

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS- II,
SOUTH PARAVUR, KOLLAM**

**Present :- Smt. Chithralekha N S,
Judicial Magistrate of the First Class.**

Thursday, the 12th day of March, 2026/ 21st day of Phalguna, 1947

Calendar Case No. 423/2018

- Complainant : State - Represented by the Sub Inspector of Police,
Parippally Police Station in Crime No. 2070/2016.
(Represented by Assistant Public Prosecutor, Paravur)
- Accused : Abhilash Kumar, Aged 46,
S/o. Padmanabhan Thambi Achari,
Sree Padmanabham Veedu, Kalluvathukkal P.O.,
Kalluvathukkal Village.
(Represented by Adv. G Janardhanan Pillai)
- Charge : Under sections 341, 294(b),323, 324, 427 and 354 of IPC.
- Plea : Not Guilty
- Finding : Not Guilty
- Sentence/Order : The accused is acquitted u/s. 271(1) of BNSS for the offences punishable under sections 341, 294(b),323, 324, 427 and 354 of IPC. Bail bond executed by the accused stands cancelled and he is set at liberty.

DESCRIPTION OF THE ACCUSED

Sl. No.	Name	Father's Name	Age	Residence	Taluk
1.	Abhilash Kumar	Padmanabhan Thambi Achari	46	Sree Padmanabham Veedu, Kalluvathukkal P.O., Kalluvathukkal Village.	Kollam

DATE OF

Occurrence	Complaint	Apprehension / appearance	Release on bail	Commencement of trial	Close of trial	Sentence or Order	Explanation for delay
17.10.2016	28.05.2018	11.12.2024	11.12.2024	01.07.2025	12.03.2026	12.03.2026	No delay

This case having been finally heard on 12.03.2026 and the Court on the said day, delivered the following:-

J U D G M E N T

This case was taken cognizance upon a final report filed by the Sub Inspector of Police in Crime No. 2070/2016 of Parippally Police Station alleging the commission of offences punishable under sections 341, 294(b), 323, 324, 427 and 354 of the Indian Penal Code, 1860 (for short – 'IPC').

2. The prosecution case in brief is as follows:- At 5.20 pm on 17.10.2016 the accused wrongfully restrained the victims and slapped PW1 at her left cheek and kicked her down. As PW2 restrained the same the accused beat at her neck. The accused also pushed down PW3 and sat on his body and assaulted him. The accused also beat PW1, PW2 and PW3 using a bamboo shoot. During the attack PW2 lost a gold chain of one sovereign and the accused outraged the modesty of PW1. Hence the accused is alleged to have committed the offences punishable under sections 341, 294(b), 323, 324, 427 and 354 of IPC.

3. Upon receipt of the final report, this court took cognizance of the offences and issued process against the accused. The accused was enlarged on bail and he was represented by a lawyer of his choice. Charge for the offences punishable u/ss. 341, 294(b), 323, 324, 427 and 354 of IPC were framed, read over and explained to the accused. He pleaded not guilty and claimed to be tried.

4. As per final report, altogether eleven witnesses were proposed from the side of prosecution including the victim and the occurrence witnesses. CW1 to CW3 were examined as PW1 to PW3 respectively and Ext. P1 was marked from the side of prosecution. As PW1 to PW3 turned hostile to the prosecution case the rest of the witnesses were given up by the learned Assistant Public Prosecutor as no purpose will be served and will only end in waste of valuable time of court. Since no incriminating materials came up before this court, examination of the accused u/s.351 BNSS was dispensed with. No defence evidence was adduced.

5. The matter was considered for final decision after hearing the learned Assistant Public Prosecutor and the learned counsel who appeared for the accused. Perused the relevant records.

6. The points which arose for consideration are:

1. Whether the accused at 5.20 pm on 17.10.2016 uttered obscene words at PW1 attracting the offence punishable u/s. 294(b) of IPC ?
2. Whether the accused at 5.20 pm on 17.10.2016 voluntarily caused hurt to PW1 and PW2 attracting the offence punishable u/s. 323 of IPC?
3. Whether the accused at 5.20 pm on 17.10.2016 voluntarily caused hurt to PW1, PW2 and PW3 using dangerous weapon attracting the offence punishable u/s. 324 of IPC?
4. Whether the accused at 5.20 pm on 17.10.2016 assaulted or used criminal force at PW1 so as to outrage the modesty of PW1 attracting the offence punishable u/s. 354 of IPC?
5. Whether the accused at 5.20 pm on 17.10.2016 voluntarily obstructed PW1 so as to prevent her from proceeding in any direction in which she had a right to proceed attracting the offence punishable u/s. 341 of IPC ?
6. Whether the accused at 5.20 pm on 17.10.2016 voluntarily caused mischief and thereby caused loss of one sovereign gold chain to PW2 attracting the offence punishable u/s. 427 of IPC?
7. If found guilty, what order as to sentence?

7. **As to Point Nos. 1 to 6** :- For the sake of convenience and brevity, point nos. 1 to 6 are considered together.

PW1 had lodged Ext. P1 First Information Statement before police. She submitted that the matters leading to the case took place. However the accused in the case did not harm her. She failed to identify the accused to be the offender. She was declared hostile to prosecution. It forms part of her testimony that the matters relevant to the case were settled between her and the accused. PW2 refused to have sustained any injury following the attack. She refused to have witnessed the accused attacking PW1. She was declared hostile to prosecution. PW3 would submit that she did not sustain any injury in the incident, nor witnessed the alleged incident of the remaining victims having suffered assault. It also forms part of testimony that the matters pertaining to the prosecution case were settled among the parties.

8. All the three witnesses before court who are victims refrained from backing the prosecution and all of them were declared hostile. They did not have a case that the accused did commit any of the alleged offences. There was secured no identification of the accused to be the offender. It forms part of the testimony of PW1 that the matters pertaining to the case stood settled out of court. Therefore the prosecution could not furnish any material that would show the involvement of the accused in commission of offences. Therefore the

ingredients to constitute the alleged offences stand not established. The material fell far below the requisite to attract the guilt of the accused.

Hence, point nos. 1 to 6 stand not proved.

9. **As to Point No. 7:-** In view of the discussions on point nos. 1 to 6, the accused is found not guilty to the offences punishable under sections 341, 294(b), 323, 324, 427 and 354 of IPC. Hence, they are only to be acquitted for the said offences.

In the result:-

The accused is acquitted u/s. 271(1) of BNSS for the offences punishable under sections 341, 294(b), 323, 324, 427 and 354 of IPC. Bail bond executed by the accused stands cancelled and he is set at liberty.

Dictated to the Confidential Assistant directly, corrected and pronounced by me, in open court, on this the 12th day of March, 2026.

SD/-

**Judicial Magistrate of the First Class- II,
Paravur**

APPENDIX

Witnesses for prosecution :-

Prosecution witness no.	Name of Witness	Description
PW1	xxxxxx (CW1)	Defacto complainant

PW2	Mrs. Sunija (CW2)	Occurrence witness
PW3	Mr. Kiran (CW3)	Occurrence witness

Exhibit for prosecution:

Exhibit No.	Description of the Exhibit	Proved by /Attested by
P1	First Information Statement	PW1 on 16.02.2026

Witnesses for Defence :-

Prosecution witness no.	Name of Witness	Description
Nil		

Exhibit for Defence:

Exhibit No.	Description of the Exhibit	Proved by /Attested by
Nil		

Material Objects :-

Material Object No.	Description of the Exhibit	Proved by/Attested by
Nil		

**SD/-
Judicial Magistrate of the First Class-II,
Paravur**