

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

Present:- Sri.Anil Kumar. T.S, Judicial I Class Magistrate.

Dated this the, 30th day of April, 2026
10th day of Vaishakha, 1948

CC No.4323/2019

- Complainant : State represented by the Sub Inspector of Police, Chingavanam Police Station in Crime No.1415/2019.
(By Smt.Rishna Rahim, APP, Changanacherry)
- Accused : Sumesh, Aged 39/19, S/o Sasi Kumar, Sumesh Bhavan (H), S Puram P.O, Kurichy kara, Kurichy Village.
(By Adv.P Anil Kumar)
- Offence : U/s.294(b), 323, 341, 427 and 506(i) of the Indian Penal Code, 1860 and 3(2)(e) of the Prevention of Damage to Public Property Act, 1984.
- Plea : Not guilty
- Finding : Not guilty
- Sentence/Order : Accused is acquitted u/s.248(1) of Cr.P.C. His bail bond stands discharged and he is set at liberty.

Date of:-

Offence	Report of complaint	Apprehension/ Appearance of accused	Release on bail	Commencement of trial	Close of trial	Sentence of order	Explanation for delay and remarks
27.06.19	27.06.19	27.06.19	29.06.19	16.10.24	28.04.26	30.04.26	----

Description of Accused

Name of accused	Age	Father's Name	Caste or Religion	Calling	Residence	Taluk
Sumesh	39/19	Sasikumar	Hindu	Coolie	Sumesh Bhavan	Changanacherry

This case having been finally heard on 28.04.2026 and posted for judgment to 30.04.2026 and the court on the same day delivered the following:-

J U D G M E N T

The final report in this case has been filed by the Sub Inspector of Police, Chingavanam Police Station against the accused, in crime No.1415/2019 alleging the offences punishable u/s.294(b), 323, 341, 427 and 506(i) of the Indian Penal Code, 1860 and 3(2)(e) of the Prevention of Damage to Public Property Act, 1984.

2) Prosecution case in brief is as follows:- On 27.06.2019 at 5.00 p.m, at Kurichy Village, the accused grabbed on the neck of the defacto complainant, threatened to kill him and uttered obscene words against the Panchayath President and Panchayath members of the Kurichy Gramapanchayath also. The accused destroyed the Bolero jeep belonging to the Kurichy Grama panchayath by pelting stones against the vehicle and thereby caused loss of Rs.50,000/- to the Government. Thus, the accused has committed the offences punishable under sections 294(b), 323, 341, 427 and 506(i) of the Indian Penal Code, 1860 and 3(2)(e) of the Prevention of Damage to Public Property Act, 1984.

3) In this case, final report was filed before this court and cognizance of the above offences was taken by this court. Thereafter, summons was issued to the accused. The accused appeared before the court and he was enlarged on bail. The accused was furnished with copies of all relevant prosecution records. After hearing both sides and after considering the prosecution records, charge under above offences was framed against the accused. The same was read over and explained to

him. He pleaded not guilty to the charge and claimed to be tried.

4) In evidence, PW1 to PW6 were examined and Exts.P1 to P7 series were marked from the side of the prosecution. Since PW1 to PW4 retracted from the prosecution case, except PW5 and PW6, the learned APP has given up examination of the remaining witnesses. As no incriminating circumstances were brought out against the accused, his examination under S.313 (1) (b) Cr.P.C was dispensed with.

5) Heard both sides.

6) The following points arise for determination:-

- i. Whether the accused, used obscene words against Panchayath President and Panchayath members of the Kurichy Gramapanchayath, on 27.06.2019 at 5.00 p.m and thereby committed the offence punishable under section 294 (b) of IPC as alleged?
- ii. Whether the accused, had voluntarily caused hurt to CW1 on the aforesaid day at the above mentioned place, at aforesaid time and thereby committed the offence punishable u/s.323 of IPC as alleged?
- iii. Whether the accused, wrongfully restrained CW1 on the aforesaid day at the above mentioned place, at aforesaid time and thereby committed offence punishable under section 341 IPC as alleged?
- iv. Whether the accused destroyed the vehicle belongs to Kurichy Grama panchayath and thereby committed the offence punishable under section 427 of IPC?
- v. Whether the accused criminally intimidated CW1 on the aforesaid day at the above mentioned place, at aforesaid time and thereby committed the offence punishable u/s.506 (i) of IPC as alleged?
- vi. Whether the accused, had caused a loss of Rs.50,000/- to the

Government and thereby committed the offence punishable under section 3(2)(e) of the Prevention of Damage to Public Property Act, 1984 as alleged?

vii. Sentence or order, if any ?

7) Heard both sides.

8) **Point nos.1 to 6:-** For the sake of convenience point nos.1 to 6 are considered together. PW1 to PW2 turned hostile to the prosecution by stating that they did not know the assailant. PW5, attester of Ext.P2 scene mahazer.

9) PW6, is the Sub Inspector of Police, Chingavanam Police Station. He had registered Ext.P3 FIR on the basis of Ext.P1 FIS. He prepared scene mahazer on inspection of the place of occurrence and it is already marked as Ext.P2. After completing the investigation he filed final report before the Court. The occurrence witnesses did not support the prosecution case. The remaining evidence is not sufficient to prove the guilt of the accused. The prosecution miserably failed to prove the charges against the accused.

10) **Point no.7:-** In view of the finding on point nos.1 to 6, accused is found not guilty of the offences punishable u/s.294(b), 323, 341, 427 and 506(i) of the Indian Penal Code, 1860 and 3(2)(e) of the Prevention of Damage to Public Property Act, 1984.

In the result, accused is found not guilty of the offences punishable under sections 294(b), 323, 341, 427 and 506(i) of the Indian Penal Code, 1860 and 3(2)

(e) of the Prevention of Damage to Public Property Act, 1984 and he is acquitted under section 248(1) of the Code of Criminal Procedure, 1973. His bail bonds stand discharged and he is set at liberty.

Item nos.1 and 2 in the property list No.T.662/2019 dated 28.06.2019, being valueless, shall be destroyed after the period of appeal.

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

Judicial First Class Magistrate – I
Changanacherry

APPENDIX

Witnesses examined for the Prosecution:-

PW1/CW3	- Sri.Manoj George	04.07.2025
PW2/CW4	- Sri.Elsy Raju	04.07.2025
PW3/CW1	- Sri.Aneesh Thomas	22.09.2025
PW4/CW2	- Sri.Arun Babu	21.01.2026
PW5/CW6	- Smt.Lucy Joseph	21.01.2026
PW6/CW10	- Sri.Babukuttan	16.03.2026

Exhibits marked for the Prosecution:-

P1	- FIS marked through PW3	22.09.2025
P2	- Scene mahazer marked through PW5	21.01.2026
P3	- FIR marked through PW6	16.03.2026
P4	- Seizure mahazer marked through PW6	16.03.2026
P5	- Third party kacheet marked through PW6	16.03.2026
P6	- Valuation certificate marked through PW6	16.03.2026
P7 series	- Arrest records marked through PW6	16.03.2026

Witness examined for the defence :-

Nil

Exhibits marked for the defence :-

Nil

Material Objects Marked:-

Nil

Judicial First Class Magistrate -I
Changanacherry