

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

**Present: Smt. Shiva Sharath
Judicial First Class Magistrate**

Dated this the 25th day of March 2026

CC 2302/2020

Complainant : State - Represented by the Sub Inspector of Police,
Malayinkeezhu Police Station in Crime No. 238/2020.

(Rep. by Assistant Public Prosecutor Gr.II)

Accused : Vishnu, aged 27 yrs, S/o Shaji, Suseela bhavan,
Kunjukkonam, Palottuvilakuriyode, Vilavoorkkal desam,
Vilavoorkkal village.

(Rep by Adv. Rajeena R Maxipaul)

Charge : Under S. 451, 294(b), 323, 354(b), 354 and 427 IPC.

Plea : Not Guilty

Finding : Not Guilty

Sentence/Order : Accused is found not guilty for the offense punishable under
S. 451, 294(b), 323, 354(b), 354 and 427 IPC and he is
acquitted under Section 248(1) of the Code of Criminal
Procedure, 1973.

DESCRIPTION OF THE ACCUSED

Sl. No.	Name	Father's Name	Occupation	Residence	Age
1.	Vishnu	Shaji	-	Suseela bhavan	27

DATE OF

Occurrence	Complaint	Apprehension of	Release on	Commencement of

		appearance	bail	trial
19.03.2020	20.03.2020	30.01.2025	30.01.2025	30.01.2025

Commencement of Evidence	Close of trial	Sentence or Order	Period of detention undergone during the investigation, inquiry or trial for the purpose of sec.428 of Cr.P.C.	Explanation for delay
30.01.2025	25.03.2026	25.03.2026	Nil	No Delay

This case having been finally heard on 25.03.2026 and on the same day, delivered the following: -

J U D G M E N T

1. This case arose on a final report filed in Crime No.238/2020 by Sub Inspector of Police, Malayinkeezhu Police Station against accused under S. 451, 294(b), 323, 354(b), 354 and 427 IPC.

2. The prosecution case in brief is as follows:

Owing to prior enmity arising from the accused being restrained from consuming alcohol in the newly constructed house of PW1's son and from demanding money from him, which was refused, on 19.03.2020 at about 9:30 p.m., the accused unlawfully entered the hall of Lekhabhavan House, situated at Vilavoorkkal Village. The accused uttered obscene words towards him and threatened to kill her son, and assaulted her by hitting her on the neck, causing pain. When PW1 ran out crying and entered her son's newly constructed house, the accused followed her, beat her on his back with a stick, pulled and threw away the towel worn by her, and pushed her on the chest. Thereafter, the accused took out a machete concealed under his shirt and damaged the front door frame of PW1's house, causing a loss of ₹3,000/-. Thereby accused is alleged to have committed the aforesaid offences.

3. CW7 filed final report and this court took cognizance on the report under S. 451, 294(b), 323, 354(b), 354 and 427 IPC and issued summons to accused. On appearance of accused, he was furnished with copies of relevant prosecution records and was enlarged on bail. He has a counsel of his own choice. As there is ground for presuming that accused has committed offences punishable under S. 451, 294(b), 323, 354(b), 354 and 427 IPC. Charge was framed on the said offences, read over and explained the same to accused, to which he pleaded not guilty and claimed to be tried.
4. To prove its case, prosecution examined PW1 and PW2 and marked Ext. P1 FIS through PW1. The learned APP has given up all the remaining witnesses as the material witnesses have turned hostile to the prosecution. Since no incriminating evidence was adduced by the prosecution witnesses, examination of the accused u/s.313(1)(b) of Cr.P.C. was dispensed with. No defence evidence was adduced.
5. Heard learned assistant public prosecutor and the learned counsel for petitioner.
6. The following points arose for consideration:
 1. Whether on 19.03.2020, accused criminally trespassed into the residence of PW1 as alleged by prosecution and there by committed an offence punishable u/s 451 IPC?
 2. Whether on 19.03.2020, accused uttered obscene word PW1 as alleged by prosecution and there by committed an offence punishable u/s 294(b) IPC?
 3. Whether on 19.03.2020, accused voluntarily caused hurt to PW1 by beating her as alleged by prosecution and there by committed an offence punishable u/s 323 IPC?

4. Whether on 19.03.2020, accused make a loss of Rs. 3000/- to PW1 by damaging house hold properties as alleged by prosecution and there by committed an offence punishable u/s 427 IPC?
 5. Whether on 19.03.2020, accused, outraged the modesty of PW1 by pushed her on her chest as alleged by prosecution and there by committed an offence punishable u/s 354 IPC?
 6. Whether on 19.03.2020, accused, outraged the modesty of PW1 by threw away the towel worn by her as alleged by prosecution and there by committed an offence punishable u/s 354(b) IPC?
 7. What is the finding and sentence?
3. **Point No.1 to 6:-** For the sake of convenience and brivety these points are considered together.

The defacto complainant/PW1 filed a compromise petition showing that the matter is settled between the parties. Since the offences alleged against the accused is non-compoundable in nature, the same is rejected. PW1, deposed she is the complainant in the present case and that she had sustained bodily injuries in the incident which forms the subject matter of the case. She further stated that she is not aware whether the accused is present before the Court on that day and that she does not presently remember the statement relating to the incident. PW1 further deposed that subsequently, after discussing the matter with the accused, the dispute was settled. PW2 is the occurrence witnesses denied having any knowledge on the alleged incident. Nothing was elicited from them despite learned prosecutor putting questions asked during cross examination. As such, learned prosecutor gave up examination of remaining witnesses as the matter stand settled between the parties.

4. Since the de facto complainant / victim and the witnesses did not support the prosecution case. No evidence was found to incriminate the accused. There is

no material on record to prove that the accused has committed the alleged offences. As the material witnesses contradicted the prosecution's case and as there is no evidence to support the allegations, this court finds that the prosecution failed to prove the guilt of the accused beyond reasonable doubt. The accused therefore entitled to an order of acquittal.

5. **Point No.4:-** The accused is entitled to orders of acquittal under this point in view of the findings rendered on the preceding point.

In the result,

1. The accused is found not guilty for the offense punishable under S. 451, 294(b), 323, 354(b), 354 and 427 IPC and he is acquitted under Section 248(1) of the Code of Criminal Procedure, 1973.
2. The bail bond is cancelled and he is set at liberty forthwith.
3. The material objects shall be confiscated after the appeal period of law.

Dictated to the Confidential Assistant directly, corrected and pronounced by me, in open court, on this the 25th day of March 2026).

sd/-

**Judicial First Class Magistrate
Kattakada**

APPENDIX

Witnesses for prosecution

PW1 : Chandrika (CW1)

PW2 : Omana (CW2)

PW3 : Aneesh (CW3)

Exhibit for prosecution:

P1 : FIS proved through PW1

Material Objects : Nil

Witness for Defence: Nil

Exhibits for Defence: Nil

**sd/-
Judicial First Class Magistrate**

Kattakkada

// True copy//

Judicial First Class Magistrate

Kattakkada