

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-VII,
NEYYATTINKARA**

Present: Sri. Praleen.R

Judicial First class Magistrate-VII, Neyyattinkara

Monday, 13th day of October, 2025/21st Aswina, 1947

Calender Case 2016/2016

Complainant : State represented by the Sub Inspector of Police, Vizhinjam Police Station in Crime No.692/2016.

(Rep. By APP, Neyyattinkara)

Accused : A1) Aneesh, aged 26 years, S/o Thulasi
Aneesh Bhavan, Vawamoola,
Venniyoor Desom, Venganoor Village

A2) Shyju, aged 30 years, S/o Chandramohanan
Kollamvila Puthen Veedu,
Laksham Veedu Colony, Venniyoor Desom
Venganoor Village

A3) Suralal @ Mukesh, aged 29 years,
S/o Surendran
S L Nivas, Kollamvila Veedu, Vawamoola
Venniyoor Desom, Venganoor Village

A4) Aneesh @ Vava, aged 28 years, S/o Surendran
S L Nivas, Kollamvila Veedu, Vawamoola
Venniyoor Desom, Venganoor Village

A5) Anilkumar @ Unni, aged 27 years, S/o Sasi
Kollamvilakom Lakshamveedu Colony,
Vawamoola, Venniyoor Desom,
Venganoor Village

A6) Midhun @ Vidhu, aged 24 years, S/o Joy
Midhun Nivas, Thudalivila, Vawamoola
Venniyoor Desom, Venganoor Village
(Rep By G J Rajmohan)

Offence Punishable U/secs.323, 324, 506(ii), 143, 147, 149 and 341 of Indian Penal Code.

Plea : Not guilty.

Finding : Not guilty.

Sentence/ Order : Accused Nos.1 to 6 are acquitted U/s.248(1) Cr.P.C for the offences punishable u/secs.323, 324, 506(ii), 143, 147, 149 and 341 of Indian Penal Code.

Description of the accused

Sl. No.	Name	Father's Name	Occupation	Residence	Age
1.	Aneesh	Thulasi	-	Venniyoor	26
2.	Shyju	Chandramohanan	-	Venniyoor	30
3.	Suralal @ Mukesh	Surendran	-	Venniyoor	29
4.	Aneesh @ Vava	Surendran	-	Venniyoor	28
5.	Anilkumar @ Unni	Sasi	-	Venniyoor	27
6.	Midhun @ Vidhu	Joy	-	Venniyoor	24

Date of

Occurrence	Complaint	apprehension/appearance	Release on bail	Commence ment of trial	Close of trial	Sentence or Order
27/04/2016	28/04/2016	02/05/2016	09/03/2018	25/05/2023	24/09/2025	13/10/2025

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

JUDGMENT

Accused Nos.1 to 6 stand trial for the offences punishable u/ss. 323, 324, 506(ii), 143, 147, 149 and 341 of Indian Penal Code.

2. Prosecution case in brief is as follows:- On 27/04/2016, at 09.30 pm, accused 1 to 6 formed themselves into an unlawful assembly with the knowledge that they are the members of such assembly and accused No.1 pushed Imran Hussain to a pond and criminally intimidated him and accused No.2 kicked on his abdomen and thereafter accused No. 3 and 4 punched on the back and left ear of Imran Hussain and accused No.5 hit on his head with a liquor bottle and accused No.6 punched on the chest and body of Imran Hussain. Thus, accused 1 to 6 are alleged to have committed offences punishable u/ss.323, 324, 506(ii), 143, 147, 149 and 341 of Indian Penal Code.

3. On appearance of accused Nos.1 to 6, after ensuring that relevant prosecution records were furnished. After hearing, charge for the offences punishable U/Ss.323, 324, 506(ii), 143, 147, 149 and 341 of Indian Penal Code framed, read over, translated and explained, to which accused Nos.1 to 6 pleaded not guilty.

4. In order to prove its case prosecution examined PW1 to PW5 and marked Ext. P1 to P8. Despite of coercive steps prosecution failed to produce CW1 before the court. Learned Assistant Public Prosecutor gave up CW5. So evidence for the prosecution closed.

5. As there was no incriminating circumstances appearing in the prosecution evidence, questioning U/S. 313 (1) (b) Cr.P.C dispensed with.

