

CALENDER STATEMENT

- 1 Serial Number : Sessions Case No. 364/2019
- 2 Name of Police Station and Crime No. of the offence : Vidyanagar Police Station.
: Cr. No. 89/2013 of Vidyanagar Police Station.

DESCRIPTION OF THE ACCUSED

- 3 Name
A1) Abid @ Sainul Abid @ Rambo Abid
A2) Abdul Ameen
A3) Sulaiman Rifayi @ Chitti (**SPLIT UP**)
A4) Fathah
A5) Saddu @ Muhammed Hussain
A6) Asif.K.A @ Ashi (**SPLIT UP**)
A7) Muhammed Noushad.A.H
A8) Abdul Rasheed.N.V.
A9) Muhammed Anfal.T.A (**SPLIT UP**)
A10) Rishal.K.M.
A11) Sajeer.M (**SPLIT UP**)
A12) Salim.M.A.
A13) Sakeer K.I.
- 4 Father's Name
A1) Rambo Abdul Khader
A2) Muhammed Kunhi
A4) Muhammed
A5) Muhammad
A7) Hamsa
A8) Usman
A10) Abdul Khader
A12) Abdulla
A13) Ibrahim
- 5 Occupation : --
- 6 Age
A1) 21/13
A2) 19/13
A4) 20/13
A5) 21/13
A7) 28/13
A8) 28/13
A10) 20/13
A12) 26/13
A13) 23/13

7	Residence	A1) Thalankara Kunnil Veed, Thalankara Village. A2) Souda Manzil, Khasiline, Thalankara Village. A4) Raihana Manzil, Korakkod, Thalankara Village. A5) Olathiri Quarters, Sainaba Manzil, Anangoor. A7) Jameelabaugh, Thailangadi, Kasaragod. A8) Chattumkuzhi Quarters, Chattumkuzhi, Muttathody Village. A10) K.M.A.House, Beach Road, Nellikunnu. A12) Thayale Kuniya, Near Periya Service Co.operative Bank, Periya Village. A13) Kuniya House, Near Periya Service Co.operative Bank, Kuniya, Periya Village.
		<u>DATE OF</u>
8	Occurrence	: 05.02.2013
9	Complaint	: 24.01.2014
10	Apprehension	: A1) 02.04.2013 A2) 11.04.2013 A4) 04.04.2013 A5) 11.04.2013 A7) 28.02.2013 A8) 15.02.2013 A10) 18.02.2013 A12) 12.02.2013 A13) 12.02.2013
11	Released on bail	: A1) 12.08.2022 A2) 24.05.2013 A4) 24.05.2013 A5) 04.05.2023 A7) 01.03.2013 A8) 15.02.2013 A10) 18.02.2013 A12) 13.02.2013 A13) 13.02.2013
12	Commitment	: 06.04.2019
13	Commencement of trial	: 16.05.2024 and 29.07.2024

- 13A Commencement of Evidence : 12.08.2024
- 14 Close of trial : 20.12.2025
- 15 Sentence or order : 31.12.2025
- 16 Service of copy of judgment or finding on accused : --
- 17 Explanation for delay : Nil.
- 18 Period of detention undergone during the investigation, inquiry or trial for the purpose of Sec.428Cr.PC : A1) 02.04.2013 to 12.08.2022
A2) 11.04.2013 to 24.05.2013
A4) 04.04.2013 to 24.05.2013
A5) 11.04.2013 to 04.05.2023
A7) 28.02.2013 to 01.03.2013
A8) 15.02.2013 to 15.02.2013
A10) 18.02.2013 to 18.02.2013
A12) 12.02.2013 to 13.02.2013
A13) 12.02.2013 to 13.02.2013
- 19 Remarks : --

Addl. Sessions Court-III, Kasaragod.
Dated: 31.12.2025

Sd/-
ADDL.SESIONS JUDGE-III
KASARAGOD

IN THE COURT OF SESSION KASARAGOD DIVISION
(**ADDITIONAL SESSIONS COURT- III, KASARAGOD**).

Present: Sri.Achindya Raj Unni, Addl. Sessions Judge -III, Kasaragod
Wednesday, the 31st day of December, 2025/10th Pousha, 1947.

SESSIONS CASE No. 364/2019

(This case was committed by Judicial First Class Magistrate – I, Kasaragod
as per C.P. No. 18/2019 dated 06.04.2019)

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|-------------|--|
| Complainant | : State: SHO, Kasaragod Police Station.
Crime No. 89/2013 of Vidyanagar Police Station.
Represented By Sri. P.Satheeshan, Addl.Public
Prosecutor. |
| Accused | : A1) Abid @ Sainul Abid @ Rambo Abid,
aged 21/13, S/o.Rambo Abdul Khader,
Thalankara Kunnil Veed,
Thalankara Village.
A2) Abdul Ameen, aged 19/13, S/o.Muhammed Kunhi,
Souda Manzil, Khasiline, Thalankara Village.
A3) Sulaiman Rifayi @ Chitti (SPLIT UP)
A4) Fathah, aged 20/13, S/o.Muhammed,
Raihana Manzil, Korakkod, Thalankara Village.
A5) Saddu @ Muhammed Hussain, aged 21/13,
S/o.Muhammad, Olathiri Quarters,
Sainaba Manzil, Anangoor.
A6) Asif.K.A @ Ashi (SPLIT UP)
A7) Muhammed Noushad.A.H, aged 28/13,
S/o.Hamsa (Late), Jameelabaugh, Thailangadi,
Kasaragod.
A8) Abdul Rasheed.N.V., aged 28/13,
S/o.Usman, Chattumkuzhi Quarters,
Chattumkuzhi, Muttathody Village.
A9) Muhammed Anfal.T.A (SPLIT UP)
A10) Rishal.K.M., aged 20/13, S/o.Abdul Khader
K.M.A.House, Beach Road, Nellikunnu.
A11) Sajeer.M (SPLIT UP)
A12) Salim.M.A., aged 26/13,
S/o.Abdulla, Thayale Kuniya,
Near Periya Service Co.operative Bank,
Periya Village. |

A13) Sakeer K.I, aged 23/13,
S/o.Ibrahim, Kuniya House, Near Periya Service
Co.operative Bank, Kuniya, Periya Village.

