

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS,
PATHANAPURAM**

Present :- Shri.Sajith.V, Judicial First Class Magistrate
Monday, 27th day of April, 2026/7th day of Vaisakha, 1948

CALENDAR CASE NO. 784/20

Complainant : State represented by the Sub Inspector of Police,
Pathanapuram police station (Crime 1530/20)

(By Sri.S.Salil Raj, APP Gr.I, Pathanapuram)

Description of Accused:

Sl.No	Name	Age	Father's Name	Religion	Residence
1	Pushpavally	67/20	W/o Devarajan nair	---	Praveen Sadan, Anavelikkal, Poonkulanji muri, Pathanapuram village.
2	Praveen	40/20	Devarajan Nair	---	Praveen sadan, Anavelikkal, Poonkulanji muri, Pathanapuram village.

(By Adv. Sri.Milad.M)

Offence : u/s. 294(b),324,506(i) r/w 34 of Indian Penal Code

Plea : Not Guilty

Finding : Not Guilty

Sentence or Order : Accused are found not guilty of the offences
punishable U/ss 294(b),324,506(i) r/w 34 of Indian
Penal Code and they are acquitted of the said charge
under section 248(1) Cr.P.C.

DATES OF

Offence	Complaint	Apprehension or appearance	Release on bail	Commencement of trial	Commencement of evidence	Period of detention undergone during investigation, Inquiry of trial for the purpose of S.428 Cr.P.C.	Close of trial	Sentence or order
17/06/20	10/11/20	08/01/25	08/01/25	06/08/25	06/08/25	---	21/04/26	27/04/26

This case coming on for today's proceedings, the Court delivered the following;

JUDGMENT

This is a case charge sheeted by the Sub Inspector of Police, Pathanapuram Police station against the accused alleging commission of offence punishable U/s. 294(b),324,506(i) r/w 34 of the Indian Penal Code.

2. The prosecution case is as follows: On 17/06/2020 at 9 a.m., accused numbers 1 and 2, due to enmity towards the defacto complainant for having complained against them for throwing waste, the first accused uttered abusive words against her when she was walking through the pathway in front of the house of the accused at Transformer Junction. Further, the first accused threw stones at her and thereby caused injuries to her head and hand. Thereafter, the second accused took a stick and threatened to kill her. Thus, accused Nos. 1 and 2, in furtherance of their common intention, committed the offences punishable under Sections 294(b), 324, and 506(i) read with Section 34 of the Indian Penal Code.

3. On filing of the final report, the case was taken on file and summons were issued to the accused. They turned upon summons and were enlarged on bail. Copies of prosecution records were served to them u/s. 207 of Cr.PC. After hearing both sides and perusing the case records, charges were framed for offences punishable under sections 294(b),324,506(i) r/w 34 of the Indian Penal Code, which was read over and explained to the accused, to which they pleaded not guilty and claimed to be tried.

4. Thereafter the case was posted for prosecution evidence. On behalf of the prosecution, seven witnesses were examined as PW1 to P7, and Ext.P1 to P5 were marked. After closing the prosecution evidence, the accused were examined u/s 313 (1) (b) of Cr.P.C. The accused denied all the incriminating circumstances found against them in the prosecution evidence and pleaded innocence.

5. Heard both sides.

6. The points that arise for consideration are as follows:

1. Whether on 17/06/2020 at about 9 a.m., accused Nos. 1 and 2, due to enmity, uttered obscene/abusive words towards PW1 in a public place, thereby committing an offence punishable under Section 294(b) IPC?
2. Whether accused No. 1 voluntarily caused hurt to PW1 by throwing stones, thereby causing injuries to her head and hand, and thereby committed an offence punishable under Section 324 IPC?
3. Whether accused No. 2 threatened PW1 with death using a stick, thereby committing criminal intimidation punishable under Section 506(i) IPC?
4. Whether the acts of accused Nos. 1 and 2 were done in furtherance of their common intention, thereby attracting Section 34 IPC?
5. Sentence or order?

Point numbers 1 to 4:

7. For convenience and brevity, these points are discussed together. PW1 is the defacto complainant. She deposed that the incident took place at about 9 a.m. in the year 2019, near her house at Poonkulanji. When she was returning to her house after buying milk, the first and second accused uttered abusive words against her and threw a stone at the right side of her head, thereby causing injury. She was treated at Pathanapuram Government Hospital and Punalur Taluk Hospital, and she had 8 stitches on the said wound. The accused assaulted PW1 when she demanded the return

of her sale deed, which had been entrusted to the accused for the purpose of mortgaging it. PW1 gave an FIS before the Pathanapuram Police in the said incident and identified the accused from the dock.

8. PW2 is the husband of PW1. He deposed that the incident happened 6 years ago. When PW1 was returning home after buying milk, the first accused threw a stone at her head, and she sustained an injury. Thereafter, PW1 was treated at Punalur Taluk Hospital and had 8 stitches on her head. The accused assaulted PW1 due to a property dispute. PW2 gave a statement to the police in the incident and identified the accused from the dock.

9. PW5 deposed that, while he was working as an Assistant Surgeon at Pathanapuram Community Health Centre, on 17/07/2020 at 11:35 a.m., he examined a patient named Rathnamma, with the alleged history of assault by two identifiable persons at Poonkulanji at 9 a.m. On examination, a lacerated wound was found over the right side of her head was found. PW5 treated her and issued the wound certificate.

10. PW6 deposed that while he was working as a Grade ASI at Pathanapuram Police Station, he recorded the FIS of PW1 and recorded her body note with the aid of the neighbour of PW1.

