

**IN THE COURT OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE,  
ERNAKULAM.**

Present : Smt.Sajini B.S, Additional Chief Judicial Magistrate

Thursday, the 27<sup>th</sup> day of July, 2023/05th Sravana 1945

**Calendar Case No.651/2019**

(Crime No.1178/2019 of Ernakulam Town North P.S)

Complainant : State rep. by Sub Inspector of Police, Ernakulam Town  
North Police Station in Crime No.1178/2019  
(By Smt.Vinitha T.P, Assistant Public Prosecutor)

Accused : Jose.R,  
  
(By Adv. Akhil George and Surjith S.R-Assistant Legal Aid  
Defence Counsel)

Offences : U/Ss.354A(1)(i), (ii), 354 D(1)(i) IPC and 120(o) of  
Kerala Police Act

Plea : Not guilty

Finding : Guilty of offences u/s.354A(1)(ii) IPC and  
S.120(o) of Kerala Police Act  
  
Not guilty of offences u/s.354A(1)(i) and 354D(1)(i)IPC

Sentence or Order : Accused is convicted and sentenced to undergo rigorous  
imprisonment for 3 years and to pay a fine of ₹ 10,000/-, in  
default, he shall further undergo simple imprisonment for  
3 months for the offence punishable u/s.354A(1)(ii) IPC. If  
the fine is realised, the same shall be paid of PW1  
u/s.357(1)(b) of Cr.P.C.  
Accused is further convicted and sentenced to undergo  
simple imprisonment for one year and to pay a fine of  
₹ 5000/-, in default, he shall further undergo simple  
imprisonment for 1 month for the offence punishable  
u/s.120(o) of Kerala Police Act. If the fine is realised, the  
same shall be paid of PW1 u/s.357(1)(b) of Cr.P.C.  
The substantive sentences shall run concurrently.  
Set off is allowed 12.07.2019 to 22.08.2019 as against the  
substantive sentence u/s.428 of Cr.P.C.

Accused is acquitted for the offence u/ss.354A(1)(i) and 354D(1)(i)IPC.

Description of the accused

Name	Father's name	Age	Caste or religion	Calling	Residence
Jose	Rockey Fernadez	38/19	-	Coolie	Thiruvananthapuram

Date of:

Offence	Complaint	Apprehension of accused	Release on bail	Commencement of trial	Close of trial	Sentence or Order
11.07.19	22.08.19	12.07.19	22.08.19	14.02.23	26.07.23	27.07.2023

This case having been finally heard on 26.07.2023 and having stood for consideration till this day, the court delivered the following:

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

Accused stands trial for the offences punishable U/Ss.354A(1)(i),(ii), 354D(1)(i) IPC and 120(o) of Kerala Police Act.

2. Prosecution case is that accused with an intention to outrage the modesty of the defacto complainant, contacted her and continuously tried to contact her to foster personal interaction and request for sexual favours in the official landline number ..... of Vanitha police station, Kochi city from the mobile number ....., in the name of accused, of the service provider Airtel company, from the Nokia company made mobile phone. On 11.07.2019 at about 2.10 p.m, accused contacted the defacto complainant..... through the official phone of Vanitha police station, Kochi city wherein she was working as Woman Civil Police Officer and with the sexual intention, he told her that whether she was under menstrual period, he liked it and further invited her to come along with him. Apart from this, the accused continuously called in the same number from his mobile phone for 309 times from 10.07.2019 till 11.07.2019 with the same intention and thereby

stalked the defacto complainant. Thus, the accused is alleged to have committed the aforesaid offences.

3. Accused was produced on production warrant. He was provided with legal aid as per S.304(2) Cr.P.C. The accused was supplied with copy of police report and other documents as provided U/S.207 Cr.P.C. After hearing, charge for the offences punishable U/Ss.354A(1)(i)(i), 354 D(1)(ii) IPC and 120(o) of Kerala Police Act was framed, read over and explained to the accused to which he pleaded not guilty.

4. PW1 to PW5 were examined, Exts. P1 to P5series, P6 series, MO1 and MO2 were marked from the side of prosecution.

5. On questioning U/S.313(1) (b) Cr.P.C, accused denied all the incriminating circumstances in the prosecution evidence. No defence evidence was adduced.

