

**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 26th day of May, 2026

C. C.656/2023

Complainant	:	State: Represented by the Sub Inspector of Police, Vatakara Police Station in Crime No. 696/23. (By Sri. Manojan.N, APP, Sr. Grade, Payyoli, Additional charge of this court)
Accused	:	Sibina, W/o. Shiju, Aged.36/23, Parambath house, Mayyanoor, Kootangaram. (By Adv. R. Umesh)
Offences	:	u/Ss. 341, 323, 294(b) of IPC.
Pleading	:	Not Guilty.
Finding	:	Not Guilty.
Sentence or Order	:	Accused is acquitted u/S.255(1) Cr.P.C.

Description of accused

Sl No.	Name of accused	Father's Name	Calling	Residence	Taluk	Age
1.	Sibina	W/o. Shiju		Parambath house Mayyanoor	...	36/23

Relevant Dates

Occurrence	Complainant	Apprehension	Release on bail	Commencement of trial	Close of trial	Sentence/Order	Explanation of delay
9.7.23	15.07.23	3.10.24	3.10.24	7.12.24	26.05.26	26.05.26	nil

The above case having come up for final hearing on 26.05.26 and this Court on the same day passed the following:

J U D G M E N T

The Accused was put on trial alleging commission of offences punishable under Sections 341, 323, 294(b) of IPC in Crime No.696/23 of Vatakara Police Station.

2. **The allegations of the prosecution in brief is as follows:-** On 09.07.2023 at 5:30 p.m., near the roadside of Kurikkilad Cooperative College in Villiyappally Panchayath, Memunda Village, the accused abused PW1 in obscene language, wrongfully restrained her, and voluntarily caused hurt by slapping her on the face. The incident arose from a dispute regarding the removal of soil and stones that had fallen from the wall of PW1's house into the courtyard of the accused's house, and due to such provocation, the accused committed the aforesaid acts. Thereby the accused is alleged to have committed the offences punishable u/Ss. 341, 323, 294(b) of IPC.

3. On appearance of accused before the Court, copies of all relevant documents relied by the prosecution were furnished to her U/s.207 Cr.PC and she was released on bail. Accused was represented by a counsel of her own choice. Particulars of offences u/Ss.341, 323, 294(b) of IPC was read over and explained to the accused to which she pleaded not guilty and claimed to be tried.

4. On the side of prosecution PW1 was examined and Exhibit P1 was marked. All other witnesses were given up by learned Assistant Public Prosecutor. After closing the evidence of prosecution, since there is no incriminating evidence against

the accused, examination under Section 313(1)(b) of Cr.P.C dispensed with. No evidence adduced from the side of accused.

5. Heard both sides.

6. Points that arise for consideration are:

(i) Did the accused wrongfully restrained PW1 on 9.07.2023 at 17.30 hours and thereby committed the offence punishable u/s. 341 of IPC as alleged?

(ii) Did the accused voluntarily caused hurt to PW1 and thereby committed the offence punishable u/s. 323 of IPC as alleged?

(iii) Did the accused uttered obscene languages, causing annoyance to public and thereby committed offence punishable u/s. 294(b) of IPC as alleged?

(iv) If so, what is the order or sentence to be passed ?

7. **Point Nos.(i) to (iii):-** In order to avoid repetition, for brevity and for the sake of convenience all points are considered together. PW1 is the defacto complainant. She deposed that on 09.07.2023 at 5:30 PM, near the pathway to her house, a group of persons abused her, kicked her, and hit her on the head, causing injuries. In the incident, she took treatment from Vatakara Govt. Hospital. She gave F.I. Statement before Vatakara Police Station. The said FI statement was shown, admitted signature and marked as Exhibit P1. However, she turned hostile to the prosecution case, stating that she could not identify the persons who committed the above acts. Upon request, permission was granted to learned APP to put leading questions to her under Section 154, Evidence Act. She totally denied the suggestions

put to her by learned Asst.Public Prosecutor based on her previous statement to Police. She testified that the person standing in the dock had not committed any act against her. She further stated that all the matters pertaining to the case were amicably settled and has no grievance in the matter. PW1 further stated that she was not deposing falsehood before Court to help the accused on the basis of the compromise arrived at.

8. On a consideration of evidence on record, it is seen that the primary prosecution witness examined in this case as PW1 turned hostile and deposed against the prosecution case in toto. In effect there is no scope for examining the remaining witnesses for the prosecution when the alleged victim (PW1) failed to support the case projected by prosecution. It will not improve the fate of prosecution case at all. Having considered this aspect, the learned APP has given up the other witnesses cited by the prosecution which is justified. Being so, I am also satisfied that examination of other witnesses cited by the prosecution will not serve any purpose nor salvage the sinking prosecution case. It will only result in loss of precious time of the Court as chances of a successful prosecution are hopelessly bleak. Hence prosecution evidence closed.

9. From the available evidence as presented before Court, there is no material to connect the accused with the alleged occurrence. No witnesses deposed to the involvement of accused in the commission of offences alleged. No witnesses deposed to any overt acts allegedly committed by accused nor identified her in the dock as the culprit. The prosecution failed to prove the guilt of the accused by cogent and

convincing evidence beyond reasonable doubt. It is the duty of the prosecution to prove its case beyond reasonable doubt by evidence which inspires confidence of the Court which it has not done. Criminal liability cannot be fastened upon accused in such a situation. From the above discussion, it is quite apparent that the prosecution has failed to bring home any evidence to link accused with the alleged offences in any manner. **Hence Point nos.(i) to (iii) are found against the prosecution.**

10. Point No.(iv): In the light of my findings in point nos.(i) to (iii) above, this point does not arise for consideration as the prosecution failed to prove the guilt of the accused beyond reasonable doubt and there is no question of awarding any sentence.

In the result, accused is found not guilty of the offences punishable u/ss. 341, 323, 294(b) of IPC and she is acquitted of those offences u/S.255(1) of Cr.P.C. Her bail bond stands cancelled and she is set at liberty.

(Dictated to the Confidential Assistant, transcribed and prepared in computer, corrected by me and pronounced in open Court on this the 26th day of May, 2026)

sd/-

Judicial First Class Magistrate -I
Vatakara

APPENDIX

Witnesses examined for the prosecution

Prosecution Witness No.	Names of Witness	Description
1	Athira, D/o. Santhosh	Defacto complainant

Exhibits for prosecution

Exhibit No.	Description of the Exhibit	Proved by/Attested by
1	FIS dated 10.07.23	PW1

Witness examined for the accused : Nil

Exhibits marked for the accused : Nil

MOs marked : Nil

sd/-
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//True copy//

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