Defended by	: Sri.Samsudeen B.K, Advocate for Accused No.1 and 5. Sri.P.A.Faisal, Advocate for Accused No.2,4,8,12 and 13. Sri.A.C.Sukumaran, Advocate for Accused No.7, Sri.Benny Jose, Advocate for Accused No.10.
Charge	: Under Section 143, 147, 148, 341, 324, 326, 307, 427, 212 r/w 149 of IPC.
Plea of the accused	: Not guilty
Finding of the judge	: Not guilty
Sentence or order	: Accused numbers 1, 2, 4, 5, 7, 12, 13, 8 & 10 are found not guilty of the offences punishable under Sections 143, 147, 148, 341, 324, 326, 307 & 427 r/w 149 and under Section 212 of IPC and they are acquitted under Section 235(1) of the Cr.P.C. The accused are set at liberty. The case against Accused Nos.3, 6, 11 & 9 (A3, A7, A9,& A14 in the final report) was already split up and the same is directed to be refiled as SC No.... /.... Since the trial against Accused Nos. 3, 6, 11 & 9 herein, as well as Accused No. 12 in the final report, is split up, the office is directed to retain the case records, including material objects.

This case having been heard on the 20th day of December, 2025 for final hearing and having stood over to this day for consideration; the court delivered the following:-

JUDGMENT

The final report in the present case was filed by the Inspector of Police, Vidyanagar, Police Station, against the accused persons, alleging the commission of

offences punishable under Sections 143, 147, 148, 341, 324, 326, 307, 427 r/w. 149 and & 212 of the Indian Penal Code (hereinafter referred to as the IPC). As per the final report, accused Nos. 1 to 15 stand indicted, out of whom Accused Nos. 1, 2, 4, 5, 8, 10, 11, 13 & 15 are facing trial in the case on hand.

2. The Accused numbers 3, 7, 9 & 14 in the final report (the accused numbers 3, 6, 11 & 9 in the present case) had absconded at the stage of framing the Court charge. Hence, the case against them was split up at that stage. Accused number 6 was reported to be no more during committal proceedings, therefore the case against him was abated at that stage. Accused No.12 did not appear during the committal proceedings. Thus, the case against him was split up and refiled as CP 190/2019.

3. **The prosecution case, as per the final report, can be summarised as follows:-** The allegation against the accused is that on 05.02.2013 at about 18:45 hours, the accused persons formed themselves into an unlawful assembly armed with deadly weapons with the common object of committing murder of CW2. At the relevant time, while PW1 and CW2 were travelling on a Royal Enfield motorcycle bearing Reg. No. MEG 9927, ridden by CW2 from Cherkala to Kasaragod. Accused Nos. 1 to 3 followed them in a car bearing Reg. No. KL 14 H 8638, and Accused Nos. 4 to 7 followed on two motorcycles. When PW1 and CW2 reached a place called 4th Mile in Chengala Village, the Accused No. 1, who was driving the aforementioned car, intentionally rammed the rear side of the motorcycle. As a result of this, both PW1 and CW2 were thrown off the motorcycle. Immediately thereafter, Accused Nos. 1 to 3 in the final report alighted from the car, and meanwhile, the Accused Nos. 4 to 7 in the final report arrived at the spot on two motorcycles. The accused were armed with deadly weapons such as a stick, a cricket bat, an iron pipe and knives, etc.

4. The Accused No. 1 instigated the assault by shouting, "Kill Jothish". When PW1 attempted to flee from the scene, Accused No. 4 followed him and struck

him with a stick. To save himself, CW2 fled towards the nearby Panarkulam Mosque. However, Accused Nos. 1 and 3 chased him down, and Accused No. 2 then inflicted cut injuries on the back and neck of CW2 by using a knife. When CW2 fell down near the mosque premises, Accused Nos. 1 and 3 further assaulted him with a knife and thereby inflicted grievous injuries to his abdomen, head, neck, and chest. While attempting to defend himself, the tip of the distal phalange of the ring finger, as well as the middle finger of CW2's left hand, was severed. Simultaneously, Accused Nos. 4, 5, 6, and 7 also assaulted CW2 using cricket bats and iron pipes.

5. Following the incident, Accused Nos. 8 to 15 (in the final report), having knowledge that Accused Nos. 1 to 7 (in the final report) were the perpetrators of the crime, sheltered and concealed them by providing transport and accommodation. Furthermore, during the commission of the offence, an earring valued at ₹2,000/-, belonging to CW2, was lost. Therefore, the prosecution alleges that the accused committed the offences punishable under Sections 143, 147, 148, 341, 324, 326, 307 and 427 r/w. 149 and 212 of the IPC.

6. According to the prosecution, based on the Ext.P1 First Information Statement given by PW1, PW21, the Assistant Sub Inspector of Police, Vidyanagar Police Station, registered the Ext.P21 First Information Report in the present case for the alleged commission of the aforementioned offences against the accused persons.

Investigation, inquiry and trial

7. The following narration of events are germane to gaining a better insight into the prosecution case. After the registration of the Ext.P21 First Information Report, PW25, C.K. Sunil Kumar, the Inspector of police, Kasaragod Police Station, took over the task of investigation in the present case. The investigation was subsequently continued by PW22, P.K. Sudhakaran, Inspector of Police, Kasaragod Police Station, and PW23, Babu Peringoth, Inspector of Police, Vidyanagar Police Station. After completing the investigation, PW23 filed the final report in the present case before the Judicial First Class Magistrate Court-I, Kasaragod.

8. Upon perusing the police report along with relevant materials and documents annexed thereto, the learned Magistrate took cognisance of the offences punishable under Sections 143, 147, 148, 341, 324, 326, 307, 427 r/w. 149 and 212 of the IPC against the accused persons. The case was taken on file as C.P.No.18/2019, and processes were issued against the accused persons. In response to the summons issued from the Magistrate Court, accused numbers 1 to 5, 7, 8 and 13 to 15 entered their appearance. As the Accused No. 9 to 12 absconded, the case against them was split up and refiled as C.P.No.55/2019. Accused No. 6 in the final report was reported to be no more, hence the case against him was abated.

9. Thereafter, complying with the legal formalities established by the Code of Criminal Procedure, the learned Magistrate, by the order in CP 18/2019 dated 06.04.2019, committed the case against the Accused numbers 1 to 5, 7, 8 and 13 to 15 in the final report to the Sessions Court, Kasargod Division. The same was taken on file as SC No. 364/2019 (present case). Accused numbers 1 to 5, 7, 8 and 13 to 15 in the final report were arrayed as Accused numbers 1 to 10 in SC 364/2019 and the case was made over to this Court for trial and disposal in accordance with the law.

10. Subsequently, the Accused Nos. 9, 10 and 11 in the final report appeared before the committal court in CP 55/2019. The learned Magistrate, after complying with the legal formalities established by the Code of Criminal Procedure, by the order in CP 55/2019 dated 30.10.2019, committed the case against them to the Sessions Court, Kasargod Division. The same was taken on file as SC No.565/2019 and subsequently made over to this Court for trial and disposal in accordance with the law. Despite invoking coercive steps, the presence of the Accused No.12 was not secured in CP 55/2019. Hence, the case against him was split up and refiled as CP 190/2019.

