

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST
CLASS-I, KOTTARAKKARA.**

Present:- Sri. Arjun Raj. E. R., Judicial Magistrate of the 1st Class.

Wednesday, 20th day of May 2026/ 30th Vaisakha 1948

CALENDAR CASE No.1866/2020

Complainant : State-represented by the Sub Inspector of Police,
Kottarakkara Police Station. (Crime No.431/2020)
(By Smt. Shyla Mathai, A.P.P. Gr. - I, Kottarakkara)

Accused : A1 Biju, S/o Unnuni
A2 Deepu, S/o Thulaseedharan Pillai
A3 Ganesh Kumar, S/o Gopinathan Pillai
(By Adv. K. Soman Pillai)

Offence : Under sections 452, 294(b), 427 and 506 (ii) r/w 34 of
the Indian Penal Code.

Plea : Not guilty

Finding : Not guilty

Sentence or order : Accused number 1 to 3 are found not guilty of the
offences punishable under sections 452, 294(b), 427 and 506 (ii) r/w 34 of the Indian
Penal Code and are acquitted under section 271(1) of Bharatiya Nagarik Suraksha
Sanhita, 2023.

Date of

Occur- rence	Compl- aint	Appreh- ension	Release on bail	Comme- ncement of trial	Commen- cement of evidence	Close of trial	Sentence or order	Period of detention undergone during investigation of trial for the purpose of Section 468 of BNSS.
17.02.20	29.09.20	18.02.20- A1 & A2, 23.05.25- A3	19.02.20- A1 & A2, 23.05.25- A3	17.07.25	27.04.26	19.05.26	20.05.26	---

Description of accused

Sl. No.	Name	Age	Father's name	Residence	Taluk
1	A1 Biju	42/20	Unnunni	Ashli Bhavan, Nadukunnu, Pallimukku, Kizhakketheruvu Muri, Melila Village.	Kottarakkara
2	A2 Deepu	34/20	Thulaseedharan Pillai	Divya Bhavan, Nadukunnu, Pallimukku, Kizhakketheruvu Muri, Melila Village.	-do-
3	A3 Ganesh Kumar	48/20	Gopinathan Pillai	Ganesh Bhavanam, Nadukkunnu, Chengamanadu Muri, Melila Village.	-do-

This case having been finally heard on 19.05.2026 and the Court on 20.05.2026 delivered the following:-

JUDGMENT

1. This case arose on a final report filed by the Sub Inspector of Police, Kottarakkara Police Station in Crime No.431/2020 against the accused alleging offences punishable under sections 452, 294(b), 427 and 506 (ii) r/w 34 of the Indian Penal Code (hereinafter "IPC").
2. **The prosecution case, in brief, is as follows** :- On 17.02.2020 at 14.45 hours in the house of CW1 named Charuvila bearing No.375 in Melila Village, the accused persons in furtherance of their common intention and preparation to cause bodily injury to CW1 due to a previous animosity existing between them, had committed certain acts. The accused persons criminally trespassed into the said house and uttered obscene words and also criminally intimidated CW1 and

CW3 by swinging iron rod towards him. The accused persons had also destroyed the motorcycle bearing No.KL-25L-7148 belonging to CW4 with an iron rod. Thus, the prosecution alleges that the accused committed offences punishable under sections 452, 294(b), 427 and 506 (ii) r/w 34 of IPC.

3. First Information Statement was given before the Sub Inspector of Police, Kottarakkara Police Station on 18.02.2020. First Information Report was registered by the 7th witness on that date. Final report was filed by the 7th witness before this court and cognizance was taken by this court on 29.09.2020 under sections 452, 294(b), 427 and 506 (ii) r/w 34 of IPC and the case was taken on the files of this court as CC 1866/2020.
4. Upon issuance of summons, the accused number 1 to 3 appeared before the court. They were enlarged on bail. Copies of all relevant prosecution records were furnished to them. Upon perusal of the prosecution records and after hearing both parties, charge was framed against the accused number 1 to 3 for the offences punishable under sections 452, 294(b), 427 and 506 (ii) r/w 34 of IPC. The charge was read over and explained to the accused number 1 to 3, to which they pleaded not guilty and claimed to be tried.
5. On the side of prosecution, PW1 and PW2 were examined. CW1 is no more and the copy of the death certificate is produced. As the available material witness

failed to support the prosecution case, the learned Assistant Public Prosecutor gave up the remaining witnesses. Since there was no incriminating evidence against the accused number 1 to 3, examination under section 351(1)(b) of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”) was dispensed with.

