

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE,
WADAKKANCHERY**

Present: Naseeb. A. Abdul Razak
Judicial First Class Magistrate, Wadakkanchery

Dated this the 04th Day of June, 2026

CC. NO. 1815/21

Complainant : State represented by S.I. of Police,
Erumapetty Police Station, Cr. 1031/2021.

(Repd. by, *A.P.P. Wadakkanchery*)

Accused : A1. Modesh, aged 28 years, S/o Mohanan,
Adiyara House, Pathiyarkkulangara,
Urakam, Thrissur.
A2. Sathyabhama, aged 61 years, W/o
Krishnankutty, Parambil House,
Vellatanjur, Thandillam, Thrissur.

(Repd by Adv. Maya.C.T)

Offence : U/s. 447,323, 324 & 354 r/w 34 IPC.

Plea : Not Guilty

Finding : Not Guilty

Sentence or Order : Accused are found not guilty of the offence
punishable U/s. 447,323, 324 & 354 r/w 34
IPC and hence acquitted u/s. 248(1)CrPC.

Description of the Accused:

Name of Police station and the Crime No. of the offence.	Name and Rank of accused	Father's Name	Occupation	Residence	Age
Pazhayannur.P.S in crime No. 1031/2021	A1. Modesh	Mohanan	-	Urakam	28
	A2. Sathyabhama	W/o Krishnankutty	-	Thandillam	61

Date of									Period of detention undergone during investigation, inquiry or trial for the purpose of section 428 of Cr.P.C.
Occurrence	Complaint	Apprehension/Appea-rance	Re-lease on bail	Commen-cement of trial	Commen-cement of evidence	Close of trial	Sentence or order	Commitment	
05.05.21	09.11.21	Nil	Nil	03.06.26	03.06.26	03.06.26	04.06.26		

This case coming on for hearing to this day's proceedings, the Court delivered the following

J U D G M E N T

Offences alleged against the accused are those punishable u/s. 447,323, 324 & 354 r/w 34 IPC.

1]. Prosecution is initiated by registration of Crime No: 1031/2021by SHO Pazhayannur.P.S. for offences punishable u/s. 447,323, 324 & 354 r/w 34 IPC. Charge sheet filed with same offences. Cognizance taken by Court of offences punishable under sections 447,323, 324 & 354 r/w 34 IPC.

2]. Prosecution case in brief is as follows:- On 05.05.21 at 17.30 PM, the accused trespassed into the courtyard of the house of PW1, and caught hold of her hair and there by outraged her modesty. When PW2 try to intervene, the 2nd accused hit on his body with stick and he sustained injuries. Thus the accused alleged to have committed offences punishable u/s. 447,323, 324 & 354 r/w 34 IPC.

3]. Accused entered appearance. They are represented by a counsel. Copies of all relevant prosecution records were given to them. After brief hearing charge for the offences punishable u/s 447,323, 324 & 354 r/w 34 IPC framed, read over and explained to accused. He pleaded not guilty. Accused stood for trial.

4]. Prosecution examined PW1 and PW2 and marked Exbt P1 in evidence. On completion of prosecution evidence, no incriminating circumstance revealed against accused. Hence questioning under section 313[1][b] CrPC is dispensed with. No defence evidence adduced.

5]. Heard both sides.

6]. The following points that arose for consideration are:-

1. Did the accused persons commit criminal trespass as alleged by the prosecution?
2. Did he voluntarily cause hurt to PW1 as alleged?
3. Did he voluntarily cause hurt to PW2 with dangerous weapon as alleged?
4. Did they outrage the modesty of PW1 as alleged?
5. Sentence or Order ?

Points No.1 to 4

7]. Defacto complainant is examined as PW1. According to her the alleged incident had happened. She gave first information statement to police in respect of the alleged incident. The First information statement is marked as Exbt.P1. She lodged complaint due to misunderstanding only. She deposed before the court that the alleged incident had happened but the matter is settled between the parties. Thus, PW1 turned hostile to the prosecution case. PW2 also deposed in tune with PW1. Thus PW2 turned hostile to the prosecution. The learned APP was given ample opportunities to cross examine the witnesses. But he could not elicit anything in support of the prosecution.

8]. The evidence of PW1 and PW2 did not bring out any materials to prove the guilt of accused. As material witnesses did not support the prosecution case, learned

APP was right in giving up the examination of other witnesses. From the available evidence there is nothing supporting the prosecution case as such points No. 1 to 4 found against prosecution for lack of evidence.

POINT No. 5

In the light of discussion on points No. 1 to 4, accused cannot be found guilty of alleged offences. Hence no need of inflicting any punishment on accused.

In the result, accused are found not guilty of offences punishable u/s 447,323, 324 & 354 r/w 34 IPC and acquitted under section 248[1] CrP.C. Their bail bonds stand canceled and they are set at liberty.

Property being valueless, shall be destroyed after appeal period.

[Dictated to the Confidential Assistant, transcribed by her, corrected by me and pronounced in open Court this, the 04th Day of June, 2026.]

Sd/-
Judicial First Class Magistrate,
Wadakkanchery.

APPENDIX

Witness examined for prosecution:-

P.W.1/C.W1	Neethu	Defacto complainant
P.W.2/C.W2	Binu	Aggrieved person

Witness examined for defence :

Nil

Exhibits marked for prosecution

1	Exbt P1/P.W1	FIS dated 03.06.26.
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Exhibits marked for defence:

Nil

Material objects marked:

Nil

Sd/-
Judicial First Class Magistrate,
Wadakkanchery.

//True Copy//

Judicial First Class Magistrate,
Wadakkanchery.