11. At the time of the committal of the cases, the accused were on bail. Upon receipt of the case records, this Court issued summons to the accused. In pursuance of the summons issued by this Court, the accused entered appearance, and they are

defended by lawyers of their choice. Since the proceedings in SC No.565/2019 and SC No.364/2019 arose out of the same final report, the proceedings of the SC No.565/2019 were clubbed with the proceedings of SC No.364/2019 (present case), and the accused persons in SC 565/2019, (Accused No. 9, 10 & 11 in the final report) was arrayed as the Accused No. 11, 12 & 13 in SC 364/2019.

12. Thereafter, the learned Additional Public Prosecutor opened the case by describing the charge brought against the accused persons and stating by what evidence the prosecution proposed to prove their guilt.

13. During the proceedings in SC 364/2019, when the matter was posted for hearing on charge, the Accused Nos. 5, 6, 11, 12 & 13 had absconded. Despite invoking coercive steps, the presence of the Accused Nos. 5, 6, 11, 12 & 13 were not secured. Hence, the case against them was split up and refiled as SC 622/2022 and the Accused Nos. 5, 6, 11, 12 & 13 were arrayed as Accused numbers 1 to 5 in SC 622/2022.

14. Thereafter, both sides were heard under Section 227 of the Cr.P.C. in the present case. Upon consideration of the records of the case and documents submitted therein and after hearing the submissions of the counsel for the accused and the prosecution, this Court was of the considered view that there are sufficient grounds to proceed against the accused. Hence, the court charge was framed against the Accused No. 1, 2, 4, 7, 8 & 10 for the offences punishable under Sections 143, 147, 148, 341, 324, 326, 307 & 427 r/w 149 and under Section 212 of IPC. When it was read over and explained to the accused in Malayalam, they pleaded not guilty and claimed to be tried.

15. Subsequently, on securing the presence of the Accused No. 1, 4 & 5 (Accused No.5, 12 & 13 in the present case), in SC No. 622/2022, both sides were heard under Section 227 of the Cr.P.C in that case. Upon consideration of the records of the case and documents submitted therein and after hearing the submissions of the counsel for the accused and the prosecution, this Court was of the considered view

that there are sufficient grounds to proceed against the accused. Hence, a court charge was framed against the accused numbers 1, 4 and 5 (Accused No.5, 12 & 13 in the present case) under Sections 143, 147, 148, 341, 324, 326, 307 & 427 r/w. 149 of the IPC and under Section 212 of the IPC. When it was read over and explained to the accused in Malayalam, they pleaded not guilty and claimed to be tried.

16. Thereafter, the proceedings in SC No.622/2022 were clubbed with the proceedings of SC No.364/2019, and the accused Nos 1 to 5 in SC No. 622/2022 were arrayed in their previous position as accused Nos. 5, 6, 11, 12 & 13 in the present case (SC No. 364/2019).

17. Since the presence of accused numbers 3, 6, 9 & 11 (A3, A7, A14 & A9 in the final report) were not secured at the time of framing the court charge, the case against them was split up.

18. In order to prove the case, out of 46 witnesses cited by the prosecution, PWs 1 to 26 were examined and Ext.P1 to Ext.P39 documents and MO1 to MO11 material objects were also marked from the side of the prosecution. During the trial, CW2 was reported to be no more, and his death certificate was produced. The remaining witnesses, except CW2, were given up by the learned Additional Public Prosecutor.

19. During the trial, after marking Ext.P11 seizure mahazar, the wound certificate issued by PW15 was inadvertently marked as Ext.P13 instead of Ext.P12. Consequently, no document was marked as Ext.P12 in the present case.

20. Further, in the deposition of PW25, the arrest and inspection memos of A10 were incorrectly marked as Ext. P18 series instead of Ext. P30 series. Although the arrest and inspection memos of Accused No. 10 were marked as Ext. P30 series, in the deposition of PW25 they were inadvertently referred to as Ext. P18 series. This error stands rectified, and in the deposition hereinafter, they shall be read as Ext. P30 series.

21. After the witnesses for the prosecution have been examined, the accused were questioned U/s.313(1)(b) Cr.P.C., so as to enable them to explain all the incriminating circumstances brought out in evidence against them. The accused maintained their innocence and denied their involvement in the incident.

22. Thereafter, the prosecution and the accused were heard under Section 232 Cr.P.C. However, no order of acquittal was recorded thereunder as there is evidence against the accused. After that, the accused were called upon to enter on their defence and adduce evidence. No documentary or oral evidence was adduced from the side of the accused at this stage.

23. After closing the evidence in the case, the prosecution and the accused were heard under Section 234 Cr.P.C. The learned Additional Public Prosecutor summed up the prosecution case and the learned counsel for the accused advanced arguments in reply. Thereafter, with the leave of the court, the prosecution and the defence made further submissions.

24. The following points arise for consideration;

1. *Whether the prosecution proved that, on 05.02.2013 at about 18.45 hours at the public road from Cherkala to Kasaragod, at Forth Mile at Chengala, the Accused Nos. 1, 2, 4 and 5 herein along with Sulaiman Rifayi @ Chitti, Asif K.A. @ Ashi and one Sinul Abid@ pattu, have formed into an unlawful assembly and intentionally remained as members of that unlawful assembly which was formed with a common object to commit act of rioting armed with deadly weapons against PW1 Sudheer and CW2, Jyothish.G. and also to commit murder of CW2 and also to cause grievous hurt to them and thereby committed the offence punishable under Section 143 of IPC as alleged by the prosecution?*

2. *Whether the prosecution proved that, on the same date, time, and place, and in the course of the same transaction, the Accused Nos. 1, 2, 4 and 5 herein along with Sulaiman Rifayi @ Chitti, Asif K.A. @Ashi and one Sinul Abid@ pattu, formed into an unlawful assembly and remained as members of the unlawful assembly and in the prosecution of the common object of said assembly, committed the act of rioting against PW1 Sudheer and CW2 Jyothish.G and thereby committed an offence punishable under Section 147 r/w 149 of IPC as alleged by the prosecution?*
3. *Whether the prosecution proved that, on the same date, time, and place, and in the course of the same transaction, the Accused Nos. 1, 2, 4 and 5 herein along with Sulaiman Rifayi @ Chitti, Asif K.A. @ Ashi and one Sinul Abid@ pattu, formed into an unlawful assembly and remained as members of the unlawful assembly and in the prosecution of the common object of said assembly, committed the offence of rioting against PW1, Sudheer and CW2 Jyothish.G with deadly weapons such as cricket bat, iron pipe, knife, wooden stick etc, which are used as weapons of offence was likely to cause death and thereby committed an offence punishable under Section 148 r/w 149 of the IPC as alleged by the prosecution?*
4. *Whether the prosecution proved that, on the same date, time, and place, and in the course of the same transaction, the Accused Nos. 1, 2, 4 and 5 herein along with Sulaiman Rifayi @ Chitti, Asif K.A. @Ashi and one Sinul Abid@ pattu, formed into an unlawful assembly and remained as members of the unlawful assembly and in the prosecution of the common object of said assembly, Accused No.1 herein and one Sulaiman Rifayi, wrongfully*

restrained CW2, Jyothish and thereby committed an offence punishable under Section 341 r/w 149 of IPC as alleged by the prosecution?

