

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST
CLASS III, KOLLAM.**

Present :- Smt. Dhanya M S., Civil Judge (Junior Division)

Wednesday 06th day of May 2026 (16th day Vaisakha of 1947)

CALENDAR CASE No.275/2023

Complainant : State-represented by S I of Police, Pallithottam
Police Station in crime No. 232/2023
(By Lekha Kumary, Assistant Public
Prosecutor Gr.I, Kollam)

Accused :1. Arshad, Aged 23/2023, S/o. Ashraf
Chandanazhikam Purayidam, JBRA 4
Jonakapuram, Valiyakada Cherry
Kollam West Village.

2. Ajmal, Aged 21/2023, S/o Ashraf
Chandanazhikam Purayidam, JBRA 4
Jonakapuram, Valiyakada Cherry
Kollam West Village.

(Represented by Adv. Mangalath K Harikumar)

Offence : Under section 294(b), 323, 506(i), 498A r/w 34
of the Indian Penal Code

Plea : Not guilty

Finding : Not guilty

Sentence or order : The accused no. 1 and 2 are found not guilty of the offences punishable under sections 294(b), 323, 506(i), 498A r/w 34 of the IPC and are acquitted under section 271 of Bharatiya Nagarik Suraksha Sanhita, 2023. Their bail bond stands cancelled and they are set at liberty.

Description of accused					Date of				
Sl. No	Name of the Police station and the Crime No. of the offence	Name	Father's Name	Occupation	Residence	Aged	Occurrence	Complaint	Apprehension
1	Pallithottam Police Station in crime No.232/2023 Under sections 294(b), 323, 506(i), 498A r/w 34 of the Indian Penal Code	Arshad	Ashraf		Chandanazhikam Purayidam, JBRA 4, Jonakapuram, Valiyakada Cherry, Kollam West Village	23/2023	14.11.2021-07.04.2023	08.04.2023	05.02.2026

2	Pallithottam Police Station in crime No.232/2023 Under sections 294(b), 323, 506(i), 498A r/w 34 of the Indian Penal Code	Ajmal	Ashraf		Chandanazhikam Purayidam, JBRA 4, Jonakapuram, Valiyakada Cherry, Kollam West Village	21/2023	14.11.2021-07.04.2023	08.04.2023	05.02.2026
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Release on bail	Commitment	Commencement of trial	Commencement of evidence	Close of trial	Sentence or order	Service of copy of judgment or finding on accused	Explanation of delay	1 (Period of detention undergone during investigation in enquiry or trial for the purpose of section 428 Cr.P.C)
05.02.2026		12.02.2026	04.04.2026	29.04.2026	The accused no. 1 and 2 are found not guilty of the offences punishable under sections 294(b), 323, 506(i), 498A r/w 34 of the IPC and are acquitted under section 271 of Bharatiya Nagarik Suraksha Sanhita, 2023. Their bail bond stands cancelled and they are set at liberty.	-	-	-
05.02.2026		12.02.2026	04.04.2026	29.04.2026	The accused no. 1 and 2 are found not guilty of the offences punishable under sections 294(b), 323, 506(i), 498A r/w 34 of the IPC and are acquitted under section 271 of Bharatiya Nagarik Suraksha Sanhita, 2023. Their bail bond stands cancelled and they are set at liberty.			

This case have been finally heard on 29/04/2026 and the court on 06/05/2026 delivered the following:-

