

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-I, NADAPURAM.	
Present:- Smt.Amrutha Aravind Judicial First Class Magistrate, Nadapuram	
Dated, this the 16th day of March, 2026	
<u>C.C. No.666/2021</u>	
Complainant	: State, Rep.by the Sub Inspector of Police, Valayam Police Station (Cr.No.8/2020) (Rep.By Sri.P.C.Jawad Assistant Public Prosecutor) v.
Accused	: 1.Lijeesh @ Kuttappi, S/o.Kumaran, aged 30/20, Padinjare neelandummal(H), Chuzhali(PO). 2.Sunil.P.K, S/o.Krishnan, aged 39/20, Palothukulangara(H), Chuzhali(PO). 3.Ragil, S/o.Raju, aged 23/20, Kunjipparambath(H), Chuzhali(PO). (Rep.By Adv. M.Siju)
offences	: U/ss. 354A, 354 D, 506 para I , 509 r/w 34 IPC and Sec.120(o) of KP Act
Plea	: Not Guilty.
Finding	: Not guilty.
Sentence or Order	: Accused nos.1 to 3 are acquitted U/s. 248 (1) of Cr. P.C.

DESCRIPTION OF ACCUSED

Sl. No.	Name	Father's Name	Occupation	Residence	age
1	Lijeesh @ Kuttappi	Kumaran	Coolie	Chuzhali	30/20

2	Sunil.P.K	Krishnan	Photographer	Chuzhali	39/20
3	Ragil	Raju	Coolie	Chuzhali	23/20

RELEVANT DATES

Occurrence	Complaint	Apprehension	Released on bail	Commencement of trial	Close of trial	Sentence or order
02.02.20	04.03.20	08.01.20	29.04.22	02.08.22	10.04.26	16.04.26

J U D G M E N T

The accused are put on trial for the commission of offences punishable U/ss. 354A, 354 D, 506 para I , 509 r/w 34 IPC and Sec.120(o) of KP Act

2. The prosecution case in brief is as follows:- On 02.02.2020 at 18.00 hours, the accused circulated an audio clip through WhatsApp, with an intention to insult CW1 and CW2. Accused no.1 repeatedly followed CW1 and CW2 and intimidated them by threatening to kill them. CW1 and CW2 attempted to commit suicide due to the act of the accused. The accused are thereby alleged to have committed the above-mentioned offences, in furtherance of their common intention.

3. Accused nos.1 and 2 were released on bail during the crime stage. On appearance of accused nos.1 and 2 before the court, they were permitted to continue on the bail bond executed at the crime stage. On appearance of accused no.3 before the court, he was released on bail. Copies of prosecution records were furnished to them U/s. 207 of Cr.P.C. After hearing both sides on framing of charge and on satisfaction of the existence of prima facie materials to frame charge against the accused, charges U/ss. 354A, 354 D, 506 para I , 509 r/w 34 IPC and Sec.120(o) of KP Act were framed

against accused nos.1 to 3, read over and explained to them, to which they pleaded not guilty and claimed to be tried.

4. On the side of prosecution PW1 to PW7 were examined and Exts.P1 to P4 and MO1 to MO3 were marked. As no incriminating circumstances were brought out against the accused in prosecution evidence, examination of the accused U/s.313 (1) (b) of Cr.P.C was dispensed with. No defence evidence was adduced. I heard both sides.

5. The points which arose for consideration are:

- (i) Whether the accused, in furtherance of their common intention, sexually harassed PW1 ?
- (ii) Whether the accused, in furtherance of their common intention, followed PW1 and contacted her to foster personal interaction repeatedly despite a clear indication of disinterest by her?
- (iii) Whether the accused, in furtherance of their common intention, criminally intimidated PW1 and PW2 by threatening to kill them?
- (iv) Whether the accused, in furtherance of their common intention, published audio clips through WhatsApp with an intention to insult the modesty of PW1 ?
- (v) Whether the accused caused himself a nuisance to PW1 and PW2 by circulating an audio clip through WhatsApp ?
- (vi) Sentence or Orders?

6. **Point Nos. (i) to (v) :-** The prosecution case was based on Ext.P1 First

Information Statement given by PW1 to the Police. PW1 deposed that some persons circulated an audio clip through WhatsApp intending to insult her modesty and that they threatened to kill PW2. However she does not know who circulated the audio clip. She further deposed that the accused had not committed the alleged acts. As per her version, the names of the accused were stated on Ext.P1 FIS due to some misunderstanding. It was also deposed by PW1 that the matter has been settled between her and the accused.

