

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-III,
PALAKKAD**

Present: Smt.K.E. Hizana Thasnim, Judicial First Class Magistrate-III.

Dated : Friday, the 13th day of May, 2022.

C.P. 5/2022.

- Complainant : State: Represented by the Deputy Superintendent of Police, Palakkad in Crime No.1989/2021.
(Rep.by Smt.Vinitha.T.P, APP)
- Accused :
 1. Abdul Salam, aged 30/21, S/o Shamsudheen, 14/331 Mannamkulambu House, Adiperanda, Kayaradi P.O, Nemmara, Palakkad.
 2. Insh Muhammed Haq, aged 26/21, S/o Khaleel Rahman, Pallimedu, Athikkode, Kozhinjampara, Palakkad.
 3. Imthiyas Ahammed, aged 32/22, S/o Said Muhammed, 3/153, Pallimedu, Athikkode P.O, Kozhinjampara, Palakkad.
 4. Muhammed Yaseen, aged 23/21, S/o Jahangeer, 3/635, Pallimedu, Athikkode P.O, Kozhinjampara, Palakkad.
 5. Jaffer Sathique, aged 31/21, S/o Jamaludheen, 3/167, Pallimedu, Athikkode P.O, Kozhinjampara, Palakkad
 6. Muhammed Haroon, aged 32/22, S/o Kamaludheen, 1/169, Pallimedu, Athikkode P.O, Kozhinjampara, Palakkad.
 7. Naseer, aged 37/21, S/o Shaik Musthafa, 15/650, Puliyamthoni, Muthalamada P.O, Kambrath Challa, Palakkad.

12. Nishad, aged 37/21
S/o Bava, 682 A/12, Manakkal(H
Malappuram, Chunangad P.O,
Ottapalam.
13. Shamseer.K, aged 26/22,
S/o Abdul Latheef, Kanjiramchola,
Malappuram, Chunangad P.O,
Ottapalam.
14. Shajahan, aged 37/21,
S/o Jailavudheen, 15/147,
Old Road, Kambrath Challa,
Muthalamada P.O, Kollengode.
(Rep.by.Adv.Muhammed Rashid.M)

Offences	:	U/s.143, 144, 147, 148, 341, 302, 120 120(b), 201, 212, 109, 118, 465, 471 r/w 149 of Indian Penal Code and section 27(3) r/w 7(a), 7(b) of Arms Act, 1959.
Order	:-	Case against accused is committed to the Hon'ble Court of Sessions, Palakkad under section 209 Cr.P.C.

ORDER

Final report in this case was filed by the Deputy Superintendent of Police, Palakkad in Cr.No.1989/2021 registered for the offences punishable under sections 143, 144, 147, 148, 341, 302, 120(b), 201, 212, 109, 118, 465, 471 r/w 149 of Indian Penal Code and section 27(3) r/w 7(a), 7(b) of Arms Act, 1959.

2. The prosecution case in brief is as follows:- On 15.11.2021 between 08.50 and 09.00 hours, the RSS worker named Sanjith was traveling with his wife/defacto complainant on his motorbike bearing Reg No. KL 09 Af 7503, he was hacked to death in front of defacto complainant at Mambaram in Palakkad by accused Nos. 1 to 5 who are workers of PFI, by forming an unlawful assembly and each one of the accused knew they were belonging to an unlawful assembly armed with weapons.

