

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, KADAKKAL**Present:- Sri.Amal S. R., Judicial First Class Magistrate**Friday, 5th day of June, 2026/ 15th Jyaishta, 1948**CALENDAR CASE No.974/2019**

Complainant : State-represented by the Sub Inspector of Police,
Chadayamangalam Police Station Crime No.2182/2017.
(By A.P.P., Kadakkal)

Accused : Anil Kumar @ Santhosh, aged 36/2017,
S/o Surendran Pillai, Santhosh Bhavan, Vettuvazhy,
Chadayamangalam Village.
(By Adv. R. Rajesh Kumar)

Offence : U/s.119(b) of KP Act and Section 66(E) of IT Act, 2000.

Plea : Not guilty

Finding : Not guilty

Sentence or order : Accused is found not guilty of the offence punishable under sections 119(b) of KP Act and Section 66(E) of IT Act, 2000 and he is acquitted under section 271(1) of BNSS, 2023. His bail bond stands cancelled, and he is set at liberty.

Date of

Occurrence	Complaint	Apprehension	Release on bail	Commencement of trial	Commencement of evidence	Close of trial	Sentence or order	Period of detention undergone during investigation of trial for the purpose of Section 468 of BNSS
05.12.17	24.07.19	28.03.26	28.03.26	08.05.26	03.06.26	05.06.26	05.06.26	-

This case having been finally heard today and the Court on the same day delivered the following:-

JUDGMENT

The accused put on trial upon a final report filed by the Sub Inspector of Police, Chadayamangalam Police Station Crime No.2182/2017 alleging commission of offence punishable under section 119(b) of KP Act and Section 66(E) of IT Act, 2000.

2. Prosecution case in brief is as follows:- The accused and CW1 as husband and wife and owing to matrimonial disputes between them, with intent to mentally harass and humiliate CW1, on 05.12.2017 at about 23.00 hours, in the hall room of Santhosh Bhavan house situated Vettukuzhy in Chadayamangalam Village, pushed CW1 to the floor, removed the nighty worn by her and took semi-nude photographs of CW1 using your mobile phone and thereafter transmitted and circulated the same through WhatsApp to another mobile phone, thereby causing mental agony and humiliation to CW1. Thus they committed the offences punishable under section 119(b) of KP Act and Section 66(E) of IT Act, 2000.
3. This case was originally instituted as C.C. No. 482/2019. Upon receipt of the final report, my learned predecessor took cognizance of the offences and issued process against the accused. As the accused could not be secured and remained absconding, the case was transferred to the Long Pending Register and renumbered as L.P. No. 128/2025. Subsequently, the accused surrendered before the Court, whereupon the case was restored to file and re-numbered as C.C. No. 974/2019. On his appearance, the accused was enlarged on bail. Copies of all relevant prosecution records were furnished to him in compliance with the statutory requirements. After hearing both sides and upon finding sufficient grounds to proceed, charges for the offences punishable under Section 119(b) of the Kerala Police Act and Section 66(E) of the Information Technology Act, 2000 were framed, read over and explained to the accused. He pleaded not guilty to the charges and claimed to be tried.
4. On the side of the prosecution, PW1 was examined and Ext.P1 was marked. As the material witnesses failed to support the prosecution case, the learned Assistant Public Prosecutor gave up remaining witnesses. In the absence of any incriminating evidence

against the accused, questioning him under section 351(1)(b) of BNSS was dispensed with.

5. Heard both sides.

6. Points that arose for consideration are:-

- 1) *Whether the prosecution has succeeded in proving beyond reasonable doubt that, owing to matrimonial disputes and with the intention of mentally harassing and humiliating CW1, the accused, on 05.12.2017 at about 11.00 p.m. in the hall room of Santhosh Bhavan house situated at Vettukuzhy in Chadayamangalam Village, pushed CW1 to the floor, removed the nighty worn by her and took semi-nude photographs of her using a mobile phone, thereby committing the offence punishable under Section 66(E) of the Information Technology Act, 2000?*
- 2) *Whether the prosecution has further proved beyond reasonable doubt that the accused thereafter transmitted and circulated the said photographs through WhatsApp, causing mental agony and humiliation to CW1, and thereby committed the offence punishable under Section 119(b) of the Kerala Police Act?*
- 3) *If the accused is found guilty, what is the order as to sentence?*

2. **Points No. 1 and 2:-** For the sake of convenience and to avoid repetition, and for brevity, these points are considered together.

3. PW1 was examined as the principal witness for the prosecution. However, she did not support the prosecution case in material particulars. During her examination, PW1 deposed that the complaint was lodged against the accused due to a misunderstanding arising out of matrimonial disputes between them. She further stated that the allegations contained in the complaint were not correct and did not attribute any overt act constituting the offences alleged in the final report to the accused. Through PW1, Ext.P1 First Information Statement was marked. Since PW1 resiled from her earlier version allegedly given to the police and failed to support the prosecution case, she was treated as hostile and was cross-examined by the learned Assistant Public Prosecutor with the permission of the Court. However, even during such cross-examination, nothing material

could be elicited to substantiate the prosecution allegations. PW1 denied the material portions of her previous statement put to her and did not admit any circumstance incriminating the accused.

4. The evidence of PW1, being that of the de facto complainant herself, assumes considerable significance. When the very person who allegedly suffered the acts complained of disowns the prosecution version and attributes the complaint to a misunderstanding, the substratum of the prosecution case stands considerably weakened. In the absence of any material supporting the prosecution allegations from PW1, her testimony does not advance the prosecution case in any manner and, on the contrary, creates a serious dent in its credibility.
5. Seeing the plight of the case, the learned APP gave up the remaining witnesses. In the above circumstances the prosecution case stands as failed. Thus, point No.1 and 2 are found against the prosecution.
6. **Point No. 3**:- In view of the finding in Point No.1 and 2, the accused is found not guilty of the offence punishable under sections 119(b) of KP Act and Section 66(E) of IT Act, 2000 and he is acquitted under section 271(1) of the BNSS, 2023. His bail bond stands cancelled and he is set at liberty.

The mobile phone reported to have been forwarded to the Forensic Science Laboratory and has not been returned to the Court. In the event of its production before the Court, considering the nature of the allegations and the fact that the device is stated to contain sexually private images forming the subject matter of the prosecution case, it shall be dealt with in accordance with law after the appeal period after obtaining the further orders.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this, the 5th day of June, 2026.

Judicial First-Class Magistrate, Kadakkal.

APPENDIX

List of Prosecution/Defence/Court Witnesses

A. Prosecution Witnesses

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
PW1	Raji (CW1)	De facto complainant

B. Defence Witness

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
	NIL	

C. Court Witnesses

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
	NIL	

List of Prosecution/Defence/Court Exhibits

A. Prosecution Exhibits

Sl.No	Exhibit Number	Description
1	P1	First Information Statement dated 07.12.2017 marked through PW1 on 03.06.2026.

B. Defence Exhibits

Sl.No.	Exhibit Number	Description
	NIL	

C. Court Exhibits

Sl.No.	Exhibit Number	Description
	NIL	

D. Material Objects

Sl.No.	Exhibit Number	Description
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Judicial First-Class Magistrate, Kadakkal.