6. Following points arise for consideration: -

1. Did the accused make any physical contact and advances involving unwelcome and explicit sexual overtures and thereby committed offence u/s.351A(1)(i) IPC?
2. Had the accused demanded or requested for sexual favours from defacto complainant and thereby committed offence u/s.351A(1)(ii) IPC?
3. Did the accused contact or attempt to contact the defacto complainant to foster personal interaction repeatedly despite a clear indication of disinterest by such woman and committed offence u/s.354D(1)(i) IPC?
4. Had the accused caused any nuisance of himself to the defacto complainant by repeating anonymous calls through telephone from his number and thus committed offence u/s.120(o) of Kerala Police Act 2011?
5. Whether the accused is guilty or not?

6. What is the sentence, if any, to be awarded to the accused?

7. **Point Nos.1 to 5:-** As the factual and evidentiary aspects are closely interrelated, these points are considered together. The prosecution case is that accused with an intention to outrage the modesty of defacto complainant, contacted her and continuously tried to contact her to foster personal interaction and request for sexual favours in the official landline number ..... of Vanitha police station, Kochi city from the mobile number ....., in the name of accused, of the service provider Airtel company, from the Nokia company made mobile phone. On 11.07.2019 at about 2.10 p.m, accused contacted the defacto complainant-Baby Varghese through the official phone of Vanitha police station, Kochi city wherein she was working as Woman Civil Police Officer and with the sexual intention he told her that whether she was under menstrual period, he liked it and further invited her to come along with him. Apart from this, the accused continuously called in the same number from his mobile phone for 309 times from 10.07.2019 till 11.07.2019 with the same intention and thereby stalked the defacto complainant.

8. In order to prove the prosecution allegations, PW1 to PW5 were examined. PW1 is the defacto complainant of this case. She testified that while she was working as Civil Police Officer of Central police station, on 11.07.2019 during her GD duty, after 2pm, a call came in the land phone number of the police station. When she attended the call, the person who called asked her that whether she was in her menstrual period and he liked it and whether she will come along with him. She felt uncomfortable and immediately she disconnected the phone. Thereafter, repeated calls came from the same number and on identifying the number from the caller ID she refused to attend the phone. .... was the number from which the calls came. In the further chief examination, she testified to the court question that when the words of the accused were heard, she felt insulted and became uncomfortable.

She further testified that when other persons took the phone, he uttered obscene words. The accused was arrested on several previous occasions for similar offences. Since he was well known for committing such nuisance she was aware that it was the accused who was calling her.

9. In the cross examination, an omission that is, non mentioning of the installation of caller ID in Ext.P1 is confronted with her. It is further admitted by her that in Ext.P1 it is not stated that call came at 2 p.m. While addressing argument, the learned counsel for the accused pointed out that at the time of her examination on 03.03.2023, she failed to recall the number from which the call came. She could testify the number only on 30.06.2023 when she was recalled suo moto by this court as per order dtd.23.06.2023. In the cross examination on that day she herself explained it by stating that she could not recollect the number because she became nervous when she saw the accused. She was afraid of Jose because of his habit to cause nuisance to ladies by calling them even in their personal numbers. That explanation found satisfactorily and the immaterial omissions pointed out by the counsel for the accused in her Ext.P1 statement is not worthy of discrediting her as a witness.

10. I do not find any reason to discredit the testimony of PW1. She clearly testified that the words of the accused caused discomfort and disturbance to her modesty. Although she was cross examined thoroughly, nothing could be brought out to disbelieve her testimony. Thus, PW1 is a reliable witness with consistent case. Apart from minor discrepancies, no material contradictions or omissions could be pointed out during cross examination of PW1.

11. PW2 was a Woman Police Officer working at Vanitha police station as on 11.07.2019. She testified that on that day at about 2.10 p.m, the call came in land phone number of the police station was attended by PW1. Later, PW1 told her that the person talked to her was Jose from Thiruvananthapuram and he talked to her indecently. After disconnecting the call by PW1, phone was ringing continuously and

the calls were from the number. When the nuisance was became unbearable, the receiver was kept aside. Nothing could be brought out in cross examination to disbelieve the version of PW2. The words spoken by PW1 to PW2 immediately after the occurrence is also relevant since it form part of some transaction. Thus, the testimony of PW2 corroborate the prosecution case to the effect that PW1 received a telephone call and the caller talked to her in an indecent manner with sexual tint, she became uncomfortable and she further identified the caller as the accused person.

