

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE KUTHUPARAMBA	
Present:- Sri Pradheep K U Judicial First Class Magistrate, Kuthuparamba	
Dated this the, 26 th day of March, 2026 (07 th day of Chaitra, 1947 S.E)	
CC 1343/2023	
Complainant	: State of Kerala Rep. by Sub Inspector of Police, Kannavam Police Station (Cr. No. 169/2021) (By Smt. Diya Deepthi C, APP-Gr.II, Kuthuparamba)
Accused	: Smith C, S/o Manojkumar, Aged 28/21, Mele Veettil (H), Paleri, Palayam, Mamba, Anjarakkandy, Kannur. (By Adv. Ranjith Kumar P V)
Offence	: U/ss. 354, 354(A)(i)(iv), 506(i) and 509 of IPC
Pleading	: Not Guilty
Finding	: Not Guilty
Sentence or Order	: Accused is found not guilty of the offences punishable U/ss. 354, 354(A)(i)(iv), 506(i) and 509 of IPC, and he is acquitted U/s. 248 (1) of Cr.PC (Section 271(1) of BNSS).

<u>Description of Accused</u>					
Sl. No	Name	Father's Name	Occupation	Residence	Age
1	Smith C	Manojkumar	Nil	Anjarakkandy	28/21

Date of:-	
Offence	: 07-04-2021
Complaint	: 08-04-2021
Apprehension	: 08-04-2021
Release on bail	: 21-10-2023

Commencement of trial	:	28-11-2023
Close of trial	:	23-03-2026
Sentence/Order	:	26-03-2026
Service copy of judgment	:

This case, having been finally heard on 23-03-2026, stood over for consideration on this day, and this court delivered the following :

J U D G M E N T

This case is instituted on the basis of the final report filed by the Officer in charge of Kuthuparamba Police Station, in Crime No. 169/2021, alleging the offences punishable U/ss. 354, 354(A)(i)(iv), 506(i) and 509 of IPC.

2. **The prosecution case, in brief, is as follows:-** On 07-04-2021 at 14.00 hours at Paduvilayi Amsom, Anjarakkandy, while PW1 was travelling in a bus, the accused, who is a bus conductor, with guilty intention and to outrage her modesty as a woman, grabbed her whole body with one hand and caught hold on her breast by using the other hand and thereby assaulted her. It is also alleged that he would do away with her if she disclosed the same to anyone. Thereby, the accused is alleged to have committed the offences punishable U/ss. 354, 354(A)(i)(iv), 506(i) and 509 of IPC.

3. The accused appeared before the Court and was enlarged on bail. Copies of relevant prosecution records were furnished to him. After hearing both sides and perusing the materials available before the Court, a charge was framed against the accused for the offences punishable U/ss. 354, 354(A)(i)(iv), 506(i) and 509 of IPC. When the charge was read over to him in Malayalam, he

pleaded not guilty and claimed to be tried. Then, the case was posted for evidence.

4. On the side of the prosecution, PW1 and PW2 were examined and Ext P1 was marked. Since the material witnesses examined before this court did not support the case of the prosecution, the learned APP rightly gave up the remaining witnesses. Since no incriminating circumstances appear in the evidence against the accused, his examination U/s. 313(1) (b) of Cr.PC. is dispensed with. No evidence has been adduced from the side of the accused.

5. Heard both sides and perused the records.

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

1. Did the accused cause assault or criminal force to PW1 with the intention of outraging her modesty, and do anything to insult her modesty as a woman, as alleged by the prosecution?
2. Did the accused intimidate PW1 as alleged by the prosecution?
3. What offence, if any, was committed by the accused?
4. Sentence or order?

7. **Points Nos. 1 to 3:-** All these points are discussed together for convenience and brevity. PW1 stated that the incident occurred on 07-04-2021 in the afternoon at Anjarakkandy town. While she was on a bus, a man misbehaved with her and talked to her with sexual intent, using obscene language. She made an Ext P1 complaint to the police. She did not know who

that person was. She has no prior acquaintance with that person. She can't identify the assailant.

8. PW2 is the husband of PW1. He did not witness the incident. He learned about this incident from his wife.

9. The prosecution cited CW5 as a witness to the alleged occurrence; however, the witness did not appear, despite repeated and coercive steps. Prosecution has failed to secure the presence of the said witness.

10. The material witnesses examined before the court, as PW1 and PW2, turned hostile and deposed against the case of the prosecution. Then, the learned Assistant Public Prosecutor sought the permission of the court under section 154 of the Indian Evidence Act to put the questions permissible as in cross-examination. But nothing could be brought out in evidence to find the guilt of the accused. The learned APP rightly gave up examining the remaining witnesses since the material witnesses turned hostile. I am also satisfied that examining the remaining witnesses would be futile since the material witnesses were deposed against the prosecution's case.

11. In fact, the defacto complainant was deposed against the case of the prosecution. Though she was abused by one person, she could not identify him. She herself admits before the court that she has no prior acquaintance with the person who abused her. She could not identify the assailant. The evidence of PW2 is liable to be discarded as hearsay. The prosecution did not produce any reliable and acceptable evidence to show that the accused is guilty of the

offences as alleged. The witnesses examined did not state anything to incriminate the accused before the court. In these circumstances, it can be seen that the prosecution has miserably failed to prove the guilt of the accused as alleged. This point is found against the prosecution.

12. **Point No. 4:-** In view of the findings on points no. 1 to 3, the accused is found not guilty of the offences punishable U/ss. 354, 354(A)(i)(iv), 506(i) and 509 of IPC. Hence, this point does not require further discussion.

In the result, accused is acquitted U/s. 248(1) of Cr.PC (Section 271(1) of BNSS) for the offences punishable U/ss. 354, 354(A)(i)(iv), 506(i) and 509 of IPC and he is set at liberty. His bail bond stands cancelled.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court, this the 26th day of March, 2026).

Sd/-
Judicial First Class Magistrate
Kuthuparamba

APPENDIX

WITNESS EXAMINED FOR THE PROSECUTION

Prosecution Witness No.	Name of Witness	Description
PW1 (CW1)	Anusree	Informant
PW2 (CW2)	Ribin	Occurrence witness

EXHIBITS MARKED FOR THE PROSECUTION

Exhibit No.	Description of the Exhibit	Proved by/ Attested by
Ext.P1	FIS dated 08-04-2021	PW1

WITNESS EXAMINED FOR THE DEFENCE

Nil

EXHIBITS MARKED FOR THE DEFENCE

Nil

MATERIAL OBJECTS

Nil

Sd/-
Judicial First Class Magistrate
Kuthuparamba

//True Copy//

Judicial First Class Magistrate
Kuthuparamba