5. *Whether the prosecution proved that, on the same date, time, and place, and in the course of the same transaction the Accused Nos. 1, 2, 4 and 5 herein along with Sulaiman Rifayi @ Chitti, Asif K.A. @Ashi and one Sinul Abid@ pattu, formed into an unlawful assembly and remained as members of the unlawful assembly and in the prosecution of the common object of said assembly, Accused No.4 herein voluntarily caused hurt to PW1, Sudheer by means of a wooden stick which used as a weapon of offence and thereby committed an offence punishable under Section 324 r/w 149 of IPC as alleged by the prosecution?*
6. *Whether the prosecution proved that, on the same date, time, and place, and in the course of the same transaction, the Accused Nos. 1, 2, 4 and 5 herein along with Sulaiman Rifayi @ Chitti, Asif K.A. @Ashi and one Sinul Abid@ pattu, formed into an unlawful assembly and remained as members of the unlawful assembly and in the prosecution of the common object of said assembly, Accused No.1 herein voluntarily caused grievous hurt endangers to human life to CW2, Jyothish by means of a knife which is used as a weapon, an instrument for cutting and stabbing is likely to cause death and thereby committed an offence punishable under section 326 r/w 149 of IPC as alleged by the prosecution?*
7. *Whether the prosecution proved that, on the same date, time, and place, and in the course of the same transaction, the Accused Nos. 1, 2, 4 and 5 herein along with Sulaiman Rifayi @ Chitti, Asif K.A. @ Ashi and one Sinul Abid@ pattu, formed into an*

unlawful assembly and remained as members of the unlawful assembly and in the prosecution of the common object of said assembly, Accused No.2 herein and Sulaiman Rifayi @ Chitti voluntarily caused grievous hurt to CW2 Jyothish by means of a knife which is used as a weapon an instrument for cutting and stabbing is likely to cause death and thereby committed an offence punishable under Section 326 r/w 149 of IPC, as alleged by the prosecution?

8. *Whether the prosecution proved that, on the same date, time, and place, and in the course of the same transaction, the Accused Nos. 1, 2, 4 and 5 herein along with Sulaiman Rifayi @ Chitti, Asif K.A. @Ashi and one Sinul Abid@ pattu, formed into an unlawful assembly and remained as members of the unlawful assembly and in the prosecution of the common object of the said assembly, Accused No.2 herein stabbed CW2 Jyothish on his neck and caused injuries with such intention and under such circumstances to commit murder of CW2, and thereby committed an offence punishable under Section 307 r/w. 149 of IPC, as alleged by the prosecution?*
9. *Whether the prosecution proved that, on the same date, time, and place, and in the course of the same transaction, the Accused Nos. 1, 2, 4 and 5 herein along with Sulaiman Rifayi @ Chitti, Asif K.A. @Ashi and one Sinul Abid@ pattu, formed into an unlawful assembly and remained as members of the unlawful assembly and in the prosecution of the common object of said assembly, A1 herein and Sulaiman Rifayi @ Chitti stabbed CW2 Jyothish on his head, neck, chest etc with such intention and under such circumstances to commit murder of CW2, and thereby committed*

the offence punishable under Section 307 r/w 149 of IPC as alleged by the prosecution?

10. *Whether the prosecution proved that, on the same date, time, and place, and in the course of the same transaction, the Accused Nos. 1, 2, 4 and 5 herein along with Sulaiman Rifayi @ Chitti, Asif K.A. @Ashi and one Sinul Abid@ pattu, formed into an unlawful assembly and remained as members of the unlawful assembly and in the prosecution of the common object of said assembly, committed mischief causing a loss of ₹2,000/- to CW2 and thereby committed the offence punishable under Section 427 r/w 149 of IPC, as alleged by the prosecution?*
11. *Whether the prosecution proved that, on the same date, time, and place, and in the course of the same transaction the Accused Nos. 1, 2, 4 and 5 herein along with Sulaiman Rifayi @ Chitti, Asif K.A. @Ashi and one Sinul Abid@ pattu, formed into an unlawful assembly and remained as members of the unlawful assembly and in the prosecution of the common object of said assembly, committed offences punishable under Section 143, 147, 148, 341, 324, 326, 307 & 427 r/w 149 of IPC as alleged by the prosecution?*
12. *Whether the prosecution proved that, after the assaulting PW1 and CW2, Accused Nos 7, 8, 10, 12 and 13 herein harboured or concealed Accused Nos 1, 2, 4 and 5 and Sulaiman Rifayi @ Chitti, Asif K.A. @Ashi and one Sinul Abid@ pattu, knowing that at the time of the said harbouring or concealment, the above mentioned accused have committed the offences punishable under Sections 143, 147, 148, 341, 324, 326, 307, 427 r/w 149 of*

IPC and thereby committed the offence punishable under section 212 of IPC, as alleged by the prosecution?

13. *Whether the prosecution proved that Accused Nos. 7, 8, 10, 12 and 13 committed an offence punishable under Section 212 of the IPC as alleged by the prosecution?*

14. *If so, what is the proper order or sentence?*

25. **Points Nos.1 to 10:** These points are considered together for brevity and convenience. In the present case, two sets of allegations have been levelled against the accused persons. According to the prosecution, Accused Nos. 1, 2, 4, and 5, along with the absconding accused Sulaiman Rifayi @ Chitti, Asif K.A. @ Ashi, and the deceased Sinul Abid @ Pattu, allegedly attacked CW2 and PW1 during the incident in question. Therefore, they are alleged to have committed offences punishable under Sections 143, 147, 148, 341, 324, 326, 307, 427 r/w 149 of IPC.

26. Accused Nos. 7, 8, 10, 12, and 13, along with the absconding accused Muhammed Anfal.T.A and Sajeer.M are alleged to have harboured or concealed Accused Nos. 1, 2, 4, and 5, as well as Sulaiman Rifayi @ Chitti, Asif K.A. @ Ashi, and Sinul Abid @ Pattu, knowing that at the time of such harbouring or concealment, the said accused had involved in the incident in question and thereby committed an offence punishable under Section 212 of the IPC.

27. In the first part of this judgment, this Court is examining the evidence with respect to the incident in question. As I have already mentioned in the foregoing portion of this judgment, during the trial of the present case, CW2 was reported to be no more. Therefore, to prove the incident in question, the prosecution now relies on the testimony of PW1 and PW3 in the case at hand. Among them, PW1 is a pillion rider who had accompanied his friend CW2 at the relevant time and also sustained injuries in the incident. PW3 is a motorcyclist who had allegedly witnessed the incident in question.

