

**IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE-II,
SASTHAMCOTTAH**

Present: Smt. Kavya S.S, Judicial First Class Magistrate, Sasthamcottah

Dated this the 5th day of May, 2026
(15th day of Vaisakham, 1948)

CALENDAR CASE No. 755/2018

Complainant : State represented by the Sub-Inspector of Police,
Sasthamcottah in Crime No.1786/2018
(By Asst. Public Prosecutor, Sasthamcottah)

Name and Description of accused

Sl.No.	Name	Father's Name	Age	Occupation	Residence
1	Sasidharan Pillai	Damodharan Pillai	72	--	Kottu Kottumvila Kizhakkathil, Edavanassery Muri, Mynagappally Village, Kunnathur.

(By Adv. Sri. Vinayakumar.K)

Offence : U/ss. 447, 294(b), 324 & 354 of IPC.
Plea : Not Guilty.
Finding : Not Guilty.
Sentence/Order : Accused is found not guilty of the offences u/ss. 447, 294(b),
324 & 354 of IPC. He is acquitted u/s 248(1) Cr.P.C.

DATE OF

offence	Complaint	Apprehension	Release on bail	Commencement of trial	Closure of trial	Sentence or order	Explanation for delay.
11.09.2018	01.12.2018	25....08....2022		25.08.2022	05.05.2026	05.05.2026	--

This case was finally heard on 05.05.2026 and stood over for consideration today and the court delivered the following:

J U D G M E N T

This is a case instituted on the basis of the final report filed by S.I of police, Sasthamcottah Police station in Crime No.1786/2018 against the accused alleging commission of offences punishable u/ss 447, 294(b), 324 & 354 of IPC.

2. **The prosecution case in brief is as follows:-** The accused due to some previous animosity towards the husband of CW1, the defacto complainant in connection with a money transaction, the accused with the intention of uttering abusive words and causing bodily hurt to CW1 and others, on 11.09.2018 at around 05:00 pm, criminally trespassed into the courtyard of the house of CW1 at Kottu Kottumvila Kizhakkathil at Edavanassery Muri in Mynagappally Village, wrongfully restrained CW1 by uttering abusive words and at around 05:30 pm on the same day at the Colony Road near the Anganavadi Building near Lucky Junction in Mynagappally Village, the accused demanded the cash which was borrowed by the husband of CW1 from the accused and hurled a brick towards the chest of CW1. Due to the same, there occurred a physical altercation between them and the nighty worn by CW1 was happened to torn off and thereby CW1 sustained humiliation and mental agony. Thus the accused is alleged to have committed the offences punishable under sections 447, 294(b), 324 & 354 of IPC.

3. This case was registered by the CW10, S.I. of Police, Sasthamcottah police station based on the F.I statement lodged by CW1. After completing investigation, he laid charge sheet before the court citing CW1 to CW10 as prosecution witnesses.

4. On receipt of final report, the case was taken on file and summons was issued to the accused and the accused entered appearance, he was enlarged on bail.

Copies of relevant prosecution records were furnished to him. After hearing both sides and perusing records, charge was framed for offences u/ss 447, 294(b), 324 & 354 of IPC and which was read over and explained to the accused to which he pleaded not guilty and claimed to be tried.

5. Thereafter, the case was posted for prosecution evidence. To prove the guilt of the accused, prosecution has examined PW1 & PW2 and Exhibit P1 was marked. The remaining witnesses were given up by the learned Assistant Public Prosecutor. Since there were no incriminating circumstances found against the accused from the prosecution evidence, examination of accused u/s 313 (1) (b) Cr.P.C. was dispensed with. No defence evidence was adduced.

6. Heard the learned APP and the learned counsel for the accused.

7. The following points arise for determination :-

1. Whether accused on 11.09.2018 at around 05:00 pm, had trespassed in to the house of PW1 at Edavanassery and thereby committed offence punishable u/s. 447 of IPC ?
2. Whether the accused at aforesaid time and place had uttered any obscene words against PW1 and thereby committed offence punishable u/s 294(b) of IPC as alleged?
3. Whether accused at aforesaid time and place, had voluntarily caused hurt to PW1 with a brick and thereby committed offence punishable u/s. 324 of IPC as alleged?
4. Whether accused at aforesaid time and place, outraged the modesty of PW1 and thereby committed offence punishable u/s.354 of IPC as alleged?
5. Sentence or Order?

8. **Point Nos.1 to 4:-** For the sake of brevity and convenience these points are considered together.

9. PW1 is the defacto complainant. She deposed that she had lodged a complaint before the police regarding the incident and the said First Information Statement was marked as Ext. P1. PW1 deposed that the accused in the dock had not trespassed into her property or assaulted her, neither outraged her modesty nor uttered any abusive words against her. Hence PW1 was declared as hostile. PW1 further deposed that the matter was already settled and she does not wish to proceed with the case and she along with the accused filed a petition for compounding the offence and the compounding petition was dismissed since the offences are non-compoundable in nature.

10. PW2 is stated to be an occurrence witness in this case. She deposed that she had not witnessed the incident in which PW1 was assaulted by the accused. Hence PW2 was also declared as hostile. Since the material witnesses turned hostile to the prosecution, learned APP had given up the remaining witnesses.

11. Since there is no cogent and reliable evidence before this court to show that the accused had committed the offences alleged against them as PW1, the defacto complainant and PW2 turned hostile, the prosecution failed to prove the case. The prosecution utterly failed to prove the charge against the accused. Points 1 to 4 are found against the prosecution._

12. Point No.(5): In the light of the findings in points 1 to 4, Point No. 5 is also found against the prosecution.

In the result, accused is found not guilty of offences punishable under sections 447, 294(b), 324 & 354 of IPC and he is acquitted u/s.248 (1) of Cr.P.C. The bail bond of the accused stands cancelled and he is set at liberty.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and revised by me and pronounced in the open court on 5th day of May, 2026)

**Judicial First Class Magistrate-II,
Sasthamcottah.**

APPENDIX

Witnesses Examined for the prosecution:

Prosecution Witness No.	Name of Witness	Description
1	Jameelath.	Defacto complainant
2	Sainaba.	Occurrence witness.

Exhibits for the prosecution:

Exhibit No.	Description of Exhibit	Proved by / attested by
1	F.I statement	PW1 on 18.07.2025

Material Objects : Nil

Witness & Exhibits for Defence : Nil.

**Judicial First Class Magistrate-II,
Sasthamcottah.**