This killing was in retaliation of murder of Sakkir Hussain, an SDPI/PFI worker by RSS workers, it was registered as crime No.487/2021 of Kozhinjapara Police Station, it is alleged that the victim in this case Sanjith was the conspirator and abettor of the said crime. Consequent to the said murder, the accused Nos. 1 to 12 at different intervals, places, time have conspired together for the commission of the murder of Sanjith, to meet the unlawful act, they conspired on the procurement of weapons and vehicles used in the commission of crimes. They also conspired as to how to carry out the common object of killing Sanjith and who all should join to commit the killing. The deadly weapons and arms used in this crime were manufactured as per the instruction of accused No.7. All these accused persons also had the consciousness about dismantling the Maruti 800 car bearing Reg No. KL 7 N 8139 after the crime. The accused on different dates, time and places conspired as follow, the accused Nos. 1, 6, 7, 10 and 11 on 14.08.2021 between 17.50 hours and 19.30 hours at the Udhayam College, pudunagaram, on 30.08.2021 at 20.30 hours accused Nos. 1, 2, 4, 6 and 8 near to Kairali Gardens at Athikode, on 10.09.2021 between 19.00 hours and 20.00 hours accused Nos. 1, 8, 10 and 11 in the rented house hired by accused No.1 near to Swathi Junction Alathur Bus stand, then on 24.10.2021 between 17.00 and 18.00 hours accused Nos. 3, 4, 5, 6 and 11 at Menonpara, Athikode in the rented building hired by accused No.6 where he was running a worm farm, on 13.11.2021 between 10.30 and 11.30 hours, the accused Nos. 6, 4, 9, and 12 in the mosque at Shankuvarathodu where accused No.9 was employed and finally on 14.11.2021 between 15.30 and 17.30 hours accused Nos. 1 to 6 along with accused No.8 at the worm farming centre at Menonpara, Athikode, all these accused persons combined together for conspiracy to commit the murder of Sanjith. Furthermore, accused Nos. 1 to 5 possessed arms in violation of Arms Act, 1959. Thereby all the accused persons are alleged to have committed the offences punishable under sections 143, 144, 147, 148, 341, 302, 120(b), 201, 212, 109, 118, 465, 471 r/w 149 of Indian

Penal Code and section 27(3) r/w 7(a), 7(b) of Arms Act, 1959.

3. The accused No.1 was arrested on 22.11.2021 and he was remanded to judicial custody on 23.11.2021. Accused No.2 was arrested on 28.12.2021 and he was remanded to judicial custody on the same day. Accused No.3 was arrested on 01.02.2022 and he was remanded to judicial custody on 02.02.2022. Accused No.4 was arrested on 14.01.2022 and he was remanded to judicial custody on 15.01.2022. Accused No.5 was arrested on 23.11.2021 and he was remanded to judicial custody on 24.11.2021. Accused No.6 was arrested on 23.01.2022 and he was remanded to judicial custody on the same day. Accused No.7 was arrested on 23.12.2021 and he was remanded to judicial custody on 24.12.2021. Accused No.12 was arrested on 02.12.2021 and he was remanded to judicial custody on 03.12.2021. Accused No.13 was arrested on 02.01.2022 and he was remanded to judicial custody on 03.01.2022. Accused No.14 was arrested on 24.12.2021 and he was remanded to judicial custody on 25.12.2021.

4. All the above accused persons are detained in judicial custody at Sub Jail, Ottapalam and District Jail, Palakkad. They were properly represented by their counsel holding vakalath and in the meantime the counsel after was supplied with the accused copies of final report and other documents under section 207 of Cr.P.C, filed CMP No.990/2022 to obtain a list of documents as specified in the said application. In the wake of the said application, this court directed the investigating officer to supply all said documents and if any of the documents are to be excluded the investigating officer was directed to provide his reasons. In compliance of the said direction all the documents set down by the petitioners in CMP 990/2022 were furnished to the learned counsel for the accused persons. The learned counsel for the accused persons on 13.04.2022 filed a memo admitting the receipt of all documents except test identification report and chemical analysis report. Therefore, section 207 of Cr.P.C is complied with. In this case, the offences alleged against the accused

persons include offence exclusively triable by the Hon'ble Court of Sessions. Hence, the case against accused is committed to the Hon'ble Court of Sessions, Palakkad under section 209 Cr.P.C.

5. Transmit the case records and properties if any to the Hon'ble Court of Sessions, Palakkad. The accused are undergoing detention in judicial custody and their remand is extended during and until conclusion of trial. Notify the order of committal to the learned Public prosecutor, Palakkad.

(Dictated to the Confidential Assistant, typed by her directly into computer, corrected and pronounced by me in the Open Court, this the 13th day of May, 2022.)

Sd/-

Judicial First Class Magistrate III,
Palakkad.

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Judicial First Class Magistrate III,
Palakkad.