

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

**Present:- Smt. Ali Fathima.N.S.
Judicial First Class Magistrate –I, Vatakara**

Dated this the 15th day of June, 2026

C. C. No.378/19

Complainant	:	1.	State of Kerala represented by Sub Inspector of Police, Vatakara Police Station in Crime No. 509/18. (By Sri. Pramod T.M - A.P.P., Grade II)
Accused person	:	1. 2.	Mathu, W/o. Gopalan, Aged.72/18, Patinjarekunnummal, Valikkassery post, Vatakara. Anoop .T.P, S/o. Gopalan, Aged.39/18, Patinjarekunnummal, Valikkassery post, Vatakara. (By Adv. Sajith.K.Marar)
Offences	:		U/Ss. 324, 294(b), 506(i) r/w 34 of I.P.C.
Plea	:		Not Guilty.
Finding	:		Not Guilty.
Sentence/order	:		Both accused are acquitted U/S.248(1), Cr.P.C.

Description of the accused

Sl No.	Name	Father's name	Calling	Residence	Age
1.	Mathu	W/o. Gopalan		Patinjarekunnummal, Valikkassery (p), Vatakara.	72/18
2.	Anoop .T.P	S/o. Gopalan		„	39/18

Dates of

Occurrence	Complaint	Apprehension	Release on bail	Commencement of trial	Close of trial	Sentence/Order	Explanation of delay
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19.6.18	27.6.18	29.8.19	29.8.19	4.11.19	11.06.26	15.06.26	nil
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The above case having come up for final hearing on 11.06.2026 and this Court on 15.06.2026 passed the following:-

JUDGMENT

The Accused Nos.1 and 2 were put on trial alleging commission of offences punishable under Sections 324, 294(b), 506(i) r/w 34 of I.P.C in Crime No.509/18 of Vatakara Police station.

2. **The prosecution case, in brief, is as follows:-** On 19.06.2018 at about 19:00 hours, at Villyappally Panchayat in Vatakara Taluk, on the compound wall of a house named 'Sairam' situated near Jubilee Arts and Sports Club, accused Nos. 1 and 2, abused the informant and his friend in obscene language and threatened to kill them. It is further stated that, at the instigation of the second accused, the first accused poured boiling water on the bodies of the informant and his friend and thereby causing burn injuries to them. Thereby the accused persons alleged to have committed aforementioned offences.

3. After completing investigation, the final report was filed before this Court and cognizance of the above offences were taken by this Court. When accused appeared before the court, copies of all relevant documents were served to them and they were enlarged on bail. After hearing both sides, charge was framed for the offences punishable U/ss.324, 294(b), 506(i) r/w 34 of I.P.C, read over and explained to the accused to which they pleaded not guilty and claimed to be tried.

4. Prosecution cited CWs 1 to 11 to prove their case and examined PWs 1 to 9 and Exhibit P1 to P7 were marked. CW3 did not appear before the court even after

coercive steps were taken to secure his presence and the examination of charge witness no.7 was given up by the Learned APP. After the closure of prosecution evidence, the case was posted for examination of accused under Section 313(1)(b) Crpc. They were examined and pleaded innocence. No defence evidence was adduced.

5. Heard. Perused records.

6. Points that arise for consideration are:-

- i. Did the accused persons shouted abusive words causing annoyance to the public and thereby committed offence punishable u/S. 294 (b) r/w 34 of IPC as alleged?
- ii. Did the accused threatened to kill PW1 and 2, and thereby committed offence punishable u/s. 506 (i) r/w 34 of IPC as alleged?
- iii. Did the accused poured boiling water on the bodies of PW1 and PW2 and thereby caused grievous burn injuries, and thereby committed an offence punishable under Section 324 r/w 34 of IPC, as alleged?
- iv. If found guilty, what should be the order as to sentence?

