

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF FIRST CLASS  
IRINJALAKUDA**

Present : **Smt. Deepa Mohanan, Judicial First Class Magistrate.**

Dated this, Thursday, the 26<sup>th</sup> day of March, 2026/ 05<sup>th</sup> Chaithram, 1948  
S.E.

**C.C. 581/2023**

Complainant : State Rep. By the Sub Inspector of police, Kodakara police station in crime No. 192/2023 of that police station.

**(By A.P.P. Sr. Grade, Irinjalakuda)**

Accused : Jopaul Babu @ Polachan, aged 25/23, S/o Babu, Alappattu house, Peringakulam desom, Kodakara village.

**(Rep. By Adv. N.M. Baba)**

Offence : U/ss. 448,354,354A(1)(i),354A(1)(ii),354(D)(1)(i), 506(i),509 of IPC.

Plea : Not Guilty.

Finding : **Accused is not found guilty of the offences punishable under sections 448,354,354A(1)(i),354A(1)(ii),354(D)(1)(i), 506(i),509 of IPC.**

Sentence or Order : **Accused is acquitted of the said offences under section 271(1) of BNSS.**

**Description of the Accused**

Sl.No	Name and Rank	Father's Name	Occupation	Residence	Age
1	A1 Jopaul Babu @ Polachan	Babu	-	Kodakara	25/23

**Dates on which**

Occurrence	Complaint	Apprehension	Release on bail	Commencement of trial	Commencement of evidence	Close of trial	Sentence or Order	Period of Detention undergone during investigation, inquiry or trial for the purpose of section 468 of BNSS
17-03-23	25-04-23	22-03-23	04-04-23	20-09-24	03-03-26	26-03-26	26-03-26	-

*This case having been finally heard on 26/03/2026 and the Court on 26-03-2026 delivered the following:-*

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

1. This case has arisen on the final report filed by the Sub Inspector of police, Kodakara police station in crime No. 192/2023 against the accused alleging commission of the offences punishable under Sections 448,354,354A(1)(i),354A(1)(ii),354(D)(1)(i), 506(i),509 of IPC.

2. Prosecution allegations in brief are as follows:-

At 10:30 hours on 17-03-2023, accused trespassed in to the sit out of the house of CW1 at Peringakulam, talked PW1 with sexual favour, attempted to physical contact with her and on 18-03-2023 accused called PW1 through mobile phone requesting for sexual favours and he intimidated that if she refuse his demand, he will propagate her photos along with other men and will thereby outrage her modesty and also intimidated to kill CW2, the husband of CW1. On 21-03-2023 accused again called PW1 through mobile phone demanding sexual

favour and thereby outraged her modesty. Thus, the accused is alleged to have committed the offences punishable under sections 448,354, 354A(1)(i),354A(1)(ii),354(D)(1)(i), 506(i),509 of IPC.

3. The accused entered appearance before the Court and was enlarged on bail. Accused was served with copies of all the relevant records u/s. 230 of BNSS. After the preliminary hearing, charge framed for the offences under sections 448,354, 354A(1)(i),354A(1)(ii),354(D)(1)(i), 506(i),509 of IPC was read over and explained to the accused to which they pleaded not guilty and claimed to be tried.

4. Accordingly, PW1 was examined and Exhibit P1 was marked on behalf of the prosecution. The learned APP gave up the remaining witnesses as their evidence by itself will not improve the prosecution case. Since there was no incriminating circumstance in the prosecution evidence adduced, questioning of the accused u/s. 351(1)(b) of BNSS was dispensed with. No defence evidence was adduced.

5. Heard both sides.

6. The following points are drawn up for consideration:

1. *Has the accused trespassed in to the house of PW1 as alleged by the prosecution and thereby attracting 448 of IPC?*
2. *Has the accused outraged the modesty of PW1 as alleged and thereby attracting 354 of IPC?*

3. Did the accused attempted physical contact with PW1 as alleged and *thereby attracting 354(1)(i) of IPC?*
4. *Has the accused requested PW1 for sexual favours as alleged and thereby attracting 354(1)(ii) of IPC?*
5. *Has the accused threatened PW1 as alleged and thereby attracting 506(i) of IPC?*
6. *Has the accused contacted PW1 to foster personal interaction repeatedly despite a clear indication of disinterest by PW1 as alleged and thereby attracting 354D(1)(i) of IPC?*
7. *Has the accused acted intended to insult the modesty of PW1 as alleged and thereby attracting 509 of IPC?*
8. *What is the order or sentence, if any, to be passed?*

7. **Points Nos. 1 to 7:-** For establishing the prosecution case, the prosecution has relied upon the testimony of PW1 as well as Exhibit P1.

8. The defacto complainant / CW1 was examined as PW1. PW1 testified before the Court that she had given Exhibit P1 complaint against the accused person. The case matter was settled between them. PW1 refused to divulge any further details which would attract the prosecution case and thus turned hostile to the prosecution.

9. Since the material witness turned hostile the examination of other witnesses was given up by the learned Assistant Public Prosecutor as their examination would not improve the case of the prosecution. Exhibit P1 by itself cannot be banked on by the prosecution to find guilt

on the accused. It is settled in "**Mohan v/s. State of Kerala**" (2011(4) **KLT 59**) that mere marking of FIS (complaint) will not prove the existence of truth of the facts mentioned therein and the witness ought to have spoken in the box about the facts alleged. In the case in hand, apart from marking Exhibit P1 through PW1, there is no incriminating evidence from her mouth to show that the accused has committed the alleged offence.

10. In these circumstances, it can only be said that the prosecution has failed to prove the allegations and hence these points are answered against the prosecution.

11. **Point No. 8** - In view of findings on point Nos. 1 to 7 as above, accused is not found guilty of the alleged offences under Sections 354A(1)(i),354A(1)(ii),354(D)(1)(i), 506(i),509 of IPC

**In the result, Accused is acquitted under section 271(1) of Cr.PC of the offences punishable under section 354A(1)(i),354A(1)(ii),354(D)(1)(i), 506(i),509 of IPC. He is set at liberty and discharged from the bail bonds.**

*(Dictated to the Confidential Assistant, typed by her, corrected by me, and pronounced in the open Court on this the 26<sup>th</sup> day of March 2026.)*

Sd/-  
**Deepa Mohanan**  
**Judicial First Class Magistrate**  
**Irinjalakuda**

**APPENDIX**

**List of Witnesses examined**

**Prosecution Witness :**

PW1	Nimmi	Aggrieved person
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Defence Witness : Nil

Court Witness : Nil

**List of Exhibits marked**

**Prosecution Exhibits:**

1.	Exhibit P1/PW1	FI Statement, dated 22-03-2023.
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Defence Exhibits : Nil

Court Exhibits : Nil

Material Objects : Nil

**Sd/-**

Judicial First Class Magistrate  
Irinjalakuda

*// True copy //*

sd/-

**Deepa Mohanan**  
**Judicial First Class Magistrate**  
**Irinjalakuda**