11. PW7 is the Investigating Officer, and he deposed that while he was working as SI at Pathanapuram Police Station, he registered the FIR on the basis of the FIS recorded by PW6 and prepared the scene mahazar in the presence of witnesses. Thereafter, he identified the correct address of the accused persons and produced the same before the court. He then collected the wound certificate from the doctor who treated PW1 and produced the same before the court. PW7 filed the final report before the court after completing the investigation.

Analysis of the case

12. I have gone through the evidence before the court. PW1 deposed that accused Nos. 1 and 2 uttered abusive words against her and threw stones at her and that she sustained injuries in the said incident. With respect to the offence punishable under Section 324 of the Indian Penal Code, it must be proved that the accused persons assaulted her with a dangerous weapon, and PW1 deposed that the accused persons threw stones at her. During the examination-in-chief, PW1 deposed in tune with the prosecution case. Even though PW1 deposed in tune with the prosecution case, she did not specifically state which accused threw the stone that hit her head; moreover, the date of the incident was also not clearly stated by PW1 before the court. Ext. P2 wound certificate issued by PW5 shows a corresponding wound over the head of PW1. The wound certificate proves that PW1 sustained an injury on her head.

13. PW2 is the husband of PW1, and he deposed regarding the incident in tune with the prosecution case. He deposed that 6 years ago, accused Nos. 1 and 2 uttered abusive words and threw stones at PW1, thereby causing an injury to her head. However, in cross-examination, he stated that he never witnessed the incident and that he has only hearsay knowledge of it. Hence, his evidence is not admissible to corroborate the prosecution case.

14. PW3 and PW4 are the eyewitnesses cited by the prosecution. They deposed before the court that they had not witnessed the alleged incident. According to them, they were not present at the place of occurrence. Hence, they were declared hostile at the request of the learned APP. Even though the learned APP put questions to them under Section 154 of the Indian Evidence Act, nothing was brought on record to corroborate the prosecution case.

15. Moreover, the date of the alleged incident was 17/06/2020, and the FIR was registered on 19/06/2020. On going through the evidence of PW1, no explanation for the delay was given. The delay in registering the FIR and the absence of an explanation for such delay create doubt on the prosecution's case.

16. With regard to Section 294(b), PW1 deposed that the accused uttered obscene words against her. In order to attract the offence under Section 294(b), certain conditions must be fulfilled, such as: the words must be obscene, they must be uttered at or near a public place, and they must cause annoyance to others. Even though PW1 deposed about the words uttered by the accused, she did not state that the same caused annoyance to others. Hence, the ingredients of Section 294(b) are not proved.

17. Further, another aspect to be considered is Section 506(i) of the Indian Penal Code. On going through the deposition of PW1, there is nothing to attract the offence punishable under Section 506(i) IPC. PW1 has not stated that the accused threatened her in any manner. Hence, the offence under Section 506(i) IPC would not be attracted against the accused persons.

18. In the light of the above discussion, this Court finds that the prosecution has failed to prove the guilt of accused Nos. 1 and 2 beyond reasonable doubt. The evidence of PW1 is not sufficient to establish the offences alleged, especially in the absence of clear attribution of overt acts to each accused. The evidence of PW2 is only hearsay and does not support the prosecution case. The independent witnesses (PW3 and PW4) have turned hostile and have not supported the prosecution. The delay in lodging the FIR remains unexplained, which further creates doubt regarding the prosecution case.

19. Moreover, the essential ingredients required to constitute the offences punishable under Sections 294(b), 324, and 506(i) read with Section 34 of the Indian Penal Code have not been satisfactorily proved.

20. Hence, giving the benefit of doubt, accused Nos. 1 and 2 are found not guilty and are acquitted of the offences punishable under Sections 294(b), 324, and 506(i) read with Section 34 of the Indian Penal Code.

Point number 5:

21. In view of the finding on Points No. 1 to 4, Point No. 5 is also found against the prosecution. In the result, the accused are found not guilty of offences punishable under sections 294(b),324,506(i) r/w 34 of the Indian Penal Code, and they are acquitted u/s. 248(1) of Cr.P.C. The bail bonds of the accused stands cancelled, and the sureties are discharged. The accused are set at liberty.

No material objects produced.

(Dictated to the Confidential Asst., transcribed and typed by her, corrected and pronounced by me in open court on this the 27th day of April, 2026)

Sd/-
Judicial First Class Magistrate
Pathanapuram

APPENDIX**A. Witnesses for the Prosecution :**

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, Other Witness
PW1	Rethnamma	Occurrence Witness
PW2	Surendran nair	Occurrence Witness
PW3	Raveendran	Occurrence Witness
PW4	Raji	Occurrence Witness
PW5	Dr.Radhakrishnan	Medical Witness
PW6	Sabu Lukose	Occurrence Witness
PW7	James Joseph	Police witness

B. Defence Witness:

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

C. Court Witness:

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

List of prosecution/Defence/Court Exhibits

A. Prosecution Exhibits:

Sl. No	Exhibit Number	Description
1	P1	First Information Statement dated 19/06/20 proved by PW1 on 6/8/25
2	P1(a)	Body Note dated 19/06/20 proved by PW6 on 30/01/26
3	P2	Wound certificate dated 17/06/20 proved by PW5 on 30/01/26
4	P3	First Information Report dated 19/06/20 proved by PW7 on 04/03/26
5	P4	Scene mahazar dated 20/06/20 proved by PW7 on 04/03/26
6	P5	Address Report proved by PW7 on 04/03/26

B. Defence Exhibits:

Sl.No.	Exhibit Number	Description
Nil	Nil	Nil

C. Court Exhibits:

Sl.No.	Exhibit Number	Description
Nil	Nil	Nil

D. Material Objects:

Sl.No.	Exhibit Number	Description
Nil	Nil	Nil

Sd/-
Judicial First Class Magistrate
Pathanapuram

//True Copy//

Judicial First Class Magistrate
Pathanapuram