28. To have a better understanding of the prosecution case, the evidence of PW1 in his chief examination is summarised as follows. PW1 is a resident of Meepuguri in Kasargod District. On 05.02.2013, he accompanied CW2 to invite people to the latter's marriage. For that purpose, CW2 had taken the motorcycle of his friend, Ajayan. While they were proceeding from Cherkala to Kasargod, upon reaching a place called 4th Mile, a white Santro car rammed into their motorcycle from behind. Those who alighted from the car raised an exhortation stating, '*Kill Jothish; do not spare him.*' Three persons emerged from the vehicle armed with sword sticks and a knife. In the meantime, two motorcycles arrived at the scene, and the individuals on those motorcycles were carrying hockey sticks, bats, and iron pipes.

29. On witnessing this, Jyothish instructed PW1 to flee from the scene. Acting upon the said instruction, PW1 ran towards the Cherkala side, while Jyothish proceeded in the opposite direction, towards Kasargod. While PW1 was attempting to escape, the Accused No. 2, 4, along with two other accused persons, pursued him with a bat and a hockey stick and struck him on his hand and leg. As a result, PW1 fell to the ground and sustained injuries to his hand, leg, and back. Thereafter, the assailants left him and moved towards CW2. PW1 positively identified Accused No. 4. Although he pointed out and identified Accused No. 2 as one of the assailants, he admitted that he did not know the name of the second accused.

30. Thereafter, the assailants attacked CW2 near the mosque and the sawmill situated on the right side of the road while proceeding from Cherkala towards Kasargod. The accused No. 1, Abid, who had driven the car, struck CW2 with a sword. PW1 hid behind a tanker lorry parked on the roadside and witnessed the incident. He then called his friend, Shylesh, and informed him about the incident. Based on the information, Shylesh arrived with a vehicle and took PW1 to Carewell Hospital. Subsequently, PW1 was shifted to KIMS Hospital. While he was at the hospital, the police recorded his Ext.P1 statement. He positively identified his

signature on the Ext.P1 statement. He also positively identified Accused No. 1, who was produced via video conferencing during his examination. According to him, he was unable to identify any other individuals present in the dock as members of the gang of assailants, apart from the Accused No. 1, 2 and 4 whom he had already identified. The injured CW2 was later shifted to a hospital in Mangalore. According to PW1, the attack was orchestrated to eliminate CW2.

31. PW3 is also an eyewitness to the incident. He claimed to have been acquainted with CW2 at the relevant time. According to him, the place of the incident is 4th Mile, Santhosh Nagar, on the National Highway. On the fateful evening, while he was proceeding from Kasargod towards Cherkala on a motorcycle along with his friend (CW4), they saw CW2 and his friend riding towards the Kasargod side. As they passed, CW2 greeted him by raising his hand. Immediately after passing them, upon hearing a vehicle collision, he stopped the motorcycle and looked back. He then saw a Santro car that had struck the rear side of CW2's motorcycle. Due to the impact, CW2 and the other person were thrown off the motorcycle.

32. Thereafter, three persons alighted from the Santro car. Accused No.1, Abid, armed with a knife, exhorted the others to kill CW2. Accused No.2, Ameen, was armed with a sword, and the accused Rifayi was armed with a sword stick. Two motorcycles with four people were also accompanying the car at the relevant time. The assailants who came on motorcycles were carrying hockey sticks, bats and iron pipes in their hands.

33. The accused, namely Fathah, Saddu, and two others, chased PW1, who fled from the scene. Accused No. 4, Fathah, struck him on the leg, hand, and back with a hockey stick. PW1 cried out loudly and ran towards the Cherkala side.

34. Meanwhile, CW2 managed to stand up and flee from the scene towards the Panarkulam Mosque. As he attempted to enter the mosque's gate, Accused No. 2 struck him with a sword stick on his back. When CW2 turned around, Accused No. 2 struck him again, on his hand. The injured CW2 then fell into the courtyard of the

mosque. At that point, Accused No. 1, Abid, stabbed him with a knife in the chest and abdomen. The Accused, named Rifayi, also struck CW2 with a sword, which CW2 defended with his boot. Meanwhile, the accused persons, who had attacked PW1, also arrived at the spot and began to assault CW2. Hearing the commotion, people came out of the mosque, and witnessing this, the assailants took to their heels.

35. During his examination, PW3 positively identified Accused Nos. 1, 2, 4, and 5 in the case at hand. He also identified the MO1 sword stick, used by Accused No. 2 to inflict injuries on CW2.

36. To substantiate the injuries sustained by PW1 and CW2, the prosecution examined doctors PWs 15 and 18, who had examined them following the incident. Their evidence-in-chief examination is outlined below.

37. PW15, Dr Prasad Menon, was working as an orthopaedic surgeon at the Kasaragod Institute of Medical Science (KIMS) at the relevant time. According to him, on 05.02.2013 at 10:20 p.m., he examined PW1 Sudheer, who came with an alleged history of assault by a group of around 20 people using an iron rod and hockey sticks all over his body at Santhosh Nagar at about 6:15 p.m. The wound certificate prepared by him at the time of his examination was marked as Ext. P13. The oral evidence of PW15 as well as Ext. P13 wound certificate substantiates that PW2 had sustained swelling and tenderness over his right leg.

38. PW18, Dr Jayaprakash K. was a Professor and Head of the Department, AJ Institute of Medical Science and Hospital, Mangalur. According to him, on 05.02.2013 at 08.40 p.m., he examined CW2, Jyothish, who came with an alleged history of assault by a group of five unknown people using sharp weapons on 05.02.2013 at about 06.30 p.m. at 4th Mile Kasargod. The wound certificate prepared by him at the time of his examination was marked as Exhibit P19. The oral evidence of PW18 as well as Ext. P19 wound certificate substantiates the injuries sustained by CW2, which are given hereunder.

