

**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.**

Saturday, the 18th day of April, 2025/ 28th day of Chaithram, 1948

Calendar Case No. 429/2022

Complainant : State - Represented by the Sub Inspector of Police,
Chathannur Police Station in Crime No. 275/2022.
(By Assistant Public Prosecutor, Paravur)

Accused : Sudarsanan, Aged 67, S/o. Yasodharan,
Cheeravila, Saphalyam Veedu,
Thazham South, Chirakkara.
(By Adv. N Anilkumar)

Charge : Under sections 506(Para-2) of IPC and sec. 31 (1) of
The Protection of Women from Domestic Violence
Act.

Plea : Not Guilty

Finding : Not Guilty

Sentence/Order : The accused is acquitted u/s. 271(1) of BNSS for the
offences punishable under sections 506(Para-2) of IPC
and sec. 31 (1) of The Protection of Women from
Domestic Violence Act. Bail bond executed by the
accused stands cancelled and he is set at liberty.

DESCRIPTION OF THE ACCUSED

Sl. No.	Name	Guardian's Name	Age	Residence	Taluk
1.	Sudarsanan	Yasodharan	67	Cheeravila, Saphalyam Veedu, Thazham South, Chirakkara.	Kollam

DATE OF

Occurrence	Complaint	Apprehension / appearance	Release on bail	Commencement of trial	Close of trial	Sentence or Order	Explanation for delay
30.04.2022	02.06.2022	19.12.2024	19.12.2024	07.04.2026	18.04.2026	18.04.2026	No delay

This case having been finally heard on 18.04.2026 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. 275/2022 of Chathannur Police Station alleging the commission of offences punishable under sections 506(Para-2) of the Indian Penal Code, 1860 (for short – 'IPC') and sec. 31 (1) of The Protection of Women from Domestic Violence Act.

2. The prosecution case in brief is as follows:- On violation of the order in CMP No. 737/2021 of this court granting protection to PW1, at 7.15 pm on 30.04.2022, the accused threatened PW1 to pour petrol and set PW1 and the shop on fire. Hence the accused is alleged to have committed the offences punishable under sections 506(Para-2) of IPC and sec. 31 (1) of The Protection of Women from Domestic Violence Act.

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. 506(Para-2) of IPC and sec. 31 (1) of The Protection of Women from Domestic Violence Act were framed, read over and explained to the accused. He pleaded not guilty and claimed to be tried.

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

5. Heard both sides. Perused the relevant records.

6. The points which arose for consideration are:

1. Whether the accused at 7.15 pm on 30.04.2022 criminally intimidated PW1 attracting the offence punishable u/s. 506 (Para-2) of IPC ?

2. Whether the accused at 7.15 pm on 30.04.2022 committed breach of protection order attracting the offence punishable u/s.31 (1)of the DV Act ?

3. If found guilty, what order as to sentence?

7. **As to Point Nos. 1 and 2:-** For the sake of convenience and brevity, point nos. 1 and 2 are considered together.

PW1 admitted Ext. P1 as the petition she lodged before police. However in complete denial of the taking place of the incident she submitted that the accused did not violate the protection order. She was declared hostile to prosecution. She further added that herself and the accused resided together and the matters leading to registration of the case stand settled between she and her husband ie. accused.

8. Therefore the prosecution fails to get supporting testimony of the victim. The only witness before court has deposed against the case of prosecution. Therefore the taking place of the offences stand not proved. There exists no proof of the guilt of the accused.

Hence, points nos. 1 and 2 stand not proved.

9. **As to Point No. 3:-** In view of the discussions on point nos. 1 and 2, the accused is found not guilty to the offences punishable under sections

506(Para-2) of IPC and sec. 31 (1) of The Protection of Women from Domestic Violence Act. Hence, he is 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 506(Para-2) of IPC and sec. 31 (1) of The Protection of Women from Domestic Violence Act. 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 18th 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	Mrs. Yamuna (CW1)	Defacto complainant

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