12. PW3 was the Sub Inspector in Ernakulam Vanitha police station as on 17.06.2019. She testified that ..... is the official phone number of the police station. She further testified that the phone has a caller ID. From 10.07.2019 till 11.07.2019, calls from the phone number ..... had been received continuously to the official phone of the police station and the caller used obscene words of sexual tint and indecent words. On 11.07.2019 itself PW1 who was on GD charge filed petition before North police station and based on her petition, crime No.1178/19 had been registered. Thereafter, Jose who is the owner of the mobile number had been arrested. She further added that the accused has such a habit of creating similar nuisance in different police stations and a number of cases are pending against him pertaining to similar conduct in North police station, Kadavanthra police station and Palluruthy police station. She further identified the accused person in the box. When a specific question was asked regarding the nature of obscene words told by the accused through phone, she categorically deposed that it is tinted with sexual desire. When a court question had been asked to her regarding attending the phone call of Jose, she stated that the phone attended by other colleagues in her station handed over the phone to her. Then she happened to hear the words which is insulting to the femininity and modesty of a lady and they are obscene and indecent. She further stated that as a lady, she felt insulted as the words are very much indecent. In the cross examination she stated that it is what she felt

when she heard those words. No material omission or contradiction in the statement she gave to the police could be brought out in the cross examination.

13. Indeed, the relevant and material omission alone amount to vital contradiction. But, no such vital contradictions could be established by cross examination on confronting PW1 to PW3 with their previous statements. Thus, I do not find any reason to discredit the testimony of PW3. She appears to be a witness of truth. Learned counsel for the accused at the time of argument pointed out that as per the testimony of PW1 and PW2, the name of PW3 was not stated as the officer in duty at the time of incident. It is true that PW1 and PW2 stated names of other three officials attending duty on the date of occurrence. It does not mean that they are the only persons in the police station at the time of occurrence and no other police officials were there. Absence of PW3 in the police station was not come out in evidence specifically. So, non mentioning of her name by PW1 and PW2 does not rise a presumption to the effect that PW3 was absent at the date of occurrence and she never worked there as a police officer.

14. PW4 was the Sub Inspector, Ernakulam Town North police station as on 11.07.2019. He registered Ext.P2 FIR on the basis of Ext.P1 petition given by PW1. He conducted the investigation of the case. He interrogated witnesses. He applied for getting Call Detail Record (CDR) and customer application form of the mobile number ..... for the period from 10.07.2019 till 12.07.2019 to the service provider through cyber cell. He further obtained the address details of the mobile number from the cyber cell and on investigation it is revealed to him that Jose, a person of Thiruvananthapuram native, had committed the alleged crime. Later, Jose was found at Kaloor bus stand on 11.07.2019 at 9.30 p.m. The mobile phone from his possession was verified by PW4 and it came to his knowledge that a sim for the number..... is the name, mobile of the accused. The name, mobile of the accused was taken to the police station. PW1 and others identified him. Subsequently he was arrested on the very same day. On further enquiry, it was revealed that he had

antecedents of the offences of similar nature in Kadavanthra and Palluruthy police station. The mobile phone and other material object found in possession of the accused were seized by describing in Ext.P3 seizure mahazar. The mobile phone and the purse of the accused are marked in evidence as MO1 and MO2 through PW4. They are produced before the court by describing in Ext.P4. The certified copies of Customer Application and CDR of the Airtel mobile number ....., used by the accused for committing the offence produced by CW5 before him, had been marked in evidence as Ext.P5(series) and Ext.P6(series) respectively. Later, the accused was remanded to judicial custody. Ext.P7 is the report filed by PW4 pertaining to the name and address of the accused. After completion of investigation, he filed the final report. He further stated that as per CDR, the accused connected with the phone number of the police station, where PW1 was working, from his mobile phone for more than 300 times.

15. The defence has no case that there was delay in lodging FIR since the information had been received by the police at about 6 p.m on the very same date of occurrence. So, there is no space for embellishment or improvement in the story of the victim. In the cross examination, PW4 deposed that a black phone of Nokia company make had been recovered from the accused. Learned counsel for the defence pointed out that actually MO1 is a dark blue coloured phone. However, this disparity had not been confronted with PW4 by showing MO1 to him. So, it can only be found as a minor discrepancy which deserved to be ignored. Apart from this, nothing had been brought out in cross examination which shows that the investigation was unfair and improper.

