

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE -I
KANNUR**

Present:- Sri Mohammed Ali Shahshad,
Judicial First Class Magistrate-I, Kannur

Dated this the Monday, the 21st day of April, 2025
(1st day of Vaishaka 1947 S.E)

C.C.200/2020

Complainant	: State rep. By the Sub Inspector of Police, Kannur Town Police Station (in Cr. No.1003/19 of Kannur Town P S) (By Sri. Satheesan P, APP Gr-I, Kannur)
Accused	: 1. Akhil .C.K, S/o.Ragesh, Aged 19/19, Kalamullathil (H), Keezhallur, Kannur. 2. Akshay Raveendran, S/o.Raveendran, Aged 20/19, Manapatti (H), Thiruvangad P.O, Thalassery, Kannur. 3. Sidharth, S/o.Prakashan, Aged 20/19, kandoth (H), Muzhappilangadu, Kannur. 4. Akshay.K.K, S/o.Sadanandhan, Aged 20/19, 'Panam', (H), P.O.Ummanchira, Thottummam, Thalassery. 5. Arjun.T.K, S/o.Ramesh Babu, Aged 20/19, Aswathi Nivas, Patyam,P.O.Pathayakunnu. 6. Shamil Raj, S/o.Rajan, Aged 21/19, Dwaraka (H), Koorara, Panur, Thalassery. 7. Aadharsh.K.V, S/o.Divakaran, Aged 19/19, Dijina Nivas, Chemmadam, Kutyattur, Mayyil, Kannur.

		(by Adv: P.Pradeepan)
Offence	:	u/s 143, 147, 148, 341, 323, 324, 506(i) r/w 149 of the IPC
Pleading	:	Not Guilty.
Finding	:	Not Guilty.
Sentence or Order	:	Accused No.1 to 7 are found not guilty of the offences punishable u/s 143, 147, 148, 341, 323, 324, 506(i) r/w 149 of the IPC and they are acquitted u/s 248 (1) of Cr. P.C. They are set at liberty and their bail bonds stand cancelled.

<u>Description of Accused</u>					
Sl. No	Name	Father's Name	Occupation	Residence	Age
1	Akhil .C.K	S/o.Ragesh		Keezhallur	19/19
2	Akshay Raveendran	S/o.Raveendran		Thiruvangad	20/19
3	Sidharth	S/o.Prakashan		Muzhappilangadu	20/19
4	Akshay.K.K	S/o. Sadanandhan		Thottummam	20/19
5	Arjun.T.K	S/o.Ramesh Babu		Patyam,P.O	20/19
6	Shamil Raj	S/o.Rajan		Panur	21/19
7	Aadharsh.K.V	S/o.Divakaran		Kutyattur	19/19

Date of:-		
Offence	:	28/9/2019
Complaint	:	28/9/2019
Apprehension	:	29/7/2022
Release on bail	:	29/7/2022
Commencement of trial	:	10/01/2023
Close of trial	:	09/04/2025

Sentence/Order	:	21/04/2025
Service copy of judgment	:	

J U D G M E N T

The case is charge sheeted by the Sub Inspector of Police, Kannur Town Police Station in Crime No.1003/19 for the offences punishable u/s 143, 147, 148, 341, 323, 324, 506(i) r/w 149 of the IPC.

2. **Case of prosecution in brief is as follows:** On 28/09/2019 at 9.45 hours at S.N College in Elayavur amsom, the accused No.1 to 7, in prosecution of their common object, formed an unlawful assembly and committed riot armed with deadly weapon. The accused persons wrongfully restrained CW1 and threatened to him. Further, the accused No.1 had kicked CW1 and the accused No.6 beat on his stomach using a sack containing books and others kicked and beaten him, when he fell down and thereby inflicted injury to him. Further, the accused persons had beaten CW2 on his face and caused hurt to him. Therefore the accused persons are alleged to have committed the aforementioned offences.

