

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE - I
ETTUMANOOR**

**Present: Sri. Nissam.A (KL00748)
Judicial First Class Magistrate-I, Ettumanoor**

**Dated: Monday, the 16th day of March, 2026
25th day of Phalguna, 1947**

CALENDAR CASE No. 1987/2016

Complainant		State represented by the Sub Inspector of Police, Ettumanoor Police Station, in Crime No. 1286/2016 (By Smt. Rashmi Ramesh, A.P.P, Ettumanoor)
Accused	1	Aji, age 50/16 years S/o. K. Mani, Allanakuzhiyil House Near Mangalam School Kizhakkumbhagom Kara Ettumanoor Village
	2	Deepa, age 45/16 years W/o. Aji, Allanakuzhiyil House Near Mangalam School Kizhakkumbhagom Kara Ettumanoor Village
	3	Anjana, age 19/16 years D/o. Aji, Allanakuzhiyil House Near Mangalam School Kizhakkumbhagom Kara Ettumanoor Village (Rep by Adv. E.M. Suresh)
Offences		Under sections 452, 294(b), 341, 324 and 506(i) r/w 34 of Indian Penal Code
Plea		Not guilty
Finding		Not guilty
Sentence or Order		The accused are acquitted under section 248(1) of Code of Criminal Procedure.

DESCRIPTION OF THE ACCUSED

Name	Father's Name	Occupation	Residence	Age
Aji	K. Mani	-	Ettumanoor	50/16
Deepa	W/o. Aji	-	Ettumanoor	45/16
Anjana	D/o. Aji		Ettumanoor	19/16

DATE OF

Occurrence	Complaint	Apprehension or appearance	Release on bail	Commencement of trial
26.07.2016	25.08.2016	-	-	01.11.2017
Close of trial		Sentence or Order	Explanation for delay	
12.03.2026		16.03.2026	No delay	

This case has been heard on 12.03.2026 and this court passed the following on the 16th day of March, 2026

J U D G M E N T

1. This is a case charged by the Sub Inspector of Police, Ettumanoor Police Station, in Crime No. 1286/2016 for the offences punishable under sections 452, 294(b), 341, 324 and 506(i) r/w 34 of the Indian Penal Code.

2. The prosecution's case, in brief, is as follows: On 26.07.2016 at 03:00 p.m., at Kizhakkumbhagom Kara, Ettumanoor Village, all the accused, acting in furtherance of their common intention, uttered obscene words at CW1, and the 1st accused beaten her face with his hand and dragged her outside the house, the 2nd accused threatened her and tried to attack her with a broom and her hand, and the 3rd accused bit her on the shoulder, causing her injuries. Thus, the accused are alleged to have committed the aforementioned offences.

3. Upon taking the cognizance, summons were issued to the accused persons. In response, they appeared before the court. On appearance of the accused persons, copies of relevant prosecution records were furnished to them in compliance of section 207 of Criminal Procedure Code. 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 persons, charge was framed, read over and explained to the accused persons for offences punishable under sections 452, 294(b), 341, 324 and 506(i) r/w 34 of Indian Penal Code, to which they pleaded not guilty and claims to be tried.

4. In order to prove the prosecution case, PW1 was examined and Ext.P1 was marked. When examined, this witness turned hostile to the prosecution's case. Though permission was granted to the learned Assistant Public Prosecutor to examine PW1 under section 157 of Bharatiya Sakshya Adhiniyam and under the proviso to section 162(1) of Criminal Procedure Code, nothing could be brought out to incriminate the accused persons. At that juncture, the learned Assistant Public Prosecutor gave up all other remaining witnesses.

5. The material witnesses examined by the prosecution did not speak anything incriminating against the accused persons, and since there were no incriminating circumstances against the accused persons, the examination of the accused persons under section 313 (1) (b) of the Criminal Procedure Code was dispensed with. Though accused persons were directed to adduce evidence, they did not adduce any evidence.

6. Heard both sides.

7. The points that arise for consideration are :

(i) Whether all accused, on 26.07.2016 at 03:00 p.m, in furtherance of their common intention, criminally trespassed into Krishnasadanam House, Near Mangalam School, Ettumanoor, and thereby committed an offence punishable under section 452 r/w 34 of the Indian Penal Code?

(ii) Whether all accused, on 26.07.2016 at 03:00 p.m, at Kizhakkumbhagom Kara, Ettumanoor Village, in furtherance of their common intention, uttered obscene words at PW1 and thereby committed an offence punishable under section 294(b) r/w 34 of the Indian Penal Code?

(iii) Whether the accused, in furtherance of their common intention, on 26.07.2016 at 03:00 p.m., at Kizhakkumbhagom Kara, Ettumanoor Village, wrongfully restrained PW1 and thereby committed an offence punishable under section 341 r/w 34 of the Indian Penal Code?

(iv) Whether all accused, on 26.07.2016 at 03:00 p.m., at Kizhakkumbhagom Kara, Ettumanoor Village, in furtherance of their common intention, voluntarily caused hurt using a broom, which is a dangerous weapon, and thereby committed an offence punishable under section 324 r/w 34 of IPC?

(v) Whether the accused, on 26.07.2016 at 03:00 p.m., at Kizhakkumbhagom Kara, Ettumanoor Village, in furtherance of their common intention, threatened to kill PW1 and thereby committed an offence punishable under section 506(i) r/w 34 of IPC?

(vi) If so, what shall be the order or sentence ?

8. **Point Nos. (i) to (v)** : To avoid repetition and ensure brevity, these points are considered together. The de facto complainant was examined as PW1. She deposed that on 26.07.2016 at 03:00 p.m., the incident occurred at her residence. She was attacked by some persons from the neighbourhood. She sustained injuries and was treated at Medical College Hospital, Kottayam. Regarding the incident, she filed a petition before the

police, marked as Ext.P1. Although she admitted the prosecution case, she failed to depose about the identity of the assailants as accused persons. Consequently, she was declared hostile to the prosecution case.

9. Though the learned Assistant Public Prosecutor examined PW1 with permission under section 157 of Bharatiya Sakshya Adhiniyam and under the proviso to section 162(1) of Criminal Procedure Code, nothing would be brought to incriminate the accused persons.

10. As I have stated above, the material witness examined by the prosecution had given a destructive version before the court, and she did not support the prosecution's case. The prosecution has adduced no other evidence to prove that the accused persons have committed the offences charged against them. Moreover, it has emerged during the examination of PW1 that the matter was settled between the accused persons and the de facto complainant out of court. Considering the above discussion, I am satisfied that the prosecution has failed to prove the offences charged and alleged against the accused persons beyond a reasonable doubt. If so the accused persons are entitled for an acquittal. Thus, these points are found against the prosecution.

11. **Point No. (vi)**:- In the result, the accused persons are found not guilty of the offences punishable under sections 452, 294(b), 341, 324 and 506(i) r/w 34 of the Indian Penal Code, and they are acquitted under

section 248 (1) of the Criminal Procedure Code. Their bail bond stands cancelled, and they are set at liberty forthwith.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in Open Court on, this the 16th day of March, 2026)

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

A P P E N D I X

Witnesses for prosecution:-

PW1 - Malathiamma.K, age 60/16 years, W/o. Karunakaran Nair,
Krishnasadanam House, Kizhakkumbhagom Kara, Ettumanoor
Village

Exhibits for prosecution:-

Ext.P1 - 22.08.2016 FIS proved by PW1 on 12.03.2026

Material Object: T. 560/2016 dated 27.08.2016

Witnesses for defence:- Nil

Exhibits for defence:- Nil

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