

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

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

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

CC.579/2017

Complainant : State represented by the Sub Inspector of Police,
Pala Police Station in Crime No.2324/17
(Rep.By Smt. Hima A.R, APP, Pala)

Accused Ponnamma, aged 77 yrs, W/o Late Balan,
Punnaveettil House, Velliyepilly, Pala
(Rep. By Adv. Joby Thomas)

Offence Punishable U/s.294(b) and 506(i) 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 294(b) and 506(i) of IPC. Her bail bond stands cancelled and she is set at liberty.

Description of accused

Name	Father's/ Husband's name	Age	Calling	Residence	Taluk
Ponnamma	Balan	77	-	Punnaveettil	Meenachil

DATE OF

offence	Report of complaint	Apprehension of accused	Released on bail	Commencement of trial	Close of trial	Sentence or order	Expln.for delay and remarks
20.6.17	28.6.17	5.7.18	5.7.18	22.1.19	29.4.26	30.4.26	No delay

This case having been finally heard and on this day, the court delivered the following:-

JUDGMENT

This case is instituted on a final report filed by S.I of police, Pala and the accused was put to trial under sections 294(b) and 506(i) of IPC.

2. **The case of the prosecution is as follows:** Due to the previous enmity towards the defacto complainant, on 20/06/2017 at 09.30 am, at Velliyepilly Kara, accused armed with a billhook, hurled abused and criminally intimidated to kill her. Thereby accused alleged to have committed offences punishable u/s. 294(b) and 506(i) of IPC.

3. On appearance of the 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. 294(b) and 506(i) of IPC to which she pleaded not guilty and claim to be tried.

4. The case was posted for prosecution evidence. On the prosecution side, PW1 to PW4 were examined and Exhibits P1 to P6 were marked. On closing of the prosecution evidence, accused was examined u/s 313(1)(b) of the Code of Criminal Procedure, 1973 regarding the incriminating circumstances made out against her in the prosecution evidence. She denied the allegations levelled against her and pleaded innocence. Even though sufficient opportunities had given, no evidence adduced from the side of defence.

5. Heard both sides.

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

1. *Whether on 20/06/2017 at 09.30 am, at Velliyepilly Kara, accused, hurled abused PW3 as alleged by the prosecution and thereby committed offence punishable U/s.294(b) of IPC?*
2. *Whether on 20/06/2017 at 09.30 am, at Velliyepilly Kara, accused, criminally intimidate PW3 as alleged by the prosecution and thereby committed offence punishable U/s.506(i) of IPC?*
3. *Sentence or order?*

7. **Point Nos. 1 and 2:-** For the brevity of discussion, these points are considering together.

8. CW 2 is examined as PW1, he is the occurrence witness. His evidence is that he is a plumber by profession and he saw the incident. While he was working at PW3's house on 20/06/2017 at 9:30 a.m, he heard a loud noise from a nearby pathway. PW 3 was running towards her house and the accused was following her by intimidating with a bill hook and by saying that she would kill her. She uttered obscene words. PW3 went inside her house, then the accused went away. He enquired about the incident to PW3 then she stated that there was a boundary dispute between them. In the cross examination he stated that he made a

statement before the police after 10 days of incident. Accused uttered obscene words to PW 3.

9. CW4 is examined as PW2. His evidence is that while he was working as grade CPO at the Pala police station on 28 to 6 2017 he proceeded to the place of occurrence and prepared scene mahazer, it is marked as Ext.P1. In the FIR the date of occurrence was stated as 22/6/2017. On recording of additional statement of PW3, it is understood that incident took place on 20/6/2017 at 9:30 a.m. for which he filed the report, he identified his signature in Ext.P2 report. on investigation it is understood that A2 and 3 were not included in the offence section 34 IPC was deleted for which he filed report, it is marked with Ext P3. The address report of the accused is produced and it is marketed as Ext P4. The accused was not to be arrested. In the cross examination he stated that there was a civil case pending before between accused and PW3, obscene words are not mentioned either in FIR or in additional statement. She made a statement after 8 days of occurrence. After 2 days she made an additional statement. Neither in the FI statement nor in the additional statement it is mentioned that the knife was pelted or pointed towards PW3. No recovery was affected. Statements of neighbours were not recorded. In the FI Statement presence of persons who came for work in the PW 3's house not mentioned.