3. The accused appeared before the Court on receiving summons. They were enlarged on bail. Copies of relevant prosecution records were furnished to them. After hearing both sides and after perusing the materials available before the Court, it is found that there is ground for presuming that the accused had committed the offence. Hence, charge was framed u/s 143, 147, 148, 341, 323,

324, 506(i) r/w 149 of the IPC against the accused. When charge was read over to the accused in Malayalam, they pleaded not guilty and claimed to be tried. Case was posted for evidence.

4. On the side of the prosecution, PW1 to PW3 were examined and Ext.P1 was marked. Since material witnesses not supported the prosecution, the remaining witnesses were given up by the learned APP. Since there is no incriminating evidence against the accused, their examination u/s. 313(1) (b) of Cr.P.C is dispensed with. No evidence has been adduced from the side of the accused.

5. Both sides were heard.

6. Now the points that arise for consideration are:-

1. Whether the accused persons in prosecution of their common object formed an unlawful assembly and thereby committed an offence punishable u/s.143 r/w 149 IPC ?

2. Whether the accused persons in prosecution of their common object committed riot and thereby committed an offence punishable u/s.147 r/w 149 IPC ?

3. Whether the accused persons in prosecution of their common object armed with deadly weapons and thereby committed an offence punishable u/s.148 r/w 149 IPC ?

4. Whether the accused persons in prosecution of their common object

wrongfully restrained PW1 thereby committed an offence punishable u/s.341 r/w 149 IPC ?

5. Whether the accused persons in prosecution of their common object voluntarily caused hurt to PW1 and PW2 by beating and kicking them and thereby committed an offence punishable u/s.323 r/w 149 IPC ?

6. Whether the accused persons in prosecution of their common object voluntarily caused hurt to PW1 using a sack filled with books and thereby committed an offence punishable u/s.324 r/w 149 IPC ?

7. Whether the accused persons in furtherance of their common intention had threatened to PW1 and thereby committed an offence U/s 506(i) r/w 149 IPC ?

8. If the offences are proved, what is the order or sentence ?

7. **Point No.1 to 7** : PW1, the informant deposed that some persons attacked him on 28/9/2019 at 9.45 hours. He preferred FIS, which is marked as Ext.P1. PW1 deposed that he also sustained injury in this incident. However, he could not identify the assailants. He categorically deposed that the accused persons did not attack him. PW2 and PW3 deposed that they did not witness this incident. Moreover, PW1 deposed that no one witnessed this incident. PW1 to PW3 turned hostile to the prosecution. The learned APP is permitted to put questions to PW1 to PW3 as contemplated U/s 154 of Evidence Act. But nothing could be brought out to discredit the evidence of PW1 to PW3 before this court. Since

PW1 to PW3 turned hostile to the prosecution, the examination of remaining witness will be a futile exercise and APP rightly given up remaining witnesses. The prosecution had not adduced any evidence to bring home the guilt of the accused and therefore these points answered against the prosecution.

8. **Point No.8** :- In view of finding on point No.1 to 7, accused No.1 to 7 are found not guilty of the offences punishable u/s. 143, 147, 148, 341, 323, 324, 506(i) r/w 149 of the IPC. Hence this point does not arise for consideration.

In the result,

The accused No.1 to 7 are acquitted u/s 248 (1) of Cr.P.C for the offences punishable u/s 143, 147, 148, 341, 323, 324, 506(i) r/w 149 of the IPC and they are set at liberty. Their bail bonds stand cancelled.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court, this the 21st day of April, 2025).

sd/-

Judicial First Class Magistrate-I
Kannur

APPENDIX

WITNESS EXAMINED FOR THE PROSECUTION

PW1 : Muhammed Ribin	(CW1)
PW2 : Sarang Murali	(CW2)
PW2 : Anujith.	(CW5)

EXHIBITS MARKED FOR THE PROSECUTION

Ext.P1 :FIS marked through PW1

WITNESS EXAMINED FOR THE DEFENCE

Nil.

EXHIBITS MARKED FOR THE DEFENCE

Nil.

MATERIAL OBJECTS

Nil

sd/-

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