- 1) *Incised wound, 4cm x 0.5cm x bone deep, over left side of the head, 2cm above the ear.*
- 2) *Incised wound, 7cm x 1cm x bone deep, over left side of the head, 6cm above the ear.*
- 3) *Incised wound, 2cm x 0.3 cm x muscle deep, over middle of the back of the neck at hairline.*
- 4) *Incised wound, 3cm x 0.5cm x muscle deep, over left side of the back of the neck, just above the root of the neck and 3cm away from midline.*
- 5) *Incised wound, 2.5cm x 0.4cm x muscle deep, over right side of the back of the neck, at the root of the neck and 4cm away from the midline.*
- 6) *Incised wound, 3cm x 0.5cm x muscle deep, over right side of the back, 3cm below the shoulder and 7.5cm away from the midline.*
- 7) *Incised wound, 2.5cm x 0.4cm x muscle deep, over right side of the back, 10cm below the root of the neck & 2cm away from the midline.*
- 8) *Incised wound, 13 cm x 3cm x muscle deep, over left side of the shoulder with avulsion of skin flap.*
- 9) *Incised wound, 5cm x 1cm x muscle deep, over left side of the chest, 7cm below the collar bone and 7cm away from midline.*

- 10) *Incised wound, 3.5cm x 0.5cm x muscle deep, over left side of the front of the chest, 24cm below the collar bone and 5cm away from the midline.*
- 11) *Incised wound, 3cm x 0.5cm x muscle deep, over left side of the front of the abdomen, 35cm below the collar bone and 11cm away from the midline.*
- 12) *Incised wound, 8cm x 3cm x bone deep situated 3cm above the tip of the chin, giving rise to a partial flat separation with underlying fracture of mandible (X-Ray of mandible).*
- 13) *Incised wound, 5 cm x 1 cm x bone deep, over palmar aspect of right hand, extending from the inner aspect of the base of middle finger passing upwards and outwards, transecting the underlying flexor tendons (FDP & FDS).*
- 14) *Clean cut total amputation of middle finger of left hand, 2.5 cm above the tip.*
- 15) *Clean cut total amputation of ring finger of left hand, 1.5 cm above the tip.*
- 16) *Incised penetrating wound, 4cm x 0.5cm x cavity deep (on approximation 4.2cm in length), over right side of the front of the chest, 24 cm below the collar bone and 7 cm away from the midline; transecting the muscles and giving rise to haemothorax.*
- 17) *Incised penetrating wound, 4cm x 0.5 cm x cavity deep (on approximation 4.2cm in length), over right side of the front of the*

abdomen, 31cm below the collar bone and 7.5cm away from the midline; transecting the muscles and penetrating into the right lobe of the liver causing haemoperitoneu.

18) Incised penetrating wound 3.8 cm x 0.5 cm x cavity deep (on approximation 4cm in length), over right side of the front of the abdomen, 35cm below the collar bone and 7cm away from the midline; transecting the muscles and causing multiple tears in the jejunal part of the small intestine and pneumoperitoneum.

39. According to the prosecution, PW21 P. Kunhikannan, an Assistant Sub Inspector of Vidhyanagar Police Station, recorded the Ext.P1 statement of PW1 while he was undergoing treatment at the KIMS Hospital, Kasargod. Based on the same, he registered the Ext.P21 FIR in the case at hand.

40. Immediately after the registration of Ext. P21 FIR, the investigation in the case was taken over by PW25, C.K. Sudhakara, Inspector of Police, Kasaragod Police Station, on 06.02.2013. According to him, on the same day he prepared Ext.P2, the Scene Mahazar, in the present case. As per Ext.P2, the place of the incident is the National Highway road and its margin running in an east–west direction, at a location known as the 4th Mile in Changala Village. Vide Ext. P2, he had also seized material objects MO1 to MO11 from the place of the incident. Upon receiving a tip-off that the car used by the accused to ram the motorcycle of CW2 was parked in the compound of Malik Dinar Masjid, he proceeded to the location and seized the said Hyundai car bearing registration No. KL-14-H-8638 as per Ext.P27 Seizure Mahazar.

41. On 02.12.2013, he apprehended the accused, Sajeer M, Saleem M.A., and Abdul Saheer Anas. Among them, Accused No. 12, Saleem M.A., is facing trial in the present case. The arrest memo and inspection memo of Accused No. 12 were

identified and marked as Ext. P28 series. On that day, he had also arrested Accused No.13 Sakeer in the case at hand. The Arrest and Inspection memos of Accused No. 13 are marked as Ext.P31 series.

42. On 15.02.2013, he apprehended Accused No. 8, Abdul Rasheed, in the present case. The arrest and inspection memos prepared at the time of arrest are marked as Exts. P7 and P29, respectively. Thereafter, he seized the Nano car bearing registration number KL-14M-7287, which was used by Accused No. 8 to transport the other accused after the commission of the present crime. The Seizure Mahazar prepared in this regard is marked as Ext. P6.

43. On 18.02.2013, he arrested Accused No. 10, Rishal K.M., in the present case. The arrest and inspection memos of Accused No. 10 are marked as Exhibit P30 series. Although they have been referred to as Ext.P18 series in the deposition, this was an inadvertent clerical error committed by the Court while recording the evidence.

44. On 28.02.2013, he arrested Accused No. 7, Noushad, in the case at hand. The arrest and inspection memos of Accused No. 7 are identified and marked as Exhibit P32 series.

45. Upon receiving information that Accused No. 1, Aabid @ Sainul Aabid, was in custody in a KAPPA case, he applied to secure his custody. On 03.04.2013, after obtaining custody, he interrogated Accused No. 1 and recorded his confession statement. Accused No. 1 disclosed that the knife used by him to inflict injuries on CW2 had been thrown into the Chandragiri River. Based on this disclosure, he took Accused No. 1 to the place indicated by him. Although a search was conducted in the river to recover the knife in question, it proved futile. The observation mahazar prepared in this regard is marked as Ext.P9.

46. Subsequently, Accused No. 2, Abdul Ameen, and Accused No. 5, Muhammed Hussain @ Saddu, surrendered before the court on 11.04.2013. During his examination, he positively identified both accused.

47. The reports submitted by him before the Court for adding sections in the present case are marked as Ext.P33 series. The four reports submitted by him to add the full names and addresses of the accused persons are marked as Ext.P34 series. The material objects seized by him, as per Exhibit P2, Scene Mahazar, were produced before the Court on 14.02.2013, as per Exhibit P35, Property list. Ext P36 and P37 are two other Property lists submitted by him while producing other material objects before the Court. Apart from the above, he also recorded the statements of prosecution witnesses CW1 to CW17 in the case at hand.

48. Thereafter, on 31.10.2014 onwards, the investigation in the present case was taken over by PW22 P.K. Sudhakaran, Inspector of Police, Kasargod Police Station. According to him, during the initial investigation of the present case, 9 mobile phones were seized in the case at hand. The Seizure Mahazar prepared by him while seizing the address proof and ID proof pertaining to those 9 mobile phone numbers is marked as Ext.P10. According to him, as per the address proof, mobile number 9633444540 belonged to Muhammed Ashif, 9946531406 belonged to Shajeer and 9645210123 belonged to Sakeer, who are arrayed as Accused Nos.6, 11 and 13.

49. According to him, during the course of the investigation, it was revealed that the time of the incident was incorrectly recorded in Ext. P21 FIR as 18:15 hours instead of 18:45 hours. The report submitted by him for the purpose of rectifying the same is marked as Ext. P24. During the investigation, he recorded the statements of CWs 29, 35, 36, and 37 in the case at hand.

