

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST
CLASS - I, PALA**

Present:- Smt.Shermin S.S., Judicial Magistrate of the First Class -I, Pala

Wednesday the 18th day of March/ 27th Phalguna 1947

CC.98/2025

Complainant : State represented by the Sub Inspector of Police,
Marangattupilly in Crime No.199/24

(Rep.By Smt.Hima A.R, APP Gr.II, Pala)

Accused : Thomas Ouseph, aged 63 yrs, S/o Ouseph,
Kanjirappara House, Kanjirappara Colony Bhagam,
Andoor Kara, Kadaplamattam Village.

(Rep By Adv: Gayathri G, LADCS, Kottayam)

Offence Punishable U/s.341, 294(b), 353, 354, 354-D of IPC

Plea : Not guilty.

Finding : Not guilty.

Sentence/Order : The accused is acquitted U/s.248(1) Cr.P.C for the
offences punishable under section 341, 294(b), 353,
354, 354-D of IPC. His bail bond stands cancelled and
he is set at liberty.

Description of Accused

Name	Age	Father's/Husband's name	Calling	Residence	Taluk
Thomas Ouseph	63	Ouseph	-	Kanjirappara	Meenachil

Dates of

Occurrence	Complaint	Apprehension	Release on bail	Commence ment of trial	Close of trial	Sentence or order
17.4.24	17.4.24	13.3.25	25.4.24	10.11.25	16.3.26	18.3.26

This case having been heard finally and coming on this days proceedings, the Court passed the following:-

JUDGMENT

This case is instituted on a final report by the S.I of police, Marangattupilly and the accused was put to trial under sections 341, 294(b), 353, 354, 354-D of IPC

2. **The case of the prosecution is as follows:-** On 17/04/2024 at 10.15 a.m, at Kadaplamattom Hospital Junction Bhagom, the accused, wrongfully restrained the defacto complainant a post woman, hurled abuse using filthy language and thereby outrage her modesty and to deter her from discharging her official duty as a public servant . Thereby accused alleged to have committed offences punishable u/s.341, 294(b), 353, 354, 354-D of IPC

3. On appearance of accused, copies of relevant prosecution records were furnished to him. After considering the police report, documents submitted along with that report and after hearing both sides, on being satisfied that there were grounds to proceed against the accused, charged framed, explained and asked to the accused for the offences punishable U/s.341, 294(b), 353, 354, 354-D of IPC to which he pleaded not guilty and claim to be tried.

4. In order to prove the prosecution case, PW1 was examined and Ext P1 was marked. When PW1 was examined she turned hostile to the prosecution case. Though permission was granted to the learned Assistant Public Prosecutor to examine them Us. 154 of Indian Evidence Act and under the proviso to Sec. 162(1) of CrPC, nothing could be brought out to incriminate the accused. At that juncture, Learned Assistant Public Prosecutor given up all other remaining witnesses.

5. The material witnesses examined by the prosecution did not adduced any thing incriminating the accused, the examination U/s.313(1)(b) CrPC was dispensed with. No defence evidence adduced. Heard both side.

6. From the above facts and evidence, following points are raised for consideration:-

1. *Whether on 21/04/2024 at 10.15 a.m, at Kadaplamattom Hospital Junction Bhagom, accused wrongfully restrained PW1 as alleged by the prosecution and thereby committed offence punishable U/s.341 of IPC?*
2. *Whether on 17/04/2024 at 10.15 a.m, at Kadaplamattom Hospital Junction Bhagom, accused hurled abused PW1 as alleged by the prosecution and thereby committed offence punishable U/s.323 of IPC?*
3. *Whether on 17/04/2024 at 10.15 a.m, at Kadaplamattom Hospital Junction Bhagom, accused assault or used criminal force to deter public servant from discharging his official duties, as a public servant and thereby committed offence punishable U/s.353 of IPC*
4. *Whether on 17/04/2024 at 10.15 a.m, at Kadaplamattom Hospital Junction Bhagom, accused used criminal force against PW1 with intent to outraged her modesty and as alleged by the prosecution and there by committed offence punishable U/s.354 of IPC?*
5. *Whether on 17/04/2024 at 10.15 a.m, at Kadaplamattom Hospital Junction Bhagom, accused committed stalking of PW1 and thereby committed offences punishable u/s. 354 D of IPC?*

6. *Sentence or order?*
7. **Points 1 to 5**:- PW1, the defacto complainant deposed that she lodged Ext. P1, FIS before the police. She identified her signature in it. She further deposed that an unknown person disturbed her. She turned hostile to the prosecution and deposed that the accused have not disturbed her in any way. She denied all the allegations levelled against the accused. She further deposed that the matter was settled and she has no further complaints against accused. Since the other material witness refused to support the prosecution the learned Assistant Public Prosecutor give up all the remaining witnesses.
8. As stated above, material witness examined by the prosecution had given destructive version before the court and no other evidence have been adduced by the prosecution to prove that the accused have committed offences charged against him, and it is come out during examination of PW1 that the matter was settled between them. I am satisfied that the prosecution has failed to prove the offences charged against the accused beyond reasonable doubt, these points are found accordingly.
9. **Point No.7**:- In view of the findings on point No.1 to 6, the accused is entitled for an acquittal and hence these point does not arise for consideration.
10. In the result, the accused is found not guilty of the offences charged against him. He is acquitted u/s.248(1) Cr.P.C for the offences punishable under section U/s 341, 294(b), 353, 354, 354-D of IPC. His bail bond stands cancelled and set at liberty.

(Dictated to the Confidential Assistant transcribed and typed by her, corrected and pronounced by me in open court on this the 18th day of March, 2026).

Judicial First Class Magistrate-I,
Pala.

Appendix

Witnesses examined for the prosecution

PW1: Athira J Nair

Exhibits marked for the prosecution:

Ext.P1: FIS proved by PW1

Witnesses examined for the defence: NIL

Exhibits marked for the defence: NIL

Material Objects Marked : NIL

Judicial First Class Magistrate-I,
Pala.

//True Copy//

Judicial First Class Magistrate-I,
Pala