

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE -II,  
KANJIRAPPALLY**

**Present :- Niyatha Prasad,  
Judicial First Class Magistrate – II, Kanjirappally**

Friday, the 27<sup>th</sup> day of March, 2026  
(6<sup>th</sup> day of Chaithram, 1948)

**CC No. 405/2020**

**Complainant** : State of Kerala represented by the Sub Inspector  
of Police, Erumely Police Station in  
**Crime No. 575/2020.**

**(By Sri. Shajahan K.S, APP-II, Kanjirappally)**

**Description of accused**

Sl. No.	Name	Father's Name	Age	Occupation	Residence
A1.	Manoj George @ Binoy George	George	49/20	-	Pulickakunnel (H), Mukkuttuthara Kara, Erumely South Village.

(By Adv. Sri. John Kurian)

**Offence** : U/ss. 294(b), 506(i) of IPC, Sec. 3 r/w 4 of  
Kerala Health Care Service Persons and Health  
Care Service Institutions (Prevention of Violence  
and Damage to Property), Act 2012.

**Plea** : Not Guilty.

**Finding** : Not Guilty.

**Sentence/Order** : Accused is acquitted u/s. 248(1) of Criminal  
Procedure Code 1973.

**Dates of :-**

Offence	Complaint	Apprehension	Release on bail	Commitment	Commencement of trial	Commencement of evidence
20.06.20	21.06.20	Not arrested	...	...	13.02.23	15.11.24

Close of trial	Sentence or order	Service of copy of judgment or finding on accused	Explanation of delay	Period of detention undergone during investigation, inquiry or trial for the purpose of Section 428 Cr.P.C
25.03.26	27.03.26	...	No delay	....

**J U D G M E N T**

This is a case charge sheeted by the Sub Inspector of Police, Erumely Police Station in crime No. 575/2020 against the accused alleging the commission of offences punishable under sections 294(b), 506(i) of Indian Penal Code (hereinafter referred as "IPC"), Sec. 3 r/w 4 of Kerala Health Care Service Persons and Health Care Service Institutions (Prevention of Violence and Damage to Property), Act 2012.

2. The prosecution case in brief is as follows:- The accused, due to the animosity towards CW1, the accused with the intention to utter obscene words and, criminally intimidated CW1 on 26.02.2020 at 07.45 p.m., uttered obscene words at CW1, who was working as Casualty Medical Officer at Mukkotuthara Assisi Hospital situated in Ward No. 19 of Erumeli Grama Panchayath in Mukkotuthara, Erumeli South Village, while he was on duty. Thereby the accused has committed the offences punishable under sections 294(b), 506(i) of IPC, Sec. 3 r/w 4 of Kerala Health Care Service Persons and Health Care Service Institutions (Prevention of Violence and Damage to Property), Act 2012.

3. On the basis of the information given by the informant to CW8, he registered FIR u/ss. 294(b), 506(i) of IPC, Sec. 3 r/w 4 of Kerala Health Care

Service Persons and Health Care Service Institutions (Prevention of Violence and Damage to Property), Act 2012 was added and after the completion of investigation, final report was filed before the court and cognizance was taken for the offences punishable u/ss. 294(b), 506(i) of IPC, Sec. 3 r/w 4 of Kerala Health Care Service Persons and Health Care Service Institutions (Prevention of Violence and Damage to Property), Act 2012 and the case was taken on file as C.C. 405/2020. Copies of all relevant prosecution records were furnished to the accused and thereby the mandate under section 207 of the Code of Criminal Procedure (hereinafter referred to as "Cr.P.C.") was complied with. On appearance of accused he was heard on the question of framing of charge. After perusing the prosecution records, charge was framed u/s 240 Cr.P.C and it was read over and explained to the accused u/s. 240(2) Cr.P.C for the offences punishable under sections 294(b), 506(i) of IPC, Sec. 3 r/w 4 of Kerala Health Care Service Persons and Health Care Service Institutions (Prevention of Violence and Damage to Property), Act 2012 to which the accused person pleaded not guilty and claimed to be tried.

4. From the side of prosecution, PW1 to PW6 were examined and Ext. P1 to P7 were marked. CW3 & CW4 were reported to be abroad. Since there were incriminating circumstances against the accused, he was given an opportunity to personally explain the same under section 313 (1)(b) Cr.P.C and he denied all the incriminating circumstances against him and maintained the plea of innocence. During 313(1)(b) Cr.P.C examination, the accused stated that he is innocent in this case and that he has no connection with the alleged offences and he has no knowledge about the same. No oral or documentary was adduced from the side of defence.

