

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

Present: Smt. Shermin S.S
Judicial First Class Magistrate Court- I, Pala

Thursday the 30th day of October, 2025/ 08th Karathika, 1947

CC.589/2023

Complainant : State represented by the Sub Inspector of Police,
Pala PS in Crime No.1210/2023
(Rep.By APP, Pala)

Accused : Shyju K.P, aged 46 yrs, S/o Paili, Kuthodiyil
House, Marangattupilly, Elackadu Village.
(Rep. By Adv: Mohan Thomas)

Offence : Punishable U/s.341,323,294(b),354,506(i) of IPC.

Plea : Not guilty.

Finding : Not guilty.

Sentence/Order : The accused is acquitted U/s.248(1) Cr.P.C for the
offences punishable under section
341,323,294(b),354,506(i) of IPC. His bail bond
stands cancelled and he is set at liberty.

Description of accused

Name	Father's name	Age	Calling	Residence	Taluk
Shyju K.P	Paili	46	-	Kuthodiyil	Meenachil

DATE OF

offence	Report of complainant	Apprehension of accused	Released on bail	Commencement of trial	Close of trial	Sentence or order	Expln.for delay and remarks
23.5.2023	23.5.2023	1.3.2024	6.6.2023	8.9.2025	29.10.25	30.10.25	No delay

This case having been finally heard and on this day, the court delivered the following:-

JUDGMENT

This case is instituted on a final report filed by S.I of police, Pala PS in Crime No.1210/2023 and the accused was put to trial under sections 341,323,294(b),354,506(i) of IPC.

2. **The case of the prosecution is as follows:** Accused and defacto complainant are living together as husband and wife. On 23/05/2023, at 04.30 p.m, at Pala stadium bhagam, accused, slapped CW1, caught hold her churidar and tore it thereby outraged her modesty. Thereafter, accused uttered obscene words towards CW1, strangulated her neck and criminally intimidated to kill her. Thereby, accused alleged to have committed the offences punishable under sections 341, 323, 294(b), 354, 506(i) of IPC.

3. On appearance of the accused, copies of relevant prosecution records were furnished to him. After considering the police report, documents submitted along with that report and after hearing both sides, on being satisfied that there were grounds to proceed against the accused, charge framed, read over, explained and asked to him for the offences punishable U/s. 341,323,294(b),354,506(i) of IPC to which he pleaded not guilty and claim to be tried.

4. In order to prove the prosecution case, PW1 was examined and Ext. P1 was marked. When PW1 was examined, she turned hostile to the prosecution. Though permission was granted to the learned Assistant Public Prosecutor to examine PW1 U/s. 154 of Indian Evidence Act and under the proviso to Sec. 162(1) of CrPC, nothing could be brought out to incriminate the accused. At that juncture, learned Assistant Public Prosecutor given up all other remaining witnesses.

5. The material witness examined by the prosecution did not adduced anything incriminating the accused, the examination U/s.313(1)(b) CrPC was dispensed with. No defence evidence adduced.

6. Heard both sides.

7. From the above facts and evidence, following points are raised for consideration:-

1. *Whether on 23/05/2023, at 04.30 p.m, at Pala stadium bhagam, accused, wrongfully restrained PW1 as alleged by the prosecution and thereby committed offence punishable U/s.341r/w 34 of IPC?*
2. *Whether on 23/05/2023, at 04.30 p.m, at Pala stadium bhagam, accused voluntarily caused hurt to PW1 as alleged by the prosecution and thereby committed offence punishable U/s.323 of IPC?*
3. *Whether on 23/05/2023, at 04.30 p.m, at Pala stadium bhagam, accused hurled abused PW1 as alleged by the prosecution and thereby committed offence punishable U/s.294(b) of IPC?*
4. *Whether 23/05/2023, at 04.30 p.m, at Pala stadium bhagam, accused used criminal force against PW1, with intent to outraged her modesty, as alleged by the prosecution and thereby committed offence punishable U/s.354 of IPC?*
5. *Whether on 23/05/2023, at 04.30 p.m, at Pala stadium bhagam, accused criminally intimidated PW1 as alleged by the prosecution and thereby committed offence punishable U/s.506(i) of IPC?*
6. *Sentence or order?*

8. **Points 1 to 5:-** De facto complainant was examined as PW1. She deposed that she lodged Ext. P1; FIS before the police and she identified her signature in Ext.P1. She turned hostile to the prosecution and deposed that the accused have not harmed her in any way. She further stated that the matter was settled and she has no further complaints against accused. Since the other material witness refused to support the prosecution, the learned Assistant Public Prosecutor give up all the remaining witnesses.

9. As stated above, material witness examined by the prosecution had given destructive version before the court and no other evidence have been adduced by the prosecution to prove that the accused had committed offences charged against him, and it is come out during examination of PW1 that the matter was settled out of court. I am satisfied that the prosecution has failed to prove the offences charged against the accused person beyond reasonable doubt, these points are found accordingly.

10. **Point No.6:-** In view of the findings on point No.1 to 5, the accused is entitled for an acquittal and hence these point does not arise for consideration.

In the result, the accused is found not guilty of the offences punishable U/ss 341,323,294(b),354,506(i) of IPC and thereby acquitted U/s 248(1)CrPC. His bail bond stands cancelled and set at liberty.

Item entered in T.302/23 shall be destroyed after the period of appeal.

(Dictated to the Confidential Assistant transcribed and typed by her, corrected and pronounced by me in open court on this the 30th day of October, 2025.)

Judicial First Class Magistrate-I,
Pala.

Appendix

Witnesses examined for the prosecution

PW1: Aswathy

Exhibits marked for the prosecution:

Ext. P1: FIS dated 23/05/2023 proved by PW1

Witnesses examined for the defence: NIL

Exhibits marked for the defence: NIL

Material Object Marked :NIL

Judicial First Class Magistrate-I, Pala

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