "the girls are the sex scandals from Kochi". It is further alleged a fake face book account was created by the name "Rani Piravom" for committing the alleged offences. The accused is a singer by profession and never engaged in the business of outraged the modesty of women. The IP address alleged to be used in this crime is not having any connection with the accused. There is no materials produced by the prosecution to prove the presence of the accused during the commission of the crime except the 161

statements of CW6, CW7 and CW8. All of them were conducting DTP centers in which the accused alleged to be used the computer for the commission of the above said crime. But no registers or CC TV footages of the above said DTP Centers were recovered or produced by the police to prove that he had used the computer and misused the internet. It is also submitted that there is a delay of 3 months in registering the FIR. It is also submitted the accused had never used his system or any device for the commission of the above said crime. Hence this application.

3. Heard both sides and perused the available material on records.

4. The defacto complainant set the criminal law into motion by giving the First information statement dated 24.07.2016 before Piravom Police. She alleged that the accused published her photo along with nude photographs in Facebook on 16.04.2016. The accused was the husband of her elder sister. It was also alleged that the accused is a fake account named '*Rani, Piravom*'. Piravom police submitted the final report on completing the investigation. The scientific investigation was conducted by seizing the properties and documents including modems, hard disk, any address details and details of facebook post. Charge witness No.1 to 22 were enlisted as prosecution witnesses. The specific allegation against the accused is that he used the internet cafes of CW6, CW7 and CW8, for accessing the internet to use face book, google, etc. during the commission of alleged offences. CW1 to CW5 had given statements to the police about the previous enmity between the accused and the family of the defacto complainant. The witnesses also stated about the offences alleged against the accused regarding the publication of objectionable content. Charge witness No.2 Simy Chandra is also a victim. The specific arguments advanced by the accused in this petition is that the accused never used his system or any device for the commission of the crime alleged against him. It was also argued that no registers or CC TV footage were recovered or produced by the police from the DTP centers of CW6, CW7 and CW8. It is to be noted that the modus operandi of the persons involved in white color crimes would be more sophisticated than those who are involved in other crimes. The prosecution collected records on the basis of the statements of the witnesses and victims. The final report would reveal that the IP addresses were traced out by

conducting scientific examination through cyber cell. The persons responsible for those IP addresses had given statements against the accused. The offences alleged against the accused are the serious nature. Hence the accused is not entitled to be discharged by citing mere technicalities. The prosecution should be given an opportunity to prove its case through the test of trial. The evidence collected should be appreciated during the trial. It is not possible to consider the delay in registering FIR as a ground to discharge the accused. The prosecution is entitled to explain the reason for delay during the course of trial.

5. It is pertinent to note that this accused approached Hon'ble High Court of Kerala by preferring CRL. MC No.975, 976 & 980 of 2018, u/s.482 of Cr.PC. Hon'ble High Court of held that they are premafacie material to attract the offences alleged against the accused and refused to exercise the jurisdiction u/s.482 of Cr.PC. The available materials on record would establish a strong prima facie of the case to proceed against the accused with the trial. The petition is devoid of merit. Hence dismissed.

In the result, this application is dismissed.

Pronounced by me in open Court on this the 5<sup>th</sup> day of December, 2025

sd/-

**Anand.A.B.,  
Judicial First Class Magistrate**

//true copy//

**Judicial First Class Magistrate**