5. Heard both sides. Perused the records.

6. The following points arise for consideration: -

- (i) Whether the accused with the intention uttered obscene words at PW1 and thereby committed the offence punishable u/s.294(b) of IPC ?
- (ii) Whether the accused with the intention criminally intimidated PW1 and thereby committed the offence punishable u/s.506(i) of IPC ?
- (iii) Whether the accused committed any act of violence against PW1, who was working as CMO, in Assisi Hospital and thereby committed the offence punishable u/s. 3 r/w 4 of Kerala Health Care Service Persons and Health Care Service Institutions (Prevention of Violence and Damage to Property), Act 2012?
- (iv) If found guilty, order as to sentence?

7. **Point Nos.(i) to (iii)** : Since these points are interconnected, they are considered together for the sake of brevity. Prosecution case started when PW4 registered Ext. P4 FIR on the basis of information given by PW1. The learned APP argued that the prosecution has adduced enough evidence to prove the guilt of the accused and hence she is liable to get maximum punishment. *Per contra*, the learned counsel for the accused argued that the prosecution has failed to prove its case beyond all reasonable doubt and hence the accused is entitled to get a clean acquittal.

8. PW1 is the injured in this case. He deposed that during the year 2020, he was working as a Casualty Medical Officer at Assisi Hospital, Mukkottuthara. On 26.02.2020, around 06.45 p.m., a patient named George was brought to the casualty with high blood pressure and hence he was given medicine and kept in observation for 1 hour. Even after 1 hour, since the blood pressure had not normalised as directed by the physician, the patient was advised to be admitted. At that time, Mr Binoy, the accused, who had come as a bystander, requested discharge against medical advice. Hence, the bystander was informed about the seriousness of the case and was directed to write in the case sheet that the patient was being discharged against medical advice. At that time, the accused uttered

obscene words at him and criminally intimidated him. The security and other nurses in the casualty immediately intervened, and the accused was made to leave. The next day, he gave a statement to the police, which is marked as Exhibit P1. PW1 stated that the incident occurred at 07.45 p.m. and he had seen the accused in the presence of the tube light, which was present in the casualty. He also identified the accused, who was standing in the dock. As per the testimony of PW1, since the accused had uttered obscene words at him in front of his patients and other staff, he felt mental agony, and on threatening him, he felt frightened.

9. PW4 deposed that on 21.01.2020, while he was working as a Sub Inspector of Police at Erumeli Police Station, he recorded the statement of PW1, and on the basis of the same, he registered Crime No. 575/2020 at Erumeli Police Station under Sections 294(b) and 506(1) of IPC and Section 3 read with 4 of Kerala Health Service Persons and Healthcare Institutions Act, 2012. The said FIR is marked as Exhibit P4. Thereafter, he visited the place of occurrence and prepared Exhibit P3 mahazar in the presence of PW3. As per Exhibit P3, scene mahazar, the place of occurrence is the south-western corner of the casualty and the entrance to the casualty at Mukkottuthara Assisi Hospital. Thereafter, the hospital's casualty register was taken into custody as per Exhibit P2 mahazar, in the presence of PW2. The same was released to PW5 on Exhibit P5, third-party Kaicheet. Exhibit P6 is the address report of the accused. After the investigation was completed, he submitted the final report. The Learned APP submitted that the prosecution has proved its case beyond all reasonable doubts and hence the accused should be given maximum punishment. On the other hand, the learned counsel for the accused submitted that it is an absolutely false and frivolous case.

10. According to the learned counsel for the accused, the brother of the accused was brought to the casualty of Assisi Hospital on 26.02.2020 with high blood pressure. Exhibit D1 series records would go to show that the brother of the accused has chronic kidney disease and was undergoing dialysis. He submitted that even after 1 hour, as the blood pressure was not returning to normal, the accused

asked PW1 to take further steps. But instead of calling for higher opinion, PW1 made them wait in the casualty. PW1 raised the same issue and, due to the animosity, filed this complaint.

11. Admittedly, the only occurrence witness examined is PW1. The other occurrence witnesses cited by the prosecution, as CW2 and CW3, could not be examined as they were reported to be working abroad and their whereabouts could not be traced. Hence, we can analyse PW1's evidence in detail.