16. PW5 was the Nodal Officer of Bharati Airtel Company, Kerala Circle during the year 2019. He produced the subscription and customer details of the Airtel mobile No..... and the call details from the number along with certificate u/s.65B of Evidence Act. They were already marked as Ext.P5(series) and Ext.P6(series). He further deposed that as per records, 309 calls were made from the



Airtel mobile No. .... to the landline number ..... during the relevant period from 10.07.2019 till 12.07.2019. The entry showing that on 11.07.2019 at 14:10:19 a call for a duration of 48 seconds done from the number ..... to the number ..... is marked as Ext.P6(m)(i). Ext.P5(b) and P5(c) are the copy of driving license produced by the applicant for the issuance of the mobile connection to the number..... as ID proof. Ext.P5(b) and P5(c) shows that it is the driving license belonged to the accused. Ext.P5(a) is the customer application form or relationship form submitted for issuance of a new connection and the mobile number allotted is ..... It is bearing the photograph of the accused and the customer name is Jose.R, S/o.Rockey Fernandez. As per Ext.P5(a) date of issuance of the connection is 13.06.2019 and the ID proof is the driving license, copy of which is marked as Ext.P5(b).

17. The learned counsel for the defence while addressing argument challenged admissibility of Ext.P5(series) and P6(series) in evidence. According to him it is hit by Section 162 Cr.P.C. Section 162 Cr.P.C dealt with use of statement u/s.161 Cr.P.C in evidence. As per 162 (1)(iv) Cr.P.C no statement made by any person to a police officer in the course of an investigation, shall, if reduced to writing, be signed by the person making it; nor shall any such statement or any record thereof, whether in a police diary or otherwise, or any part of such statement or record, be used for any purpose, at any enquiry or trial in respect of any offence under investigation at the time when such statement was made. Ext.P5(series) and P6(series) infact are some records or documents available with the telecommunication company under the authority of PW5. They are not the statement made by PW5 to a police officer in the course of investigation. Producing certain documents or records, from authorised custody of PW5, were in existence much prior to starting of the investigation, cannot be treated as a statement or record as mentioned u/s.162 of Cr.P.C. Section 162 speaks only of statement made to a police officer during the course of investigation.

This implies that the statement sought to be excluded from evidence must be ascribable to the enquiry conducted by the Investigating Officer and not one which is dehors the enquiry. So, Ext.P5(series) and P6(series) are very well admissible in evidence and it is not hit by S.162 Cr.P.C, as contended by the learned counsel for the defence.

18. As per Ext.P5 series and P6 series the following facts are proved. Firstly, the mobile number ..... belongs to the accused. As per the call records, he contacted the land phone number ....., 309 times from 10.07.2019 till 12.07.2019. As per Ext.P6(m)(i), it is revealed that the accused contacted in >

on 11.07.2019 at 14:10:19. This piece of evidence corroborate the prosecution case that the accused contacted the victim, PW1 at 2.10 p.m

19. Another contention raised by the defence is that there is absolutely no evidence placed before the court to show that ..... is the phone number of the Vanitha police station wherein PW1 was working at the alleged date of occurrence. PW3 categorically deposed that..... is the official land phone number of the Vanitha police station wherein she was working as Sub Inspector. It is true that neither PW1 nor PW2 in their chief examination stated the phone number of the police station. But it is pertinent to note that neither of them was cross examined to the effect that it was not the phone number of the police station. Actually defence has no case by way of suggestion at the time of their examination that accused contacted in a phone number which is not the official phone number of the police station wherein PW1 was working. The testimony of PW1 that she attended the phone call from the number of the accused at 2.10 p.m on 11.07.2019 is reliable. It inspires confidence which remained unimpeachable during cross examination. So, further evidence regarding that aspect seems to be unnecessary.

20. The learned counsel for the defence further contended that the SIM card of the phone was neither produced nor marked in evidence. In this juncture, I would

like to point out that marking of SIM card have no much relevance as far as the prosecution clearly proved with solid evidence of the fact that the accused took a connection from the Airtel service provider for the mobile number ..... and thus it belonged to the accused. It is further proved categorically by the prosecution that it is from that number the accused contacted the official phone number of the Vanitha police station several times within a period of 48 hours. The EMSI number stands for encrypted mobile subscriber identity shown in Ext.P6(series) tally with Ext.P5(a) Form. It indicates that the mobile phone of the accused used at the time of availing connection is the one being used for calling the official number of the police station at the relevant date and time. It clearly fasten the criminal liability on the accused and corroborate the prosecution case that he contacted PW1 through his MO1 mobile phone and harassed her sexually. In the light of the convincing solid evidence regarding the ownership of the accused over the MO1 and the mobile connection he obtained from the service provider, non marking of the SIM is of no relevance and is not give way to any benefit of doubt in favour of the accused. Thus, the contention raised by the learned counsel for the accused is of no merit at all.