7. Point Nos. (i) to (iii) : I have carefully analyzed all the evidence adduced in this case. PW1 is the informant in this case who deposed before the court that on 19.06.2018 at around 07.00 p.m, he was travelling with PW2 and when he reached the road in front of the house of Accused no. 2, he heard the accused persons uttering obscene words as "നായിന്റെ മക്കളെ, പുലയാടിച്ചി മക്കളെ" towards the neighbours. When he intervened, the accused's persons shouted "who are you to ask, son of dog"

and threatened to kill him. The accused no. 1 brought boiling water, in a vessel and threw at him which resulted in causing burns on his right side chest and shoulder. It also caused minor burn injury to PW2. He was taken to Govt hospital in Vatakara and while he was receiving treatment and incident occurred after he questioned the accused about shouting obscene words at the neighbors. The identity of accused persons are not disputed in this case. During cross-examination, PW1 stated that the accused persons were his neighbours and there was a distance of about 50 metres between their houses. He had no prior enmity with the accused persons before the incident. He testified that the incident happened on the road and that the accused shouted obscene words from their house. He deposed that accused no. 1 was more than 70 years old and both accused persons were residing in the same house.

8. PW2 is the injured and occurrence victim witness who turned hostile to the case of prosecution by stating that he does not know the persons who caused injury to him.

9. PW3 and PW4 are the occurrence witnesses who turned hostile to the prosecution by denying that they had witnessed the incident. PW5 is the witness to Ext P4 Scene Mahazar.

10. PW6 is the doctor who issued Ext P3 and P4 Wound certificates after examining PW1 and PW2 in the case, respectively. According to the said documents, the patients did not sustain any burn injuries.

11. PW7 is the police officer who recorded Ext P1 FIS in the case. Ext P1(a) and Ext P1(b) are the body notes of PW1 and PW2 respectively. According to Ext P1(a), the witness sustained peeling of skin due to the pouring of boiling water.

12. PW8 is the Investigating Officer, who filed final report on the case. He inspected the place of incident and prepared Ext P2 Scene mahazar. He identified Ext P3 and Ext P4, wound certificates of CW1 and CW2 in the case. Ext P5 series are the arrest memos and Ext P6 is the name and address report of the accused persons. PW9 is the police officer who registered Ext P7 FIR in the case.

13. According to the case made out by the prosecution, PW1 and PW2 were assaulted by the accused persons. They sustained injuries and were taken to hospital. The prosecution mainly relied on the evidence of PW1, to prove the incident and to fix the culpability on the accused as the other material witnesses turned hostile to the prosecution in the case. It must be seen that there is no reliable independent eye witness in this case. Though PW2 was cited as injured/occurrence witness, he turned hostile to the case of prosecution by stating that he had not seen the incident. Now the question that remains before the court is whether the sole testimony of PW1 can be relied on by the court to attribute guilt towards the accused.

14. To determine whether the accused persons are guilty under Section 324 of Indian Penal Code, it is necessary to examine the ingredients of the said provision. The section requires that the accused should voluntarily cause hurt using weapons or means likely to cause death. In this case, the alleged weapon was boiling water. The

question remains whether the boiling water constitutes a dangerous weapon or not. According to the decision in **Dasan v. State of Kerala (AIR 2014 SC 1437)**, factors such as size and sharpness are crucial in determining whether a weapon is deemed dangerous. PW1 testified that the Accused No.1 had poured hot water over him which resulted in causing burns to him. However, Ext P3 and Ext P4 does not show any burning injuries to the witnesses, though the witnesses were taken to the hospital during the day of alleged incident itself. PW2 specifically deposed that he did not witness the incident. The injuries noted in Ext P1(a) and Ext P1(b) body notes clearly contradicts the evidence adduced by PW6 doctor. Ext P3 and P4 wound certificates does not show any injuries on the body of witnesses. Hence in lieu of the said reason, this court is not convinced that the accused persons committed offence under Section 324 of IPC.