10. CW1 is examined as PW3. She is the defect of employment in this case. Her evidence is that on 20/6 /2017 at 9:30 morning, after leaving her child to the school, when she reached near her house her neighbour ponnamma by uttering

obscene words intimidated with a knife by saying that she would kill her. She entered her house. There was a boundary dispute between them. She made a statement before the police. FI statement was marked as exhibit P5. In the cross examination she stated that after the next day of the incident he made a statement before the police. There was a boundary dispute between the accused and herself. Too many civil cases are pending between them. She is using a small pathway near the property of the accused to reach her house. She didn't make a statement before the police stating what kind of obscene words are used by the accused. In front of her house there is a junction and by hearing the noise several people and the neighbours gathered there. She stated that she made a statement on 20/6/2017 before the police. She deposed before the court that she made a statement before the police that the incident was seen by Shibu and Jiju.

11. CW5 is examined as PW4. His evidence is that while he was working as Sub Inspector of police at Pala police station on 28/6/2018, based on the statement of PW3 he registered a crime. He verified the investigation done by CW4 and identified his signature in Ext. P5 FIR. In the cross examination he stated that after six days of incident. As per FIR, originally three accused were included and based on the additional statement of PW 3, two of them were deleted from the party array. No obscene word is mentioned by PW 1. No where in the statement complainant stated that the accused pelted a knife or showed a knife to her. No recovery has been effected. Mahazer was in a printed form.

12. Prosecution relies on the above evidence to prove the prosecution case. On the other hand, the accused contented that she is innocent of the allegations levelled against her. Hence it is necessary to put the evidence to scrutiny.

13. In this case the defacto complainant was examined as PW3. FIR was registered on 28/06/2017 and the incident occurred on 22/06/ 02017. The delay of 6 days is not explained by the prosecution. Deposition of PW1 is not in tune with FIS. No obscene word is mentioned in FIS but when PW 3 was examined before the court she stated an obscene word. PW4 stated that in the FIR, no obscene word is mentioned by PW3. So it is a clear cut contradiction of uttering of obscene words by PW3. No recovery has been affected. In the statement of PW 3 it is understood that there were several neighbours and other persons gathered at the place of occurrence but in the evidence of PW 1, there were no other persons present at the time of occurrence. This caused doubt regarding the prosecution case. PW1 also deposed an obscene word uttered by accused.

14. The evidence of PW1 is that, accused uttered obscene words against her. In order to prove an offence u/s 294(b) IPC, the prosecution has to prove that the accused uttered obscene words in a public place and caused annoyance to others. In Ext.P1, FIS no obscene words are seen. But in deposition she stated that an obscene word is used by accused. Thus the version of PW3 is doubtful. No independent witness is adduced by the prosecution. In the statement of PW1 it is

understood that accused followed PW3 with a billhook. In Ext.P5 FIS, it is seen as accused came with a billhook, by uttering obscene words. But in the deposition she stated that accused run with a billhook. It clearly shows that PW3 have no clear version regarding the incident. There is a doubt regarding the intimidation by the accused.

15. Hence I am of the view that the evidence tendered by the prosecution is not sufficient to prove the guilt of the accused. There is no other reliable evidence is produced to establish the guilt of the accused. On evaluation of the entire oral and documentary evidence adduced in this case, I came to a conclusion that prosecution has failed to prove that the accused had committed the offences as alleged by the prosecution. Hence, in the absence of reliable evidence to connect the accused with the crime, benefit of doubt is give in favour of the accused and the point nos.1 & 2 is found against the prosecution.

16. **Point No.3:-** In view of the findings of the above said points, accused is entitled for an acquittal and hence these point does not arise for consideration.

In the result, accused is found not guilty of the offences punishable U/ss. 294(b) and 506(i) of IPC and thereby acquitted Us 248(1)CrPC. Her bail bond stands cancelled and she is set at liberty.

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

Judicial First Class Magistrate-I,
Pala

Appendix

Witnesses examined for the prosecution

PW1: Jijo T Joseph(CW2)

PW2: Vinodkumar(CW4)

PW3: Indira Raju(CW1)

PW4:Abhilashkumar(CW5)

Exhibits marked for the prosecution:

Ext. P1: Scene mahazar dated 28/06/17 proved by PW2

P2: Report dated 29/06/17 proved by PW2

P3: Section added report dated 29/6/17 proved by PW2

P4: Address report dated 29/06/17 proved by PW2

P5: F.I.S dated 28/06/17 proved by PW3

P6: F.I.R dated 28/06/17 proved by PW4

Witnesses examined for the defence: NIL

Exhibits marked for the defence: NIL

Material Object Marked : NIL

Judicial First Class Magistrate-I,
Pala

//True Copy//

**Judicial First Class Magistrate-I,
Pala**