12. The learned counsel for the accused submitted that in order to attract the offence punishable under the Kerala Health Care Service Persons and Healthcare Institutions Act 2012. It must primarily be shown that PW1 is a doctor. Learned APP submitted that Exhibit P7 issued by PW6 would go to show that PW1 was on duty on 26.02.2020 at 07.45 p.m. as Casualty Medical Officer. However, the learned counsel for the accused objected to the marking of Exhibit P7 on the ground that it is an inadmissible document, as it was given to the Investigating Officer under Section 161 of the CrPC. But I am not inclined to accept the said contention for the reason that it was not given by PW7 under Section 161 of the CrPC. Further, it is information given as per the extract of the casualty register given by PW7 to the Investigating Officer. Moreover, it is admissible as per section 35 of the Evidence Act. Hence, it can be seen that PW1 was on duty at the time of the alleged incident.

13. The question that remains to be adjudicated is whether the accused has uttered obscene words at PW1 and criminally intimidated him . As I have already mentioned, the only positive evidence in this case is that of PW1 alone. The learned counsel for the accused submitted that the best evidence in this case is the CCTV footage of the casualty, which the Investigating Officer suppressed. It has emerged from evidence from PW1 during cross-examination that the casualty area is under CCTV surveillance and that, in his statement to the police, he stated that the incident was recorded on CCTV. But the Investigating Officer made no

attempt to recover the footage in question. The learned counsel also submitted that, as per the evidence of PW1, the matter was reported to the police then and there, and thereafter, since he was on night duty, he went to the police station the next day and gave Exhibit P1. The first-hand information given by PW1 to the police is also suppressed by PW4. The learned counsel for the accused submitted that the accused has put forward a strong defence case and is therefore entitled to the benefit of doubt in his favour.

14. The statement given to PW1 in Ext. P1 and his deposition before this court suffer minor discrepancies that are human-generated. But the fact that the accused's brother was critical, and that the events occurred thereafter, can also be put up by the accused. It is the settled principle of law that when two views are possible, the one in favour of the accused should be taken. Considering the evidence on record by yardstick of probabilities, its intrinsic worth and animus of witness, this court is of the view that the accused is entitled to get the benefit of doubt in his favour. Hence point nos.(i) to (iii) are found against the prosecution.

15. **Point No. (iv)**: In view of point Nos. (i) to (iii), this point does not arise for consideration. Hence, the accused is found not guilty for the offences punishable under sections 294(b), 506(i) of IPC, Sec. 3 r/w 4 of Kerala Health Care Service Persons and Health Care Service Institutions (Prevention of Violence and Damage to Property), Act 2012 and he is liable to be acquitted for the said offences.

**In the result:-**

The accused is acquitted U/s.248(1) Cr.P.C for the offences punishable under sections 294(b), 506(i) of IPC, Sec. 3 r/w 4 of Kerala Health Care Service Persons and Health Care Service Institutions (Prevention of Violence and Damage to Property), Act 2012. Bail bond executed by the accused stands cancelled and he is set at liberty.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in the open court on this the 27<sup>th</sup> day of March, 2026).

**Sd/-**  
**JUDICIAL FIRST CLASS MAGISTRATE-II,**  
**KANJIRAPPALLY**

**APPENDIX**

**List of Prosecution /Defence/Court Witnesses**

**A. Prosecution witnesses**

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
PW1	Vishnukkuttan	Informant
PW2	Rins E.P.	Mahazar witness
PW3	Baiju Thomas	Mahazar witness
PW4	Abdul Aziz A.H.	Investigation Officer
PW5	Sheba Mary John	Other witness
PW6	Fr. Michael Valainchiyil	Other witness

**B. Defence Witness**

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
	Nil	

**C. Court Witness**

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
	Nil	

**List of Prosecution/Defence/Court Exhibits**

**A. Prosecution Exhibits**

Sl.No	Exhibit number	Description
1.	Ext P1/PW1	First Information Statement dated 21.06.20
2.	Ext P2/PW2	Seizure mahazar dated 28.07.20
3.	Ext P3/PW8	Scene Mahazar dated 21.06.20

4.	Ext P4/PW4	FIR dated 21.06.20
5.	Ext P5/PW4	Third party kychit dated 28.07.20
6.	Ext P6/PW4	Address report dated 30.06.20
7.	Ext P7/PW4	Duty certificate dated 20.06.20

**B. Defence Exhibits**

Sl.No	Exhibit Number	Description
1	Ext. D1	Medical records

**C. Court Exhibits**

Sl.No	Exhibit Number	Description
	Nil	

**D Material objects**

Sl.No	Material object	Description
	Nil	

**Sd/-**  
**JUDICIAL FIRST CLASS MAGISTRATE-II,**  
**KANJIRAPPALLY**