21. As per Section 354A(i)(ii) of IPC, the main ingredients to be proved by the prosecution are that the accused committed sexual harassment by demand or request for sexual favours. PW1 categorically deposed that on attending the phone call, she heard the following words from the caller who is later proved to be the accused “ മെൻസസ് ആണോ, എനിക്ക് അത് ഇഷ്ടമാ, എന്റെ കൂടെ വരാമോ” As already stated, her testimony is consistent and inspires confidence and unimpeachable by way of cross examination. No contradictions by way of confronting her with her previous statement in this angle could be brought out in the cross examination. Her testimony was corroborated by the testimony of PW2 and PW3. What happened after receiving such a call and what she told to PW2 on immediately disconnecting the call are evidence of res jesta and is relevant u/s.6 of the Evidence Act, which is very well

come out of the oral evidence of PW2. So, the oral testimony available before the court clearly shows that the accused contacted with PW1 through phone and requested or demanded for sexual favour. Hence, ingredients of offence under Section 354 A(1)(ii) IPC has been proved by the prosecution by cogent and convincing evidence. The guilt of accused u/s.354A(1)(ii) IPC has been successfully proved by the prosecution. Hence, the accused is liable to be punished u/s.354A(1)(ii) IPC.

22. Section 354A(1)(i) is one of the charges framed by my Predecessor in office against the accused. As per S.354A(1)(i) IPC physical contact and advances involving unwelcome and explicit sexual overtures amounts to sexual harassment and it is punishable as per Section 354A(2) IPC. The case of the prosecution is that the accused contacted PW1 through telephone and demanded sexual favours and talked to her indecently. Contacting the prosecutrix through telephone does not amount to physical contact. The prosecution has no case that accused ever contacted physically with the prosecutrix and advances any unwelcome or explicit sexual overtures. In these circumstances, I am unable to conclude that offence u/s.354A(1)(i) IPC would stand against the accused. Hence, the accused is found not guilty u/s.354A(1)(i) IPC.

23. As far as the allegation of stalking u/s.354D of IPC is concerned, the main ingredients to be proved by the prosecution are that the accused followed the prosecutrix and contacted or attempted to contact her to foster personal interaction repeatedly despite clear indication of disinterest. As per the case of prosecution, PW1 happened to attend the call of accused since she was on G.D duty on that day. The prosecution has no case that the accused ever followed her to foster any personal interaction repeatedly. Prosecution has no further case that she indicated her disinterest to the accused. PW1 testified that immediately on hearing the accused through phone, she disconnected the phone and she did not give any reply to the accused. In order to fasten criminal liability u/s.354D IPC, accused has to follow the

defacto complainant for fostering personal interaction repeatedly. Calling in the official phone of a police station continuously cannot be equated with following a particular person for personal interaction. So, the prime ingredient to be satisfied to attract guilt u/s.354D of IPC is missing in the prosecution case as well as the case came into light by way of prosecution evidence. Thus, no guilty can be fasten on the accused u/s.354D of IPC.

24. Section 120(o) of Kerala Police Act provides that *if any person, causing, through any means of communication, a nuisance of himself to any person by repeated or undesirable or anonymous call, letter, writing, message, e-mail or through a messenger, shall be punished on conviction.* So, ingredient of offence u/s.120(o) of Kerala Police Act are

- (i) a person causing nuisance of himself to another;
- (ii) causing such nuisance shall through any means of communication;
- (iii) act of causing nuisance may be done by repeated or undesirable or anonymous call, letter, writing, message, e-mail or through a messenger.

25. In the instant case, the act of the accused calling in the official phone of the Vanitha police station continuously is well evident from the testimony of PW1 to 3 and from the documentary evidence which is marked as Ext.P6(series). PW5 also testified that as per Ext.P6(series), accused appears to contact in the landline number of the police station continuously for more than 300 times within 48 hours. PW1 testified that the accused is known to her as he has a history of creating such nuisance in many police stations and she, although a police officer, is afraid of him due to his immodest behaviour. She apprehends that on getting the personal number of woman, he will contact them in their personal number also and harassed them sexually by making vulgar remarks. The accused proved to be contacted in the official phone of a police station which is a public office. PW1 is a public servant working in that police station. It is come out in evidence that due to the continuous calling of