7. PW2 is the husband of PW1. He deposed that accused no.1 circulated an obscene audio clip through social media with an intention to insult him and PW1. PW2 identified the accused in the dock as the persons who circulated the audio clip. On the day on which PW2 was examined in chief, his cross examination was adjourned on the request of the learned counsel for the accused. Thereafter PW2 did not appear before the court on process. Even after execution of steps u/s.82 Cr.P.C against PW2, his presence could not be secured before the court for cross examination. PW2 is not available for cross examination before the court. It can only be held that the learned counsel for the accused did not get an opportunity to cross examine PW2. The evidence given by PW2 at examination in chief cannot be taken into account, without being cross examined.

8. PW3 is the police officer who recorded the statement of PW1 at Kozhikode Medical College Hospital. PW4 is the witness to Ext.P2 seizure mahazar by which MO1 to MO3 were seized by the police. PW5 is the Assist. Professor, MCH,

Kozhikode who treated PW1 and PW2 and who issued Ext.P3 and Ext.P4. discharge summary. PW6 and PW7 are stated to be the persons who accompanied PW1 and PW2 to the hospital after the suicide attempt. They deposed that they had not taken PW1 and PW2 to the hospital.

9. Material witnesses examined (PW1, PW6 and PW7) retracted from their earlier versions and deposed against the prosecution case. Although the learned Assistant Public Prosecutor was permitted to ask questions which might be put in cross examination by the adverse party to PW1, PW6 and PW7 , nothing was brought out to support the prosecution case. PW2, who is the only contesting witness in this case is not available for cross examination before the court. PW3 and PW4 are the official witnesses and PW5 is the doctor. Even though PW4 deposed that the accused produced MO1 to MO3 mobile phones before the court, there is nothing to prove that the accused circulated the alleged audio clip through their phone. Examination of PW3, PW4 and PW5 did not improve the prosecution case. In this context, the learned Assistant Public Prosecutor gave up the remaining witnesses, as their examination will not serve any purpose.

10. On evaluation of the available evidence in this case, this Court finds that there is no evidence to prove that the accused committed the above said acts as alleged by the prosecution. There are no materials before the Court to connect the accused with the alleged offences. It can only be concluded that the prosecution has not succeeded in proving the guilt of the accused. Hence these points are answered

against the prosecution.

11. **Point No. (vi)**:- In the light of the findings on Point Nos. (i) to (v), accused nos.1 to 3 are found not guilty of the offences punishable U/ss. 354A, 354 D, 506 para I , 509 r/w 34 IPC and Sec.120(o) of KP Act and they are acquitted U/s. 248 (1) Cr.P.C. Their bail bonds stand cancelled and they are set at liberty.

12. MO1 to MO3(mobile phones) marked in this case shall be returned to its original owners, after the appeal period is over and if an appeal is preferred after its disposal.(PR 56/2020).

(Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in open court, on this the 16th day of April, 2026).

JUDICIAL FIRST CLASS MAGISTRATE -I,
NADAPURAM.

APPENDIX

WITNESSES EXAMINED FOR PROSECUTION

PW1/CW1	:	Sreelakshmi, W/o.Shibin
PW2/CW2	:	Shibin, D/o.Reena
PW3/CW3	:	Sindhu, WCPO 10093, Valayam P.S
PW4/CW7	:	Shajina, WCPO 13882, Attach duty Valayam P.S
PW5/CW9	:	Dr.Faisal.U, Asst.Professor, MCH, Kozhikode
PW6/CW3	:	Athul @ Roshan, S/o.Kumaran
PW7/CW5	:	Nishad, S/o.Nanu

EXHIBITS MARKED FOR PROSECUTION :

Ext.P1	:	F I Statement dated:03.01.20 (marked through PW1)
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Ext.P2	:	Seizure mahazar, dt:28.01.20(Marked through PW4)
Ext.P3	:	Discharge summary of PW2 dt:24.01.20 (Marked through PW5)
Ext.P4	:	Discharge summary of PW1, dt:24.01.20(marked through PW5)

WITNESS EXAMINED FOR ACCUSED : NIL

EXHIBITS MARKED FOR ACCUSED : NIL

MOs MARKED :

Sl.No.	Material Objects	Description
1	MO1/PW4	MI mobile phone
2	MO2/PW4	Samsung mobile phone
3	MO3/PW4	Nokia mobile phone

JUDICIAL FIRST CLASS MAGISTRATE -I
NADAPURAM.