50. Then, on 31.07.2018 onwards, the investigation was continued by PW23, Babu Peringoth, Inspector of Police, Vidhyanager Police Station. According to him, CW2, the victim in this case, was a known rowdy included in the rowdy list maintained at Kasaragod Police Station. As per his request, the rowdy history sheet pertaining to CW2 was produced before him by PW40, Sub-Inspector Ajith Kumar, attached to Kasaragod Police Station. The Seizure Mahazar prepared by him at the

time of seizing the said list is marked as Ext.P18. According to him, the history sheet was subsequently returned to the Sub-Inspector. Pursuant to the order of the Government, he filed Ext.P25 report, along with the said order, for the purpose of reducing Section 153A IPC in the present case. Since Accused No. 6, Sainul Abid, was reported to be deceased during the course of the investigation, he filed Ext.P26 report, stating that the charge against him stood abated. During the investigation, he also recorded the statements of CWs 2, 24, 32, 40, 41, and 42 in the case at hand. Upon completing the investigation, he filed the final report in the present case.

51. The learned Additional Public Prosecutor contended that the prosecution had succeeded in proving the case beyond a reasonable doubt. It was submitted that the testimonies of PWs 1 and 3 are consistent, credible, and sufficient to establish the incident in question. These witnesses also positively identified the Accused Nos. 1, 2, 4, and 5 during their examination. The fact that Accused Nos. 1, 2, 4 and 5, along with Sulaiman Rifayi @ Chitti, Asif K.A. @Ashi and one Sinul Abid@Pattu, formed themselves into an unlawful assembly armed with deadly weapons and in prosecution of their common object committed rioting by assaulting PW1 and attempted to kill CW2 is proved by the prosecution. Since the evidence of PW1 and PW3 is credible and convincing, the failure to recover the weapons used for the commission of the offence, apart from MO1, is not fatal to the prosecution case. Ext.P1 statement of PW1 was recorded on the very same day itself, and based on the same, Ext.P21 FIR in the case was also registered without any inordinate delay.

52. The fact that the names of the accused were not mentioned by PW1 in his Ext.P1 statement is not fatal to the prosecution case, since the first information is not an encyclopedia of the prosecution version. Moreover, the substantive evidence regarding identification is the dock identification made by the prosecution witnesses at the time of their examination before the Court. PWs 1 and 3 successfully identified the accused during their examination.

53. The intention of the accused to inflict fatal injuries on CW2 can be gathered from attending circumstances, nature of the weapon used and the manner in which the assault was carried out. The medical evidence regarding the injuries tendered by PW15 and PW18 doctors corroborates the ocular evidence of PWs 1 and 3 in the case at hand.

54. Though these witnesses were cross-examined in depth and detail, nothing material was brought out to discredit their version or cast doubt on their credibility. It is trite law that a witness's testimony cannot be expected to perfectly mirror that of others. Slight variations and discrepancies are natural, as statements are reproduced from human memory. Hence, the prosecution submitted that the charges levelled against the accused stand proved beyond reasonable doubt and that they are liable to be convicted.

55. On the other hand, the learned counsel appearing for the accused refuted the submissions made by the prosecution and contended that the prosecution has miserably failed to prove the case against the accused persons with cogent and convincing evidence. According to him, the testimonies of PWs 1 and 3 are inconsistent and mutually contradictory. If this Court believes the testimony of PW1, the testimony of PW3 must be discarded, and vice versa. The place of the incident, as well as the overt acts of the accused, described in their testimonies, are inconsistent with each other, which also casts a reasonable doubt regarding the prosecution's case. None of the natural witnesses who were present and witnessed the incident was either cited or examined by the prosecution. This suggests an inference that the prosecution is withholding the true version of events. The treatment records of PW1 and CW2 from Carewell Hospital and E.K. Nayaanar Hospital were suppressed by the prosecution.

56. According to the defence, the CW2 was a known rowdy and criminal who had been involved in multiple murder cases and many other criminal cases. CW2 was assaulted by some unknown persons in a different incident. However, the

said incident was suppressed, and a new version was introduced to foist the present case with some ulterior motives. It is evident from the deposition of PW1 that the first information statement given by PW1 from Carewell Hospital was suppressed by the prosecution and the present statement was foisted with a view to implicate the accused on account of political reasons. Furthermore, there was an inordinate and unexplained delay in registering the Ext.P21 FIR as well as the production of MO1 to MO11 material objects before the Court. The same also casts reasonable doubt regarding the prosecution's case.

57. In Ext. P1 statement, PW1 did not mention the name or any identifying features of the assailants. Ext.P1 indicates that the accused was not known to PW1 at the relevant time. Further, the recitals in Ext. P13 and P19 wound certificates show that PW1 and CW2 did not have a consistent case regarding the number of assailants who were allegedly attacked them at the relevant time. The evidence of PWs 1 and 3 cannot be relied on to establish the identity of the accused, as it lacks independent corroboration.

58. Though PW3 stated that he had given a statement to the Investigating Officer on 08.02.2013 itself and had spelled out the names of the assailants in that statement, it is pertinent to note that Ext.P34(c) report, adding the names and complete addresses of accused Nos. 1, 2, 4, and 5 in the present case, was filed only on 05.04.2013, i.e. 57 days after recording the statement of PW3. According to the defence, the manner in which the Investigation Officer ascertained the identity of the accused is still under a cloud. In view of the above, it was urged that the benefit of doubt must be extended to the accused, and they are entitled to be acquitted of all charges.

59. After hearing both sides at length, this Court is now embarking on the evidence to answer the rival submissions. Before going to the other issues, it is better to have a precise idea about the place of the incident in which the alleged attack took place. In order to establish the place of the incident, the prosecution relies on the

evidence of PWs 1, 3, 4, 12 and 25 in the case at hand. PW4 is an attesting witness to Ext.P2 Scene Mahazar. PW12 is the Village Officer who prepared the Ext. P8 Site Plan. PW25 is the Investigation Officer who had prepared the Ext.P2, Scene Mahazar.

60. As per Ext.P2 Scene Mahazar, the place of incident is the National Highway road and its margin running in an east–west direction, at a location known as the 4th Mile in Changala Village. According to PW25, on 06.02.2013 at 9.00 am, he inspected the place of occurrence and prepared Ext.P2 Mahazar. While preparing the same, he had also seized a Motorcycle bearing registration No. MEG 9927 in which PW1 and CW2 were travelling at the time of the incident, MO1 knife, MO2 Iron Knife Cover, MO3 Blood-stained hair, MO4 Piece of human finger, MO5 Blood-stained coin, MO6 Ear ring, MO7 Cotton, MO8 oil-stained sand, MO9 Wedding card, MO10 Glass pieces and MO11 strip of a chappal.