accused in the land phone, they constrained to put away the receiver of the phone. Testimony of PWs1 to 3 further show that whoever took the call had to suffer indecent wordings from the accused which is uncomfortable to them. The act of the accused has not only caused discomfort, mental pain and dislike to the prosecutrix and other staff members of the police station but also adversely affected their public duty to attend the phone calls which might be an emergency and may contain informations and grievance from general public which require emergent action. Thus, the act of the accused not only affected PW1 but also impliedly affected general public. As such, by the act and communications made by him by undesirable repeated calls, undoubtedly caused nuisance. So, ingredient of the offence u/s.120(o) of Kerala Police Act have been made out against the accused by virtue of cogent and convincing evidence. Thus, it can be safely concluded that the accused is guilty of the offence u/s.120(o) of Kerala Police Act.

26. Considering all these facts and circumstances narrated in the preceding paragraph and for the reasons discussed above, it can be safely concluded that the prosecution successfully proved the guilt of the accused with cogent and convincing evidence u/s.354A(1)(ii) of IPC and 120(o) of Kerala Police Act. However, ingredients of offences u/ss.354A(1)(i) and 354D(1)(i) of IPC are not made out against the accused. Therefore, accused is entitled to an acquittal for the offences u/ss.354A(1)(i) and 354D(1)(i) of IPC. Whereas, accused is found guilty u/s.354A(1)(ii) of IPC and 120(o) of Kerala Police Act.

27. Considering the nature and circumstances of the case, this is not a fit case to invoke any of the benevolent provisions of the Probation of Offenders Act. So, the accused and the prosecution will be heard on the the question of sentence.

Dated this the 27<sup>th</sup> day of July, 2023

Sd/-

Additional Chief Judicial Magistrate.

28. **Point No.6:** The accused and prosecution are heard on the question of sentence u/s.248(2) of Cr.P.C. The accused submitted that set off may be allowed considering the remand period.

29. The court has considered the statement of the accused and the submissions made on either side. It is made out that the accused is not a first offender as he is involved in another case as well. He is not entitled to any leniency. He has a habit of committing such offences against women. Considering the severity of the offence committed by him, I do not find any reason to take a lenient view in favour of the accused.

30. In the result, the accused is convicted and sentenced to undergo rigorous imprisonment for 3 years and to pay a fine of ₹ 10,000/-, in default, he shall further undergo simple imprisonment for 3 months for the offence punishable u/s.354A(1) (ii) IPC. If the fine is realised, the same shall be paid to PW1 u/s.357(1)(b) of Cr.P.C. Accused is further convicted and sentenced to undergo simple imprisonment for one year and to pay a fine of ₹ 5000/-, in default, he shall further undergo simple imprisonment for 1 month for the offence punishable u/s.120(o) of Kerala Police Act. If the fine is realised, the same shall be paid to PW1 u/s.357(1)(b) of Cr.P.C. Set off is allowed from 12.07.2019 to 22.08.2019 as against the substantive sentence u/s.428 of Cr.P.C. The substantive sentences shall run concurrently. Accused is acquitted of the offences u/ss.354A(1)(i) and 354D(1)(i) of IPC.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me, in Open Court, on this the 27<sup>th</sup> day of July, 2023

Sd/-  
Sajini B.S  
Additional Chief Judicial Magistrate

AppendixWitnesses examined for the prosecution:

- PW1 : .....Civil Police Officer, Central Police Station, Ernakulam  
PW2 : ..... Woman Police Officer, Vanitha Police Station  
PW3 : ..... Sub Inspector, Vanitha P.S, Ernakulam  
PW4 : .....Sub Inspector, Ernakulam Town North P.S  
PW5 : ..... Nodal Officer, Bharati Airtel

Exhibits marked for the prosecution:

- P1 : Complaint dtd.11.07.19 proved through PW1 on 03.03.2023  
P2 : FIR dtd.11.07.2019 proved through PW4 on 31.05.2023  
P3 : Seizure mahazar dtd.11.07.2019 proved through PW4 on 31.05.2023  
P4 : Address report dtd.12.07.2019 proved through PW4 on 31.05.2023  
P5 : Covering letter dtd.12.08.2019 proved through PW4 on 31.05.2023  
P5 : Certified copy of CAF, address proved through PW4 on 31.05.2023  
series  
P6 : Certificate and call details proved through PW5 on 31.05.2023  
series

Witnesses examined and Exhibits marked for defence: Nil

Material objects marked

- MO1 : Mobile phone  
MO2 : Purse

Sd/-  
Additional Chief Judicial Magistrate