15. Coming to section 294(b), whether the ingredients of offence are attracted or not has to be established by the prosecution. In **Latheef v. State of Kerala- 2014 (2) KHC 604**, the Hon'ble High Court has held that the abusive words or humiliating words or defamatory words will not as such amount to obscenity as defined under the law. To make the words obscene punishable under S.294(b) of the IPC, it must satisfy the definition of obscenity. In this case, the words used by the Accused persons are “നായിന്റെ മക്കളെ, പുലയാടിച്ചി മക്കളെ”. Duly relying the dictum in the above decision, it can be safely concluded that Sec.294(b) of IPC is not attracted in this case. Moreover, the occurrence witnesses cited by the prosecution deposed that they had not seen the alleged incident. As the said words are not capable of arousing sexually impure thoughts and are mere abusive in nature, this court is of

the view that section 294(b) is not attracted in this case. No evidence adduced to show that the accused persons threatened to kill the witnesses and there is no material produced to show that the accused persons had intentions to threaten them with injuries. Thus, the essential ingredients required to attract Section 506(ii) of the IPC, were also not met in this case.

16. From the discussion above, it is apparent that that prosecution failed to provide sufficient and cogent evidence before court to prove the guilt of the accused persons beyond reasonable doubt. No overt acts of the accused seen shown and no common intention to commit offence established in the case. The motive of the incident itself appears doubtful and the medical evidence does not corroborate with the oral testimony of PW1. Moreover, PW2, the injured witness cited, did not support the case of prosecution and testified that he did not witness the alleged incident, thereby shattered the entire version of prosecution in the case. Due to the dearth of evidence and credible witnesses, this court is of the view that the accused persons are entitled to an order of acquittal from this court. Point Nos. (i) to (iii) are found against the prosecution.

17. **Point No. (iv):** In the light of the findings on Point No. (i) to (iii), both accused are found not guilty of the offences under Sections 324, 294(b) and 506(i) r/w 34 of IPC. In the result, they are acquitted of the charge under Section 248(1) Cr.P.C. They are set at liberty and their bail bonds stands cancelled.

(No property produced in this case)

(Dictated to the Confidential Assistant, transcribed and prepared in computer, corrected by me and pronounced in open Court on this the 15th day of June, 2026
sd/-

Judicial First Class Magistrate - I
Vatakara

APPENDIX

Witnesses examined for the prosecution

Prosecution Witness No.	Names of Witness	Description
1	Babu.V, S/o.Pokkan	Defacto Complainant
2	Anil, S/o.Gopalan	Another injured in the incident
3	Kanoth Babu, So.Krishnakumar	Eye witness
4	Vinodan.V, S/o.Pokkan	Eye witness
5	Abdulla.M.K, S/o. Ammad Haji	Scene mahazar witness
6	Dr.Parimal, Asst.Surgeon, Govt. Dist. Hospital.	Wound certificate issued
7	Rajesh.K.T, ASI, Vatakara PS	FIS recorded.
8	Jayan.V.M, SI, Vatakara PS	Investigating Officer
9	Vijayan.M, ASI, Vatakara PS	Registered FIR

Exhibits for prosecution

Exhibit No.	Description of the Exhibit	Proved by/Attested by
1	FIS dated 20.6.18	PW1
1(a)	Body note of PW1	PW7
1(b)	Body note of PW2	PW7
2	Scene Mahazar dated 21.6.18	PW8
3	Wound certificate dated issued to PW1 from Govt. District hospital, Vatakara	PW6
4	Wound certificate dated issued to PW2 from Govt. District hospital, Vatakara	PW6
5	Arrest memo (Accused No.1-Mathu)	PW8
5(a)	Arrest memo (Accused No.2-Mathu)	PW8
6	Report to add name and address of accused	PW8

7	FIR in Cr. No. 509/18 of Vatakara PS	PW9
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Witness examined for the accused: Nil

Exhibits marked for the accused: Nil

MOs marked: Nil

sd/-

Judicial First Class Magistrate - I
Vatakara.