

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE,
PAYYANNUR**

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

Thursday, the 30th day of April, 2026/10th day of Vaisakha, 1948

CALENDER CASE NO.495/2019

Complainant : The SHO, Payyannur Police Station,
Crime No.276/19,

(By APP Grade – I, Payyannur)

Accused : P K Subhash, S/o Mohanan, Aged 39/19,
Puthiyavalappil (H), Chittarikkovval,
Vellur amsom.

(By Adv. Sri. D. K. Gopinathan & Adv. Sri.
Shiju Puthiyapuryil)

Offence : U/s 283,323,294(b) of IPC

Plea : Not Guilty.

Finding : Not Guilty.

Sentence or Order : Accused is acquitted u/s 255(1) of Cr.P.C.

The KSRTC bus bearing registration No. KL
15 A 1567 which has been released to the
owner vide kachit, shall become absolute after
the expiry of the appeal period.

DESCRIPTION OF ACCUSED

Sl. No.	Name of the P.S.& Cr. of offence	Name	Father's Name	Occupation	Residence	Age
1.	Payyannur, Cr.no. 276/19	P K Subhash,	Mohanan	Vellur	39/19

Date of:

1. Occurrence	: 07.03.2019
2. Complaint	: 09.03.2019
3. Apprehension	: 18.03.2019
4. Release on bail	: 18.03.2019
5. Commitment	: ...
6. Commencement of trial	: 11.08.2022
7. Commencement of evidence	: 10.07.2024
8. Close of trial	: 29.04.2026
9. Sentence or order	: 30.04.2026
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

1. This is a case instituted upon final report filed by Sub Inspector of police Payyannur PS in Cr. No.276/19 for the offence punishable u/s 283,323,294(b) of IPC.

2. **Prosecution case in brief is as follows:** On 07.03.2019 at 16.30 hours at Payyannur New bus stand, the accused who is the driver of a KSRTC bus obstructed by stopping his bus in front of the bus of CW1. Further the accused abused CW1 in obscene language and beat his face with hand and thereby caused simple injury to him. Thereby the accused persons said to have been committed the offence punishable u/s 283,323,294(b) of IPC.

3. The court took cognizance of offences and issued process against accused. On appearance of accused, copies of all relevant prosecution records are furnished to him. Particulars of offences were read over to him to which he pleaded not guilty and claimed to be tried.

4. On the side of prosecution PW1 to PW6 were examined and Ext. P1 to P8 were marked. CW3 & CW4, the material witnesses, did not turn up before the Court in spite of coercive steps taken against them. Since PW1 has turned hostile to the prosecution case, remaining witnesses were given up by learned Asst. Public Prosecutor. After examining other available witnesses, the prosecution evidence closed. After the witnesses of the prosecution have been examined the accused was questioned u/s 313(1)(b) of Cr.PC. Accused denied all the incriminating circumstances that appeared in evidence against him. Thereafter the accused is given chance to adduce evidence and called upon to enter his evidence, but no defence evidence was adduced on behalf of the accused.

5. Heard both sides.

6. **Points arise for consideration:**

1) Whether accused obstructed the private bus driven by PW1 by stopping in front of his bus and thereby committed the offence u/s 283 of IPC?

2) Whether the accused on 07.03.2019 at 16.30 hours at Payyannur New bus stand, voluntarily beaten PW1 and thereby committed the offence u/s 323 of IPC?

3) Whether the accused on 07.03.2019 at 16.30 hours at Payyannur New bus stand, uttered obscene words against PW1 and thereby committed the offence under section 294(b) of IPC?

4) If the offence is proved, what is the order as to sentence?

7. **Point No. 1 to 3:** These points are considered together for the sake of convenience. Prosecution has examined PW1 to PW6 witnesses. PW1 is the defacto-complainant who deposed that on 07.03.2019 at 04.30 pm while he was parking his bus at New bus stand, a KSRTC bus was stopped there and a quarrel happened between them and the accused abused him in filthy language and beat him and caused injury to him. He has gone to the hospital and he has given complaint to the police from the hospital which is marked as Ext.P1 but he further deposed that he has not known the number and driver of the bus. He turned hostile to the prosecution case and he deposed that he has no complaints against the accused as the matter has been settled between them.

8. PW2 is the Home Guard of Payyannur police station who deposed that on 07.03.2019, while he was on duty at Payyannur new bus stand circle, two buses were quarreling for the matter of parking. He further deposed that he has not known the number of the buses and not seen the assault. He turned hostile to the prosecution case.

9. PW3 is the SCPO of Payyannur PS who deposed that on 10.03.2019 he conducted the investigation of the crime No. 276/19 and prepared scene mahazar pointed out by CW2 and the scene mahazar is

marked as Ext.P2. he further deposed that he has prepared body mahazar of the KSRTC bus bearing registration No. KL 15 A 1567 which is marked as Ext.P3. He further deposed that he arrested the accused on the same day and the arrest memo is marked as Ext.P5. He has submitted a report for correcting the number of the bus which is marked as Ext.P6 and he has recorded the statement of CW1 to CW10 and the further investigation was conducted by CW13. He further deposed that he has produced the wound certificate of CW1 collected from CW7 which is marked as Ext.P7.

