

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, PAYYANNUR

Present: Kum. Lakshmipriya. T. K.,
Judicial First Class Magistrate.

Thursday, the 19th day of March, 2026/28th day of Phalguna, 1947

CALENDER CASE No.207/2023

Complainant : The SHO, Cherupuzha Police Station,
Crime No.998/2022
(By APP Grade – I, Payyannur)

Accused : Denny @ John V V, S/o Ulahannan, Aged 52/22,
Varikkapladathil House, Thirumeni amsom,
Maruthampadi.
(By Adv. Sri. C. Narayanan Nair & Adv. Sri.
Nived. K. V.)

Offence : U/s 435,452,294(b),506(ii),427 of IPC.

Plea : Not Guilty.

Finding : Not Guilty.

Sentence or Order : Accused is acquitted u/S 248(1) of Cr.P.C.

All items in RP 641/22 & RP 644/22, being
valueless, shall be destroyed after the expiry of
appeal period.

DESCRIPTION OF ACCUSED

Sl. No. of the P.S.& No. Cr. of offence	Name	Father's Name	Occupation	Residence	Age
1. Cherupuzha PS, Cr.No.998/22,	Denny @ John V V	Ulahannan		Thirumeni	52/22

Date of:

1. Occurrence : 26.12.2022
2. Complaint : 27.12.2022

3. Apprehension	: 27.12.2022
4. Release on bail	: 16.01.2023
5. Commitment	: ...
6. Commencement of trial	: 08.03.2024
7. Commencement of evidence	: 31.05.2024
8. Close of trial	: 16.03.2026
9. Sentence or order	: 19.03.2026
10. Service copy of judgment	: Copy is ready
11. Explanation for delay	: No delay
12. Period of detention undergone during investigation, inquiry or trial for the purpose of section 428 CrPC	: ...

This case came up for consideration during today's proceedings and the court delivered the following:

J U D G M E N T

This is a case instituted upon final report filed by Sub Inspector of police Cherupuzha PS in Cr. No. 998/2022 for the offence punishable u/s 435,452,294(b),506(ii),427 of IPC.

2. Prosecution case in brief is as follows: On 27.12.2022 at 07.45 hours at Maruthumpadi in Thirumeni amsom, the accused with an intention to commit an offence trespassed in to the house building No.CP XII-308, wherein CW1 and family were residing with a dangerous weapon such as a knife and abused her in filthy language. Further the accused threatened to kill her and destroyed the TV and committed mischief by fire upon the bullet belongs to the son of CW1 which is parked at the roadside and thereby caused a total loss to the tune of Rs.8,000/-. Thereby the accused is said to have been committed the aforesaid offences.

3. On appearance of accused he is released on bail. Copies of all relevant prosecution records were furnished to him u/s 207 Cr PC. After hearing both sides, charge u/s 435,452,294(b),506(ii),427 of IPC were framed and read over and explained to accused to which he pleaded not guilty and claimed to be tried.

4. In order to prove the prosecution case, PW1 & PW2 were examined and Ext.P1 was marked. PW1 & PW2 did not support the prosecution case. Since there is no material evidence, the learned Asst. Public Prosecutor has rightly given up remaining witnesses and the prosecution evidence closed. Since there is no incriminating circumstance against the accused, the questioning of the accused u/s 313 CrPC dispensed with. No evidence was adduced from the side of defence.

5. Heard both sides.

6. Point arise for consideration :

1) Whether the accused committed mischief by fire intending to cause or knowing that it is to be likely cause damage to property and thereby committed the offence punishable u/s 435 of IPC?

2) Whether the accused on 27.12.2022 at 07.45 hours trespassed into the house building No. CP XII-308 situated at Maruthumpadi in Thirumeni amsom after preparation to commit an offence and thereby committed offence punishable u/s.452 of IPC ?

3) Whether the accused recited obscene words against PW1 and thereby committed the offence under section 294(b) of IPC?

4) Whether the accused threatened PW1 and thereby committed offence punishable u/s.506(ii) of IPC ?

5) Whether the accused committed mischief so as to attract offence punishable under section 427 of IPC?

6) If so , what is the proper order or sentence?

7. **Point Nos.1 to 5:** These points are considered together for the sake of convenience. CW1 is the defacto-complainant and she is examined as PW1. PW1 deposed that she is residing at Thirumeni and on 27.12.22 at 07.45 am one person trespassed in to her house and threatened to kill her and destroyed the Television from Central hall and burned the seat of the motorcycle of her son which is parked on the road side and caused the loss to the tune of Rs.16000/-. She has given complaint to the Cherupuzha police which is marked as Ext.P1. But she did not support the prosecution case and she deposed that she has not known the assailant. But she further deposed that she has no complaint against the accused as the matter has been settled between them. She turned hostile to the prosecution case.

8. CW2 is the husband of PW1 who is examined as PW2. PW2 deposed that he has not seen the incident as alleged by the prosecution. He also did not support the prosecution case.

9. Hence the learned Asst. Public Prosecutor is permitted to put question as contemplated u/s 157 of Bharatiya Sakshya Adhiniyam, but nothing

could be brought out to support the prosecution case. Since PW1 & PW2 have turned hostile to the prosecution and the examination of other remaining witnesses will be considered as futile exercise the Learned Asst. Public Prosecutor has rightly given up the remaining witnesses. The prosecution had not adduced any evidence to bring home the guilt of the accused and therefore these points are answered against the prosecution.

10. **Point No.6** : In view of my finding on point No.1 to 5, accused is found not guilty of the offence punishable u/s 435,452,294(b),506(ii),427 of IPC.

In the result,

Accused is found not guilty of the offence punishable u/s. 435,452,294(b),506(ii),427 of IPC and accordingly he is acquitted of the charges u/s 248(1) of CrPC. His bail bond stands cancelled and he is set at liberty.

All items in RP 641/22 & RP 644/22, being valueless, shall be destroyed after the expiry of appeal period.

(Dictated to Confidential Assistant, transcribed and typed her, corrected and pronounced by me, in open court this on the 19th day of March, 2026)

Sd/-
Judicial First Class Magistrate,
Payyannur.

APPENDIX:
WITNESSES FOR THE PROSECUTION

PW1	Valsamma Johnson	Defacto complainant
PW2	Johnson V V	Eye witness

EXHIBITS FOR THE PROSECUTION :

Ext.P1/PW1 FI Statement dtd. 27.12.22

MATERIAL OBJECTS MARKED : Nil.

WITNESSES FOR THE DEFENCE : Nil.

EXHIBITS FOR THE DEFENCE : Nil.

MATERIAL OBJECTS MARKED : Nil.

Sd/-
Judicial First Class Magistrate,
Payyannur.

//True copy//

Judicial First Class Magistrate,
Payyannur.