6. Heard both sides. Perused the records.

7. Following points arise for consideration:-

1. Whether the accused Nos.1 to 6 committed an offence punishable u/s 323 of IPC?

2. Whether the accused Nos.1 to 6 committed an offence punishable u/s 324 of IPC?
3. Whether the accused No.5 committed an offence punishable u/s 506(ii) of IPC?
4. Whether the accused Nos.1 to 6 committed an offence punishable u/s 143 of IPC?
5. Whether the accused Nos.1 to 6 committed an offence punishable u/s 147 of IPC?
6. Whether the accused Nos.1 to 6 committed an offence punishable u/s 149 of IPC?
7. Whether the accused Nos.1 to 6 committed an offence punishable u/s 341 of IPC?
8. What shall be the sentence or order to be passed ?

8. **Point Nos. 1 to 7** :- The specific case of the prosecution that on 27/04/2016, at 09.30 pm, accused 1 to 6 formed themselves into an unlawful assembly with the knowledge that they are the members of such assembly and accused No.1 pushed Imran Hussain to a pond and criminally intimidated him and accused No.2 kicked on his abdomen and thereafter accused No. 3 and 4 punched on the back and left ear of Imran Hussain and accused No.5 hit on his head with a liquor bottle and accused No.6 punched on the chest and body of Imran Hussain.

9. Ext. P1 marked through PW1. PW1, PW2 and PW3 are the occurrence witnesses cited by the prosecution. PW1, PW2 and PW3 categorically deposed that they had not seen the incident. Despite of coercive steps prosecution failed to produce CW1 before the court.

Learned Assistant Public Prosecutor gave up CW5. Since material witnesses did not support prosecution case, he is justified in doing so.

10. PW5, who was the investigating officer in this case deposed that he had conducted the investigation and filed final report. At the most it can be concluded from the deposition of the investigating officer that he had conducted an investigation into the alleged offence. The deposition of the investigating officer itself is not sufficient for convicting the accused. The offence should be proved by cogent evidence. There is no direct or circumstantial evidence pointing to the guilt of the accused 1 to 6. Considering the totality of the evidence and circumstances, it is concluded that prosecution failed to prove the guilt of the accused 1 to 6 beyond reasonable doubt. Hence, points are found against the prosecution.

11. **Point No. 8:-** In view of finding on point Nos. 1 to 7, I hold that accused Nos.1 to 6 found not guilty of the offences punishable U/Ss.143, 147, 148, 149 and 324 of Indian Penal Code and they are entitled to be acquitted of the said offences.

In the result, accused Nos. Nos.1 to 6 found not guilty of offences punishable u/ss.323, 324, 506(ii), 143, 147, 149 and 341 of Indian Penal Code and accordingly they are acquitted of the said offences U/S.248 (1) Cr.P.C. Material objects (T No.125/2016) 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 13th day of October, 2025).

Sd/-
Judicial First Class Magistrate-VII,
Neyyattinkara

Appendix

Witnesses examined for the prosecution

PW1 : Santhakumar (CW1, informant)

PW2 : Vincent (CW3, eye witness)

PW3 : Devarajan (CW4, eye witness)

PW4 : Rajesh Kumar (CW6, police witness)

PW5 : K Madhusoodhanan (CW7, police witness)

Exhibits marked for the prosecution:

P1 : Contradictory portion of 161 statement of CW3 proved by PW2 on 25/05/2023.

P2 : FIS proved by PW4 on 28/04/2025.

P2(a) : Body note proved by PW4 on 28/04/2025.

P3 : FIR proved by PW5 on 28/04/2025.

P4 : Scene mahazar proved by PW5 on 28/04/2025.

P5 series : Bail bond of accused No.1 proved PW5 on 28/04/2025.

(a) : Bail bond of accused No.2 proved PW5 on 28/04/2025.

(b) : Bail bond of accused No.3 proved PW5 on 28/04/2025.

(c) : Bail bond of accused No.4 proved PW5 on 28/04/2025.

(d) : Bail bond of accused No.5 proved PW5 on 28/04/2025.

(e) : Bail bond of accused No.6 proved PW5 on 28/04/2025.

P6 : Report proved by PW5 on 28/04/2025.

P7 : 151(A) form proved by PW5 on 28/04/2025.

P8 : Wound certificate proved by PW5 on 28/04/2025.

Material objects marked :

MO 1 : Green colour broken bottle piece.

Witnesses examined for the defence : NIL

Exhibits marked for the defence : NIL

Sd/-
**Judicial First Class Magistrate-VII,
Neyyattinkara**

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