

**IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE,
Sasthamcotta.**

Present:- Kumari.Reshma Rajan, Civil Judge (Junior Division).

Dated this the 29th day of April, 2026.

(Dated this the 9th day of Vaisakha, 1948)

CALENDAR CASE.No. 251/2023

Complainant : State Represented by the Sub Inspector of Police, East Kallada in East Kallada Police Station Crime No.659/2023.
(By.Assistant Public Prosecutor, Sasthamcotta).

Accused : Dileep,
S/o John Thomas,
Sobha Mandiram,
Koduvila, East Kallada, Kollam.
(By. Adv.Kundara Jose)

Offence : U/s. 294(b), 323 of the Indian Penal Code, 1860.

Plea : Not guilty

Finding : Not guilty

Sentence or Order : Accused is acquitted U/s. 255(1) of the Code of Criminal Procedure, 1973 for the offences punishable u/Ss 294(b), 323 of the Indian Penal Code, 1860.

Date of:-

<i>Offence</i>	<i>Report of complaint</i>	<i>Apprehension of accused</i>	<i>Release on bail</i>	<i>Commencement of trial</i>	<i>Close of trial</i>	<i>Sentence of order</i>
20.03.23	21.05.23	22.05.23	29.12.23	23.04.26	25.04.26	29.04.26

Description of Accused

Name of accused	Age	Father's Name	Calling	Residence	Taluk
Dileep		John Thomas	-	Sobha Mandiram, Koduvila, East Kallada, Kollam.	-

This case having been finally heard on 25.04.2026 and posted for judgment on 29.04.2026 and the court on the same day this court passed the following:-

J U D G M E N T

The final report in this case has been filed by the Sub

Inspector of Police, East Kallada Police Station against the accused, in crime No. 659/2023 alleging the offences punishable u/ss.294(b), 323 IPC.

2) Prosecution case in brief is as follows:- On 20.03.2023 at around 12.15 pm at the premise of Royal Kallada Bar, the accused on account of previous animosity against the defacto complainant, uttered obscene words against him, punched on his jaw and kicked him. Thus, the accused committed the offences alleged against him.

3) This case was registered by the CW5, S.I. of Police, East Kallada police station based on the F.I statement given by CW1 against the accused. After completing investigation, he laid the final report against the accused before the court citing CW1 to CW5 as prosecution witnesses.

4) In this case, final report was filed before this court and cognizance of the above offences were taken. Thereafter, summons was issued to the accused. Accused appeared before the Court and he was enlarged on bail. He was furnished with copies of all relevant prosecution records under Section 207 of Cr PC. Thereafter, particulars of offence were read over and explained to the accused, to

which he pleaded not guilty and claimed to be tried.

5) The prosecution cited 5 witnesses, out of which defacto complainant was examined as PW1 and Ext.P1, First Information Statement was marked through him. As PW1 retracted from the prosecution case, the learned APP has given up the examination of the remaining witnesses. As no incriminating circumstances were brought out against the accused, examination under Section 313(1)(b) of the Code of Criminal Procedure, 1973 is dispensed with. No defence evidence was adduced.

6) The following points arise for determination:-

- i. Whether the accused used obscene words to cause annoyance to PW1, on 20.03.2023, at 12.15 pm and at the premise of Royal Kallada Bar and thereby committed offence u/s 294(b) of IPC as alleged?
- ii. Whether the accused voluntarily caused hurt to PW1, on 20.03.2023, at 12.15 pm and at the premise of Royal Kallada Bar and thereby committed offence u/s 323 of IPC as alleged?
- iii. Sentence or order, if any ?

7) Heard the learned APP and learned counsel for the

accused.

8) **Point Nos. i and ii:-** As common facts are to be considered for arriving at a decision on the aforesaid points, they are taken together for the sake of brevity and to avoid repetition. PW1 is the injured witness in this case. He deposed that he sustained injury on the alleged incident. He admitted his signature in Ext.P1 first information statement. PW1 turned hostile to the prosecution case stating that the accused has not attacked him at the place of occurrence. He further stated that he has no case against the accused. PW1 further deposed that the matter has been amicably settled and he has no complainants against the accused. The learned APP was given permission to declare PW 1 as hostile to the prosecution case.

9) Since there is no cogent and reliable evidence before this court to show that the accused had committed the offences alleged against him as PW1, the defacto complainant turned hostile, the prosecution miserably failed to prove the case against the accused. Hence, accused cannot be found guilty as alleged. Point Nos. i and ii are found against the prosecution.

10) **Point No. iii:-** In view of the findings on Point Nos.i and

ii accused is found not guilty of the offences punishable under Sections 294(b), 323 of the Indian Penal Code, 1860.

In the result, the accused is found not guilty of the offences punishable under Sections 294(b), 323 of the Indian Penal Code, 1860 and he is acquitted under Section 255(1) of the Code of Criminal Procedure, 1973. His bail bond stands discharged and he is set at liberty.

(Dictated to the Confidential Assistant, typed by him, corrected and pronounced by me in open court, this the 29th day of April, 2026).

Sd/-
Civil Judge (Junior Division)

APPENDIX:

Witness for the prosecution:

PW1/CW1 - Sri. Binukumar - 23.04.2026

Exhibits for the prosecution:

P1 -First Information Statement marked through PW1 on 23.04.2026

Witness and Exhibits for the defence

Nil

Sd/-

Civil Judge (Junior Division)

//True copy//

Civil Judge (Junior Division)