10. PW4 is the eyewitness to the incident who deposed that he has not seen the incident as alleged by the prosecution. He turned hostile to the prosecution case.

11. PW5 is the attestor of scene mahazar who deposed that he has witnessed the preparation of scene mahazar from the place of occurrence and he signed in the Ext.P2 scene mahazar as a witness and he identified Ext.P2.

12. PW6 is the Sub Inspector of Payyannur PS who deposed that on 10.04.2019, he verified the investigation of the crime No.276/19 and filed charge sheet against the accused. He further deposed that he has released the KSRTC bus to the conductor as per kachit which is marked as Ext.P8.

13. I have gone through the entire evidence and records before the court. The case of the prosecution is that the accused, who was driving a KSRTC bus, obstructed CW1 by stopping his bus in front of CW1's vehicle. The accused then verbally abused CW1 using obscene language and struck him on

the face with his hand, thereby causing simple injury. PW1 is the defacto-complainant and injured in this case. He deposed about the whole incident as and admitted that he lodged a complaint and that complaint was marked as Ext.P1 but he later turned hostile to the prosecution as he stated that he didn't know the number of the vehicle and the person who had driven the vehicle. PW2 is the home guard and he also deposed about the incident that happened in the stand. But he could not remember the number of the buses and their drivers hence he turned hostile to the prosecution. PW3, PW6 are the official witness. PW3 is the investigating officer and Ext.P2 to P7 are marked through him. PW6 is the another investigating officer who filed charge sheet. PW5 is the scene mahasar witness and Ext.P2 is identified by him. PW4 is an eye witness but he has turned hostile to the prosecution.

14. In the cross examination of PW1 he stated that neither police nor the home guard came to that place after the incident and he could not say how many people were there in that place at the time of incident. Further in the cross examination of PW5 the scene mahasar, he stated that he is residing 10 kilometers away from the place of incident. He further deposed that he didn't read the mahasar before signing the same. In the cross examination of PW6 the investigating officer, he stated that he examined the eye witnesses but he further admitted that it was recorded as he was just verifying the investigation conducted by the initial investigating officer. He further admitted that there were several shops near the place of incident but none of the shop

owners were examined. Thus the official witnesses deposed about the various roles played by them but that is not enough to prove the guilt beyond reasonable doubt.

15. Now the evidence before the court is that of PW3, PW5 and PW6. And PW3 and PW6 are the official witness. The injured and eye witnesses have completely turned hostile to the prosecution case. Thus the evidence PW5, PW5 and PW6 did not prove the guilt of the accused beyond reasonable doubt. Further there is no complaints of pain or injury. Hence this court is not inclined to believe the oral testimony of these witnesses without any corroboration from independent particulars.

16. From the entire evidence on record, I find that the prosecution has not succeeded to prove that the accused committed the above offence for the reasons already discussed above. In short, the prosecution could not succeed to prove the alleged offence against the accused beyond reasonable doubt and therefore the benefit of doubt is given to the accused. Hence I find that the accused persons are found not guilty of the offence alleged against them. So, these points are found against the prosecution.

17. Therefore, on assailing the entire evidence on record, I find that the prosecution is miserably failed to prove the case against the accused beyond reasonable doubt. Hence this court is concluded that the accused is found not guilty of the offence alleged against him.

18. **Point No.4:** In view of my finding on point No. 1 to 3, accused is found not guilty of the offence punishable u/s 283,323,294(b) of IPC.

In the result,

Accused is acquitted u/s 255(1) of Cr PC of the offences punishable u/s 283,323,294(b) of IPC and his bail bond stands cancelled and he is set at liberty.

The KSRTC bus bearing registration No. KL 15 A 1567 which has been released to the owner vide kachit, shall become absolute after the expiry of the appeal period.

(Dictated to Confidential Assistant, transcribed and typed her, corrected and pronounced by me, in open court this on the 30th day of April, 2026.)

Sd/-
Judicial First Class Magistrate,
Payyannur.

APPENDIX:
WITNESSES FOR THE PROSECUTION :

PW1	Vipin	Defacto complainant
PW2	Raghavan	Eyewitness
PW3	Shyju	Investigating Officer
PW4	K Balan	Eyewitness
PW5	Rajilesh	Scene mahazar witness
PW6	Padmanabhan	Investigating Officer

EXHIBITS FOR THE PROSECUTION :

Ext.P1/PW1	Complaint dtd. 09.03.19
Ext.P2/PW3	Scene Mahazar dtd.10.03.19
Ext.P3/PW3	Body mahazar dtd.18.03.19
Ext.P4/PW3	Arrest memo dtd.18.03.19
Ext.P5/PW3	Name and address report of accused dtd. 18.03.19.
Ext.P6/PW3	Correction report dtd. 10.03.19.
Ext.P7/PW3	Wound certificate dtd.07.03.19
Ext.P8/PW6	Kachit of KSRTC bus dtd.18.03.19

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.