Judgment

1. This case arose on a final report filed by the sub-inspector of police, Pallithottam Police Station in crime no. 232/2023 against the accused alleging offences punishable under section 294(b), 323, 506(i), 498A r/w 34 of IPC (herein after referred as IPC).
2. **The Prosecution case is brief as follows:-** On 14.11.2021 the 1st witness and the 1st accused got married as per caste and religious custom. The 1st accused, on several days harass 1st witness mentally and physically about the gold and money received as dowry is very less. On 06.04.2023 at night the accused started fighting with her saying that she had an affair with the shopkeeper near the accused's house and called her obscene words. The accused hit her on the cheek and back and hurt her. When the 2nd witness, the mother of 1st witness who came to the house after hearing about the incident. During the 1st witness try to explain about the incident to 2nd witness. The 2nd accused tried to beat 1st witness and when the 2nd witness try to avoid it the 2nd witness was beaten by 2nd accused on the neck and back with his hand and hurt her, and pulled her by the hair. Seeing this, the 1st accused brought a knife that was sitting in the house and threatened to kill the 1st witness. It is clear that the accused acted as abettors and accomplices of each other and committed the crime. Thus, the accused is alleged to have committed the above offences punishable under U/ss. 294(b), 323, 506(i), 498A r/w 34 of the Indian Penal Code.
3. The First information statement was given before the CW7 on 08.04.2023. The First Information Report was registered by the CW9 on that date. Final Report was filed by the CW9 before this court and cognizance was taken by this court on 03.07.2023 for the offence punishable under section 294(b), 323, 506(i), 498A r/w 34 of IPC and the case was taken on the files of this court as CC 275/2023.
4. Upon issuance of summons, the accused appeared before the court. He was enlarged on bail. Copies of all relevant prosecution records were furnished to them. Charges framed under section 294(b), 323, 506(i), 498A r/w 34 of IPC were read over and explained to the accused. He pleaded not guilty and claimed to be tried.

5. On the side of prosecution, PW1 and PW2 were examined. As the material witness failed to support the prosecution case, the learned Assistant Public Prosecutor gave up the remaining witnesses. Since there is no incriminating evidence against the accused, examination under section 313(1)(b) of Cr.P.C was dispensed with.
6. Heard both sides and perused the records
7. **Points arose for the consideration are :-**
 1. Whether the first accused in this along with the second accused in furtherance of their common intention uttered obscene words against the defacto complainant and thereby alleged to have committed offence punishable under section 294(b) of IPC?
 2. Whether the accused no 2 along with accused no 1 in furtherance of their common intention beaten the defacto complainant by using his hands and pulled her hair. Thereby alleged to have committed an offence punishable under section 323 of IPC?
 3. Whether the accused no 1 in this case in furtherance of their common intention brought a knife and threatened to kill the CW1 in this case and thereby committed offence punishable under section 506 of IPC?
 4. Whether the accused no 1 in this case in furtherance of their common intention cruelty towards the CW1 in this case and thereby committed offence punishable under section 498(A) of IPC?
 5. Sentence or order?
8. **Point no. 1** :- considering the brevity and convenience the point no:1 to 4 is considered together. PW1 in this case, who is the defacto complainant who deposed that who is aware with the alleged offence and stated that she has given statement to the police and same is marked as Ext P1. Whereas she categorically denied the prosecution case and stated that the accused no 1 and 2 has not committed any offence alleged by the prosecution and also submitted that the alleged incident was compromised between the parties.
9. PW2 in this case is the mother of PW1. Also denied the prosecution case and submitted that the accused person has not committed any offence and turns hostile.

10. Because the material witnesses did not offer any incriminating evidence against the accused to prove the offence alleged by the prosecution the learned Assistant Public Prosecutor found it proper to give up the remaining witnesses. Accordingly, the evidence was closed. There is no evidence available on record to show that the accused that is the person who committed the offence alleged by the prosecution moreover, from the testimony of the PW1 it is seen that the PW1 and the accused nos. 1 and 2 have settled the matter out of court. In this circumstance, point Nos.1 to 4 are found against the prosecution.

In the result, the accused no. 1 and 2 are found not guilty of the offences punishable under sections 294(b), 323, 506(i), 498A r/w 34 of IPC and are acquitted under section 271 of Bharatiya Nagarik Suraksha Sanhita, 2023. Their bail bond stands cancelled and they are set at liberty.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 06th day of May, 2026)

Civil Judge (Jr.Division), Kollam

APPENDIX

List of Prosecution / Defence / Court Witnesses

A. Prosecution Witnesses

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
PW1	Rushitha	Defacto Complainant
PW2	Rehna	Eye Witness

B. Defence Witness

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
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	Nil	
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C. Court Witnesses

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
	Nil	

List of Prosecution / Defence / Court Exhibits

A. Prosecution Exhibits

Sl.No	Exhibits No	Description of the Exhibits	Proved by/ Attested by
	Nil		

B. Defence Exhibits

Sl.No	Exhibit Number	Description
	Nil	

C. Court Exhibits

Sl.No	Exhibit Number	Description
	Nil	

D. Material Objects

Sl.No	Material object	Description
	Nil	

Civil Judge (Jr.Division), Kollam