

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

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

Tuesday, 24th day of March 2026 (3rd day of Chaithra 1947 S.E)

CALENDAR CASE No. 1013/2018

Complainant: State-represented by S I of Police, Pallithottam
Police Station in crime No. 521/2018
(By Lekha Kumary, Assistant Public
Prosecutor Gr.I, Kollam)

Accused :1. Reynold, Aged 43/2018, D/o. Gregory
Donbosco Nagar-30, Pallithottam Cherry,
Kollam West Village.

(Represented by Adv. Rajesh Rajan)

Offence : Under sections 294(b), 341 and 323 of the Indian
Penal Code

Plea : Not guilty

Finding : Not guilty

Sentence or order : The accused is found not guilty of the offences punishable under sections 294(b), 341 and 323 of the IPC and is acquitted under section 271 of Bharatiya Nagarik Suraksha Sanhita, 2023. His bail bond has been cancelled, and he is 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. 521/2018, Under sections of 294(b), 341 and 323 the Indian Penal Code	Reynold	Gregory	-	Donbosco Nagar - 30, Pallithottam Cherry, Kollam West Village.	43/2018	14.06.2018	15.06.2018	20.05.2025

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)
20.05.2023		04.08.2025	05.03.2026	21.03.2026	The accused is found not guilty of the offences punishable under sections 294(b), 341 and 323 of the IPC and is acquitted under section 271 of Bharatiya Nagarik Suraksha Sanhita, 2023. His bail bond has been cancelled, and he is set at liberty.	-	-	-

This case having been finally heard on 21.03.2026 and the Court on 24.03.2026 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. 521/2018 against the accused, alleging offences punishable under sections 294(b), 341 and 323 of the Indian Penal Code (hereinafter "IPC").
2. **The prosecution's case, in brief**, is that on 29.07.2022 at about 8:30 p.m., near Pallithottam, the accused, harbouring animosity towards the de facto complainant, wrongfully restrained him when the latter allegedly stared at the accused while he was speaking loudly. It is alleged that the accused abused the complainant in obscene language, caught hold of his shirt, and slapped him on the face. As a result, the complainant sustained tenderness and pain in his left

eye. On these allegations, the accused is stated to have committed offences punishable under Sections 294(b), 341 and 323 read with Section 34 of the Indian Penal Code, 1860

3. First information statement was given before the CW6, GSI Pallithottam Police station on 15.06.2018. The First Information Report was registered by the CW7 on that date. Final Report was filed by the CW7 before this court and cognizance was taken by this court on 16.06.2018 for the offence punishable under sections 294(b), 341 and 323 of IPC and the case was taken on the files of this court as CC 1013/2018.
4. Upon the issuance of the 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 sections 294(b), 341 and 323 of IPC were read over and explained to the accused to which he pleaded not guilty and claimed to be tried.
5. On the side of the prosecution, PW1 and PW2 were examined and Ext. P1 was marked. As the material witness failed to support the prosecution's case, the learned Assistant Public Prosecutor gave up the remaining witness. 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 for consideration are:-**
 1. Whether the accused has, on 29.07.2022 at about 8:30 p.m., near Pallithottam, uttered obscene words against the de facto complainant, thereby committing an offence punishable u/s 294(b) IPC?
 2. Whether the accused has, on 29.07.2022 at about 8:30 p.m., near Pallithottam, and wrongfully restrained the de facto complainant in this case and thereby committed an offence u/s 341 of the IPC?
 3. Whether the accused has on 29.07.2022 at about 8:30 p.m., near Pallithottam, voluntarily caused hurt to the left eye of the de facto complainant

by slapping his face, using his hands and thereby committed an offence u/s. 323 IPC?

4. What is the punishment, , if any, awardable to the accused?
8. Since the offences covered in these points were allegedly committed during the same transaction, for the sake of convenience in discussion, these three points are considered together.
9. PW1 is the de facto complainant in this case, who deposed that the alleged offences were committed on 29.07.2022 at 8.30 pm, and he also deposed that he has given complaint on the same and which was marked as Ext. P1. Whereas he turns hostile to the prosecution's version of the case and deposes that he is not aware of the person who has committed the offence, and also deposes that the accused person is not the one who has committed the offence. Moreover the de facto complainant deposed that he had settled the matter out of court between the parties, so he has no complaint about the same. Thereby, the learned APP seeks permission declared hostile by the prosecution. 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, who 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 have settled the matter out of court. In this circumstance, points Nos 1 to 3 are found against the prosecution
10. **Point no.4:-** On the basis of my finding on point no:1 to 3 that prosecution has failed to prove the guilt of accused for any of the alleged offences. Hence point no:4 is also answered in negative.

In the result, the accused is found not guilty of the offences punishable under sections 294(b), 341 and 323 of the IPC and is acquitted under section 271 of the Bharatiya Nagarik Suraksha Sanhita, 2023. His bail bond has been cancelled, and he is set at liberty.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 24th day of March, 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	Robert	Defacto Complainant
PW2	Clement	Eye Witness

B. Defence Witness

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

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
1	P1	First Information Statement	PW1- 05.03.2026

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