

<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 Thursday, the 12th day of March, 2026 (18th day of Phalguna 1947 S.E )	
<b><u>C.C.1952/20</u></b>	
Complainant	: State rep. by Sub Inspector of Police, Valapattanam Police Station (in Cr. No.140/20) (By APP, Gr-II, Kannur)
Accused	: Niyas.T.K, S/o.Abdul Rahman, Age 38/20, Tholichi Kandathil (H), Edayil Peedika Kattampalli, P.O.Kattampalli. (By Adv: Sri.Aabid.K.P)
Offence	: u/s 354 ( A) (I) IPC.
Pleading	: Not Guilty.
Finding	: Not Guilty.
Sentence or Order	: The accused is found not guilty of the offences punishable u/s 354 ( A) (I) 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	Niyas.T.K	S/o.Abdul Rahman	.....	Kattampalli	38/20

Date of:-

Offence	:	2/3/2020
Complaint	:	3/3/2020
Apprehension	:	4/3/2020
Release on bail	:	4/3/2020
Commencement of trial	:	18/6/2024
Close of trial	:	5/3/2026
Sentence/Order	:	12/3/2026
Service copy of judgment	:	.....

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

The case is charge sheeted by the Sub Inspector of Police Valapattanam in Crime No. 140/20 for the offences punishable u/s. 354 ( A) (I) IPC.

2. **Case of prosecution in brief is as follows:** On 2/3/2020 at 10.30 hours at Balankinar in Chirakkal amsom, the accused with intention to commit crime, pressed the breast of CW1 and outraged the modesty of her. Therefore the accused is alleged to have committed the aforementioned offenses.

3. The accused appeared before the Court on receiving summons. He is enlarged on bail. 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 354 ( A) (I) 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 the accused committed sexual harassment of the defacto complainant and so as to attract an offence punishable u/s 354 A of IPC?

2. If the offences are proved, what is the order or sentence?

7. **Point No.1** : PW1, the defacto complainant deposed that a person attacked her on 2/3/2020 at 10.30 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 to 3 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.2 :-** In view of finding on point No.1 accused is found not guilty of the offences punishable u/s.354 ( A) (I) 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. 354 ( A) (I) IPC and he is set at liberty. His bail bonds stand cancelled.

Property shall be destroyed after appeal period.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court, this the 12<sup>th</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	Sruthi	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

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