

<b>IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE -II KANNUR</b>	
Present: Sri. Raphael.E.V, Judicial First Class Magistrate-II, Kannur	
Dated this the Tuesday, the 31 <sup>st</sup> day of March, 2026 (11th day of Chaithra 1948 S.E )	
<b><u>C.C.815/23</u></b>	
Complainant	: State rep. by Sub Inspector of Police, Irikkur Police Station (in Cr. No.322/23) (By APP, Gr-II, Kannur)
Accused	: Sanal. P.P, S/o.Chandran P.K, Age 31/23, Puthiyapurayil (H), Padiyur amsom, Padiyur. Now at Payam amsom, Kadamunda. (By Adv: Sri.M.Jiju)
Offence	: u/s 451, 341, 354 ( A) (I) (iv), 354B IPC.
Pleading	: Not Guilty.
Finding	: Not Guilty.
Sentence or Order	: The accused is found not guilty of the offences punishable u/s 451, 341, 354 ( A) (I) (iv), 354B IPC and he is acquitted u/s 248 (1) of Cr. P.C. He is set at liberty and his bail bond stands cancelled.

<u>Description of Accused</u>					
Sl. No	Name	Father's Name	Occupation	Residence	Age
1	Sanal. P.P	S/o.Chandran P.K	.....	Padiyur	31/23

Date of:-	
Offence	: 10/4/2023
Complaint	: 11/4/2023
Apprehension	: custody
Release on bail	: ”
Commencement of trial	: 05/1/2026
Close of trial	: 26/3/2026
Sentence/Order	: 31/3/2026
Service copy of judgment	: .....

### **J U D G M E N T**

The case is charge sheeted by the Sub Inspector of Police Irikkur in Crime No. 322/23 for the offences punishable u/s. 451, 341, 354 ( A) (I) (iv), 354B IPC.

2. **Case of prosecution in brief is as follows:** On 10/4/2023 at 15.30 hours at Padiyur amsom, the accused with intention to commit crime, trespassed in to the house of defacto complainant, caught hold her hand, torn the maxi of CW1 and outraged her modesty. Therefore the accused is alleged to have committed the aforementioned offenses.

3. Accused is in custody. Copies of relevant prosecution records were furnished to him. After hearing both sides and after perusing the materials available before the Court, it is found that there is ground for presuming that the accused had committed the offence. Hence, charge was framed u/s 451, 341, 354 ( A) (I) (iv), 354B

IPC against the accused. When charge was read over to the accused in Malayalam, he pleaded not guilty and claimed to be tried. Case was posted for evidence.

4. On the side of the prosecution, PW1 was examined and Ext.P1 and was marked. Since material witnesses not supported the prosecution, the remaining witnesses were given up by the learned APP. Since there is no incriminating evidence against the accused, their examination u/s. 313(1) (b) of Cr.P.C is dispensed with. No evidence has been adduced from the side of the accused.

5. Both sides were heard.

6. Now the points that arise for consideration are:-

1. Whether accused trespassed into the house of CW1 with an intention to attack CW1 and thereby committed offence punishable u/s.451 IPC ?
2. Whether the accused wrongfully restrained PW1 and thereby committed offence punishable u/s.341 IPC
3. Whether the accused committed sexual harassment of the defacto complainant and so as to attract an offence punishable u/s 354 A (I) (iv) of IPC?
4. Whether the accused attempted to disrobe defacto complainant and thereby committed offence punishable u/s. 354 (b) of PC?
5. If the offences are proved, what is the order or sentence?

7. **Point No.1 to 4**: PW1, the defacto complainant deposed that a person attacked her on 10/4/2023 at 15.30 hours. She preferred FIS, which is marked as Ext.P1. PW1

further deposed that she did not know the assailant. She turned hostile to the prosecution. The learned APP is permitted to put questions to PW1 as contemplated U/s 154 of Evidence Act. But nothing could be brought out to discredit the evidence of PW1 before this court. Since PW1 turned hostile to the prosecution, the examination of remaining witness will be a futile exercise and APP rightly given up remaining witnesses. The prosecution had not adduced any evidence to bring home the guilt of the accused and therefore these points answered against the prosecution.

8. **Point No.5** :- In view of finding on point No.1 to 4 accused is found not guilty of the offences punishable u/s. 451, 341, 354 ( A) (I) (iv), 354B IPC. Hence this point does not arise for consideration.

In the result,

The accused is acquitted u/s 248 (1) of Cr.P.C for the offences punishable u/ss. 451, 341, 354 ( A) (I) (iv), 354B IPC and he is set at liberty. His bail bonds stand cancelled.

Property-item No. 1 and 2 shall be destroyed after appeal period. Item No. 3 to 6 shall be returned to the accused after appeal period.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court, this the 31<sup>st</sup> day of March, 2026).

sd/-  
Judicial First Class Magistrate-II  
Kannur

**APPENDIX**

**A. Prosecution Witnesses**

Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, Other witness
PW1	Geetha	Eye witness

**B. Defence Witnesses**

Nil

**C. Court Witnesses**

Nil

**List of Prosecution/Defence/Court Exhibits**

**A. Prosecution Exhibits**

Sl.No.	Exhibit number	Description
1.	Ext.P1/PW1	FIS

**B. Defence Exhibits**

Nil

**C. Court Exhibits**

Nil

**D. Material Objects**

Nil

sd/-

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