6. Heard both sides and perused the records.

7. Points that arose for consideration are:-

- 1) Whether the accused in furtherance of their common intention, on 17.02.2020 at 14.45 hours in the house of CW1 named Charuvila bearing No.375 in Melila Village, criminally trespassed into the house of CW1 and thereby committed the offence under section 452 r/w 34 of IPC?
- 2) Whether the accused in furtherance of their common intention, on the above date, time and place, uttered obscene words towards CW1 and thereby committed the offence under section 294(b) r/w 34 of IPC?
- 3) Whether the accused in furtherance of their common intention, on the above date, time and place, committed mischief by destroying the motorcycle belonging to CW4 and thereby committed the offence under section 427 r/w 34 of IPC?
- 4) Whether the accused in furtherance of their common intention, on the above date, time and place, criminally intimidated CW1 and PW2 and thereby committed the offence under section 506 (ii) r/w 34 of IPC?
- 5) If the accused number 1 to 3 are found guilty, what is the order as to sentence?

8. **Point No. 1 to 4:-** To avoid repetition and for brevity, these points are considered together.
9. PW1 was the eye witness who turned hostile by stating that he did not see the incident. PW2 was one of the injured witness who also turned hostile by stating the accused persons did not commit offence against him.
10. Since the material witness has turned hostile, permission was accorded under section 157 of Bharathiya Sakshya Adhinyam, 2023 and under proviso to 181 (1) of Bharatiya Nagarik Suraksha Sanhita, 2023 to the Learned Assistant Public Prosecutor to put questions which are permissible under cross examination. As the material witness turned hostile to the prosecution case, the remaining witnesses were given up by the prosecution.
11. The prosecution's available material witness, PW2, did not support the case as projected by the prosecution. There is no material on record to conclusively establish that the accused number 1 to 3 committed the offence alleged. Upon a careful evaluation of the evidence available on record, this Court finds that the prosecution has failed to prove the guilt of the accused number 1 to 3 beyond reasonable doubt. Accordingly, these points are answered against the prosecution.

12.**Point No.5** :- In view of the findings on point number 1 to 4, there is no question of passing any sentence against the accused number 1 to 3.

13.In the result, the accused number 1 to 3 are found not guilty of the offences punishable under sections 452, 294(b), 427 and 506 (ii) r/w 34 of IPC and are acquitted under section 271(1) of BNSS. Their bail bonds stand cancelled and they are set at liberty.

The bond executed for releasing the motorcycle is made absolute. Material object in item No.2 in TR 130/2020 shall be disposed in accordance with law. Disposal of material objects will be deferred till the expiration of the period of appeal and in the event of an appeal, until it is disposed of.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this, the 20th day of May, 2026.

Sd/-

Judicial Magistrate of 1st Class - I, Kottarakkara.

APPENDIX**List of Prosecution / Defence / Court Witnesses****A. Prosecution Witness**

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
PW1	Murali	Eye witness
PW2	Jeethu	Injured 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.	Exhibit Number	Description
	Nil	

B. Defence Exhibits

Sl.No.	Exhibit Number	Description
	Nil	

C. Court Exhibits

Sl.No.	Exhibit Number	Description
	Nil	

D. Material Objects

Sl.No.	Exhibit Number	Description
	Nil	

Sd/-

Judicial Magistrate of 1st Class-I, Kottarakkara.
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Judicial Magistrate of 1st Class-I, Kottarakkara.