

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

Present:- Kumari.Reshma Rajan, Civil Judge (Junior Division).
Dated this the 16th day of May, 2026/26th day of Vaisakha, 1948

CALENDAR CASE.No. 33/2020

Complainant : State Represented by the Sub Inspector of Police, East Kallada in East Kallada Police Station Crime No.666/2015.
(By. Assistant Public Prosecutor, Sasthamcotta).

Accused : Antony, Aged 60 years,
S/o Pathrose,
Johny Vilasam,
Muttom, East Kallada.
(By. Adv.Binu.C.)

Offence : U/s. 294(b), 324 of the Indian Penal Code, 1860.

Plea : Not guilty

Finding : Not guilty

Sentence or Order : Accused is acquitted U/s. 248(1) of the Code of Criminal Procedure, 1973 for the offences punishable u/S 294(b), 324 of the Indian Penal Code, 1860.

Description of the accused

Sl. No.	Name	Age	Father's/mother's Name	Occupation	Residence
1	Antony	60	Pathrose	-	Johny Vilasam, Muttom, East Kallada.

Date of						
Occurence	Report or Complaint	Apprehension or appearance	Release on bail	Commencement of trial	Close of trial	Sentence or Order
27.04.15	02.05.15	02.05.15	02.05.15	11.05.26	15.05.26	16.05.26

This case having been finally heard on 15.05.2026 and posted for judgment to 16.05.2026 and the court on the same day delivered the following:-

JUDGMENT

This case arose on a final report filed by the Sub Inspector of Police, East Kallada in East Kallada Police Station Cr. No.666/2015 for the offences punishable u/s.294(b), 324 of the Indian Penal Code, 1860.

2. Prosecution case, in brief, is as follows:- On 27.04.2015 at around 02.00 pm, at the property owned by Selvan of East Kallada, the accused on account of previous animosity against husband of the defacto complainant, uttered obscene words against her and threw a dried twing against her, thereby resulting in injury to her eye lid. Thus the accused has committed the offences punishable U/s. 294(b), 324 of the Indian Penal Code, 1860.

3. This case was registered by the CW11, S.I. of Police, East Kallada police station based on the F.I statement given by CW1 against the accused. After completing investigation, CW11 laid the final report against the accused before the court citing CW1 to CW11 as prosecution witnesses.

4. Originally the case was taken on file as C.C 2011/2015 before JFMC-I, Kollam and and cognizance u/ss.294(b), 324 IPC was taken. Summons were issued to the accused. Subsequently the case

was transferred into this court and renumbered as the present case. Accused appeared before the court and he was enlarged on bail. Thereafter, copies of all relevant prosecution records were furnished to him u/s 207 CrPC. After hearing both sides and after considering the prosecution records, charge under 294(b), 324 of the Indian Penal Code, 1860 was framed against the accused. The same were read over and explained to the accused to which he pleaded not guilty to the charge and claimed to be tried.

5. In evidence, CW1, the defacto complainant was examined as PW1 and Ext. P1, First Information Statement was marked from the side of the prosecution. They turned hostile to the prosecution case. Therefore, CWs 2 to 11 were given up by the learned Assistant Public Prosecutor. Since there is no incriminating circumstances against the accused, examination u/s. 313(1)(b) of Cr.P.C is dispensed with. No defence evidence was adduced.

6. Heard the learned counsel for the accused and the learned Assistant Public Prosecutor.

7. The points that arose for determination are:-

i) Whether the accused, on 27.04.2015 at around 02.00 pm, at the property owned by Selvan of East Kallada, used obscene words to

cause annoyance to PW1 and thereby committed offence u/s 294(b) of IPC as alleged?

ii) Whether the accused, voluntarily caused grievous hurt to PW1 with dried branch of tree, on 27.04.2015 at around 02.00 pm, at the property owned by Selvan of East Kallada and thereby committed offence punishable u/s 324 of IPC as alleged?

iii) If found guilty, what should be the proper order as to sentence?

8. **Point Nos. i & 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. To prove the case, the prosecution examined CW1 as PW1. He deposed that Ext.P1 First Information Statement was given by him to the Police. He admitted her signature in Ext.P1 FIS. PW1 turned hostile to the prosecution case by stating that she did not know, who attacked him. The accused did not throw dried twing against her. She also deposed that the accused had not uttered abusive words against her. She further stated that the matter has been amicably settled and she has no complaints against the accused and that she is not interested to proceed with the case. Leaned APP was given permission to declare PW1 as hostile to the prosecution case.

10. Since PW1 turned hostile to the prosecution case, there is no cogent and reliable evidence before this court to prove that the accused has committed the offences alleged against him. Therefore the prosecution has miserably failed to prove its case. Consequently the accused cannot be found guilty as alleged. Therefore Point Nos.i & ii is found against the prosecution.

11. **Point No.iii**:- In view of the finding in Point Nos.i & ii, the accused is found not guilty of the offences punishable U/s. 294 (b), 324 of the Indian Penal Code, 1860.

In the result, the accused is found not guilty of the offences punishable U/s.294(b), 324 of the Indian Penal Code, 1860 and he is acquitted U/s. 248(1) of Cr.P.C. His bail bond stands cancelled and he is set at liberty.

(Item Nos 1 (dried branch of tree having 42 cm length) in the property list No TR 264/2015 dated 04.05.2025, shall be confiscated after the period of appeal as per law)

(Dictated to the Confidential Assistant, transcribed and typed by him, corrected by me and pronounced in open court, this the 16th day of May, 2026)

Sd/-
Civil Judge (Junior Division)

APPENDIX

Witnesses examined for the Prosecution:-

PW1/CW1 : Sri. Baby - 11.05.2026

Exhibits marked for the Prosecution:-

P1 : First Information Statement proved through PW1 -11.05.2026

Witness examined for the defence :-

Nil

Exhibits marked for the defence :-

Nil

Material Objects Marked:-

Nil

Sd/-

Civil Judge (Junior Division).

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Civil Judge (Junior Division).