

IN THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS, THIRUVALLA

Present: Smt. Arundhathi Dileep, Judicial Magistrate of the First Class

Tuesday the 24th day of March, 2026/ 03rd day of Chaithra 1948 S.E.

CC 1610/2017

Complainant : State of Kerala represented by the Sub Inspector of Police, Keezhvaipur.
(Crime No. 59/2002)
[By Smt. Devi M G, Assistant Public Prosecutor, Grade- I, Thiruvalla].

Accused : Shibu, Aged 27
[Original A2 in CC 515/2002]
S/o Mathai
Pallimala House, Puthusseri Muri,
Kallooppara Village.
(By Adv. Shana S)

Offences : Under sections 353 and 506(ii) r/w section 34 of the Indian Penal Code.

Plea : Not Guilty.

Finding : Not Guilty.

Sentence/Order : ***Accused is acquitted under section 271(1) of BNSS.***

DESCRIPTION OF THE ACCUSED

Name	Father's name	Occupation	Residence	Age
Shibu	Mathai	Not Applicable	Kallooppara	27

RELEVANT DATES

Offence	Complaint	Apprehension	Release on bail	Commencement of Trial
18/02/2002	06/07/2004	21/03/2025	21/03/2025	21/03/2025
Close of trial		Sentence of order	Explanation for delay	
19/03/2026		24/03/2026	No delay	

This case having been finally heard on 19/03/2026, the court on this day delivered the following:-

J U D G M E N T

- 1. The accused faces indictment for the offences punishable under sections 353, 294(b) and 506(ii) r/w section 34 of the Indian Penal Code (hereinafter as IPC) as per Crime No. 59/2002 of Keezhvaipur Police Station.***
- 2. The prosecution case in brief is as follows :-*** On 18/02/2002 at 8.45 P.M., accused Nos.1 to 4 due to enmity in CW1 and CW2 having refused to return the ticket fare when the KSRTC bus, bearing Reg.No.TR 213 wherein they were traveling had breakdown had with intent to deter them from the discharge of his official duty, the 1st accused had brandished a sword stick at CW1 and threatened to kill him and all the accused had also hurled the abuses at him. The accused had thus committed the aforesaid offences.
- 3. On the basis of the Ext.P1 First Information Statement given by CW1, CW6, Head***

Constable, Keezhvaipur Police Station registered the case as Crime No. 59/2002 and CW7, Sub Inspector of Police, Keezhvaipur Police Station conducted the investigation, and laid the final report before the Court. Cognizance was taken by the court under section 190(1)(b) of Code of Criminal Procedure and case was taken on file as CC 515/2002. As the presence of the accused Nos.1 to 4 could not be obtained inspite of repeated coercive steps the case against them were transferred to the register of long pending case as LP No.149/2008. Subsequently, accused Nos.1,3 and 4 had appeared before this court and case against them was refiled from LP as CC 553/2008 and they were acquitted by this court vide judgment dated 25/05/2015. As the presence of accused No.2 could not be obtained inspite of repeated coercive steps the case against him was split up and refiled as CC 577/2015. As the presence of the accused No.2 could not be obtained inspite of repeated coercive steps the case against him was transferred to the register of long pending case as LP No. 42/2017. The accused No.2 had appeared before this court on 21/03/2025 and case against him was refiled from LP as CC 1610/2017.

4. On appearance of the accused before the Court, copies of all the prosecution records were furnished to him as envisaged under section 230 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. He was enlarged on bail. Accused was defended by lawyer of his choice. After hearing both sides and on perusal of entire prosecution records, charge was framed, read over and explained to the accused under *sections 353 and 506(ii) r/w section 34 of the Indian Penal Code* to which he pleaded not guilty and claimed to be tried. The offence under section 294(b) of IPC was deleted since ingredients of the offence was not attracted in this case.
5. To bring home the guilt of the accused, prosecution had examined **PW1 and PW2**

and marked *Ext.P1*. PW1 and PW2 had turned hostile to the prosecution. CW2 had expired before the commencement of the trial. Other witnesses were given up by the learned APP as their evidence will not improve the prosecution case. After the closure of the prosecution evidence, the examination of accused under section 351 (1)(b) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023., was dispensed with since no incriminating circumstances had surfaced against the accused. No defence evidence was adduced.

6. *Heard both sides. Perused the records.*
7. *From the above facts and the prosecution evidence adduced, the following points arise for consideration :-*
 1. *Whether the accused on 18/02/2002 at 8.45 P.M., had assaulted or used criminal force to CW1 with the intent to deter him from the discharge of his official duty and thereby committed the offence punishable u/s. 353 IPC?*
 2. *Whether the accused had on 18/02/2002 at 8.45 P.M., threatened to kill CW1 by brandishing a sword stick at him and thereby committed the offence punishable u/s 506(ii) of IPC ?*
 3. *Is the accused liable for conviction? If so, what shall be the appropriate sentence to be imposed in the event of conviction?*
8. *Point Nos.1 and 2:-*

These points can be considered jointly for the sake of convenience. The case of the prosecution is that accused had committed the offences under sections 353 and 506(ii) r/w section 34 of the Indian Penal Code.

CW1 was examined as PW1. He deposed that at the time of the incident he was working as conductor at the KSRTC. He had identified his signature in the Ext.P1. He further deposed that he is not acquainted with the accused and does not intend to proceed with the case.

CW2 was examined as PW2. He deposed that he had not witnessed the incident in this case and had not given any statement before police about the incident.

In this case, both the material witnesses had turned hostile to the prosecution. There is absolutely nothing on record to implicate the accused with the offences alleged. The prosecution could not prove the charges against the accused. The guilt of the accused stand not proved. Hence point Nos. 1 and 2 stand not proved and are found against the prosecution.

9. **Point No. 3:-**

On the basis of the findings on Point Nos.1 and 2, the question of sentence is out of consideration and this point is also found against prosecution.

In the result accused is found not guilty of the offences punishable under sections 323 and 506(ii) r/w section 34 of the Indian Penal Code and is acquitted of the above offences under section 271(1) of BNSS. The bail bond of the accused stands cancelled and he is set at liberty.

Dictated to the Confidential Asst., typed by her, corrected and pronounced by me in open Court on this the 24th day of March, 2026.

SD/-

Judicial Magistrate of the First Class

Thiruvalla

APPENDIX

Witnesses for the prosecution:

PW1 : Sasidhara Kurup examined on 17/02/2026.

PW2 : Raju K K examined on 17/02/2026.

Exhibits for the prosecution:

P1 : First Information Statement through PW1 dated 19/02/2002.

Witnesses for the defence:

Nil

Exhibits for the defence:

Nil

Material Objects marked:

Nil

// True copy //

Judicial Magistrate of the First Class

Thiruvalla