

**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.**

Monday, the 13th day of April, 2026/ 23rd day of Chaithram, 1948

Calendar Case No. 302/2019

- Complainant : State - Represented by the Sub Inspector of Police,
Paravur Police Station in Crime No. 356/2019.
(Represented by Assistant Public Prosecutor, Paravur)
- Accused : Binoy Viswam, Aged 44, S/o. Raveendran,
Padinjattavila Veedu, Nedungolam, Paravur Village.
(Represented by Adv. R Dileepkumar)
- Charge : Under sections 324, 341, 294(b) and 427 of IPC.
- Plea : Not Guilty
- Finding : Not Guilty
- Sentence/Order : The accused is acquitted u/s. 271(1) BNSS for the
offences punishable under sections 324, 341, 294(b) and
427 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.	Binoy Viswam	Raveendran	44	Padinjattavila Veedu, Nedungolam, Paravur Village.	Kollam

DATE OF

Occurrence	Complaint	Apprehension / appearance	Release on bail	Commencement of trial	Close of trial	Sentence or Order	Explanation for delay
27.04.2019	15.05.2019	27.09.2025	27.09.2025	27.09.2025	13.04.2026	13.04.2026	No delay

This case having been finally heard on 13.04.2026 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. 356/2019 of Paravur Police Station alleging the commission of offences punishable under sections 324, 341, 294(b) and 427 of the Indian Penal Code, 1860 (for short – 'IPC').

2. The prosecution case in brief is as follows:- At 7.45 pm on 27.04.2019 the accused wrongfully restrained the car in which PW1 travelled with his children PW2 and PW3. The accused shouting obscene words broke the rear glass of the car and the shattered broken pieces of glass injured PW3 who drove the vehicle. In breaking the glass and thrashing at the bonnet, the car suffered a dent and PW1 sustained a loss of Rs. 70,000/-. Hence the accused is alleged to have committed the offences punishable under sections 324, 341, 294(b) and 427 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. 324, 341, 294(b) and 427 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 eight 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 7.45 pm on 27.04.2019 voluntarily obstructed PW1 to PW3 so as to prevent them from proceeding in any direction in which they had a right to proceed attracting the offence punishable u/s. 341 of IPC ?
2. Whether the accused at 7.45 pm on 27.04.2019 voluntarily caused hurt to PW3 using dangerous weapon attracting the offence punishable u/s. 324 of IPC?

3. Whether the accused at 7.45 pm on 27.04.2019 uttered obscene words at PW1 to PW3 attracting the offence punishable u/s. 294(b) of IPC ?
4. Whether the accused at 7.45 pm on 27.04.2019 voluntarily caused mischief and thereby caused loss to PW1 attracting the offence punishable u/s. 427 of IPC?
5. If found guilty, what order as to sentence?

7. **As to Point Nos. 1 to 4** :- For the sake of convenience and brevity, point nos. 1 to 4 are considered together.

The First Information Statement was marked as Ext. P1. PW1 would submit that the incident leading to the case took place. However he was not in a position to state who the offender was. Also he failed to identify if the accused before court was the offender. It was also stated that the matters leading to the case were settled between him and accused. PW2 and PW3 who were also the victims would submit to have not sustained any injuries. They refused to have witnessed any related matter that pertained to the case. They were declared hostile to prosecution.

8. As all the victims have refrained from supporting the prosecution following the resolution of matters out of court, the prosecution evidence could not shed light upon any of the material particulars relevant to prove the

offences or guilt of the accused. Therefore there could be no positive conclusion drawn against the accused. The prosecution case fails.

Hence, point nos. 1 to 4 stand not proved.

9. **As to Point No. 5:-** In view of the discussions on point nos. 1 to 4, the accused is found not guilty to the offences punishable under sections 324, 341, 294(b), 427 of IPC. Hence, he is only to be acquitted for the said offences.

In the result:-

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

Item produced before court in TR 150/2019 shall be destroyed after the appeal period.

Dictated to the Confidential Assistant directly, corrected and pronounced by me, in open court, on this the 13th day of April, 2026.

Sd/-

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

APPENDIX

Witnesses for prosecution :-

Prosecution witness no.	Name of Witness	Description
PW1	Mr. Radhakrishnan (CW1)	Defacto complainant
PW2	Mr. Rohit (CW2)	Victim
PW3	Mrs. Rima (CW3)	Victim

Exhibit for prosecution:

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

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**