61. PW4 is an attesting witness to Ext.P2 Scene Mahazar, and he has given cogent evidence regarding its preparation as well as the seizure of the material objects. Although the defence contended that he is not a resident of the locality and is a planted witness, there is nothing on record to discredit his testimony. His version is that, while proceeding to Cherkala, he noticed the police preparing Ext.P2 Mahazar. It is relevant to note that the place of occurrence is a public road, where the presence of persons from different locations is entirely plausible. In this context, there is no material on record to cast doubt on the presence of PW4 at the scene.

62. As per Section 7 of the Indian Evidence Act, facts which are the occasion, cause or effect, immediate or otherwise, of relevant facts, or facts in issue, or which constitute the state of things under which they happened, or which afforded an opportunity for their occurrence or transaction, are relevant. Illustration b to Section 7 of the Evidence Acts says, ***“Marks on the ground produced by a struggle at or near the place where the murder was committed, are relevant facts.”*** Therefore, the presence of human blood stains, a human fingertip, as well as other material objects mentioned above, found at the place of the incident, is certainly an

aftereffect of the assault of a human being at the place of incident. Thus, the same corroborates the substantive evidence tendered by PWs 1, 3, 4 and 25 regarding the place of the incident and suggests an inference that the assault of PW1 and CW2 happened at the place of the incident as alleged by the prosecution.

63. The question now is whether the prosecution has succeeded in establishing that Accused Nos. 1, 2, 4, and 5, along with others, assaulted PW1 and CW2 at the relevant time. The learned defence counsel has also pointed out the discrepancies in the evidence of PW1 and PW3 to discredit their credibility. According to the defence, even if the prosecution version is accepted as genuine, PW1 had sustained only simple injuries during the incident.

64. As per the prosecution case, the Ext.P1 statement of PW1 was recorded at KIMS Hospital, Kasaragod, on 05.02.2013 at 23:30 hours. However, during cross-examination, PW1 deposed that immediately after the incident, between 7:30 and 8:00 p.m., he went to Carewell Hospital, Kasaragod, where he was treated by a doctor. According to him, Ext.P1 statement was recorded by the police while he was undergoing treatment at Carewell Hospital. In that context, the defence argued that the first information statement and the treatment records of PW1 were suppressed, and that a new statement was recorded at KIMS Hospital in order to foist the present case.

65. While deposing before the Court, PW1 categorically asserted that his statement was recorded by the police at Carewell Hospital, and not from KIMS Hospital as alleged by the prosecution. According to the prosecution, Ext.P1 statement of PW1 was recorded by PW21 at 23.30 hours from the said hospital. As per the recitals in Ext.P13 Wound Certificate, PW1 was examined by PW15 doctor from the KIMS Hospital at 10.30 p.m.

66. However, PW1 deposed that he had reached Carewell Hospital immediately after the incident, i.e. between 07.30 p.m. and 08.00 p.m. He claimed that a doctor treated him at Carewell Hospital as well. According to PW1, the history

of alleged assault was stated by him to the doctor during the time of examination. The police recorded his statement while he was undergoing treatment there. He was later shifted to KIMS Hospital for reasons best known to him. When examined before the Court, PW15, who treated PW1 at KIMS Hospital, categorically stated that PW1 was not referred from any other hospital. Significantly, the doctor who allegedly examined PW1 at Carewell Hospital was neither cited as a witness nor examined. The prosecution did not produce any documents pertaining to any such treatment. No explanation is forthcoming from the side of the prosecution to explain these material discrepancies. If a statement of PW1, as asserted by him, was recorded by the police at Carewell Hospital, it ought to have formed the basis of the FIR in this case. However, the prosecution has failed to explain what happened to the statement of PW1 recorded at Carewell Hospital. In these circumstances, two possibilities arise before this Court: either PW1 is not speaking the truth, or he is suppressing the true version of events. In either scenario, the credibility of PW1's testimony becomes doubtful, which is fatal to the prosecution's case.

67. The defence contended that the evidence of PW1 cannot be relied on by the prosecution to establish the identity of the accused persons. While recording Ext.P1 statement, PW1 did not have a case that accused Nos. 1, 2, 4 and 5 herein, along with Sulaiman Rifayi @ Chitti, Asif K.A. @ Ashi and one Sinul Abid @ Pattu attacked him and CW2 at the relevant time. Put it in other words, as per Ext.P1, the assailants were unknown persons. Furthermore, during cross-examination, PW1 admitted that he was not aware of the names of the accused persons at the time of the incident or while giving the Ext.P1 statement. However, during his examination, PW1 positively identified the accused Nos. 1, 2 and 4 in the case at hand. The prosecution did not have a case that PW1 had subsequently identified these accused in a Test Identification Parade or supplied any other identifying features of these accused to corroborate the identification made by him before the Court. In that context, the defence contended that in the absence of a Test Identification Parade, the

evidence of PW1 cannot be relied on to establish the identity of the accused persons in the case at hand.

68. In this context, before arriving at a conclusion, it is germane to refer to the decision of the honourable Apex Court in ***Jayan v. State of Kerala (2021) 20 SCC 38***), wherein it was held as follows:

“ It is well settled that TI parade is a part of investigation and it is not substantive evidence. The question of holding TI parade arises when the accused is not known to the witness earlier. The identification by a witness of the accused in the Court who has for the first time seen the accused in the incident of offence is a weak piece of evidence especially when there is a large time gap between the date of the incident and the date of recording of his evidence. In such a case, TI parade may make the identification of the accused by the witness before the Court trustworthy....”
(para18).

69. In yet another decision, ***Kanan v. State of Kerala, 1979 (3) SCC 319***, the honourable Apex Court held as follows:

“It is well settled that where a witness identifies an accused who is not known to him in the Court for the first time, his evidence is absolutely valueless unless there has been a previous T. I. parade to test his powers of observation. The idea of holding T. I. Parade under S.9 of the Evidence Act is to test the veracity of the witness on the question of his capability to identify an unknown person whom the witness may have only once. If no T. I. parade is held then it will be wholly unsafe to rely on his bare testimony regarding the identification of an accused for the first time in Court. In these circumstances, therefore, we feel that it was incumbent on the prosecution in this case to have arranged T. I. parade and got the identification made before the witness was called upon to identify

the appellant in the Court. On this ground alone, the testimony of PW 25 becomes unworthy of credence and must be excluded from consideration.”

70. The facts stated in these precedents are identical to the facts of the present case. In the case at hand, PW1 did not claim to have any prior acquaintance with the accused persons; admittedly, they were strangers to him. He did not name the accused while giving Ext.P1 statement. Furthermore, the incident occurred in 2013, and PW1 was examined in 2024, nearly 11 years after the incident. Thus, the ratio laid down by the Honourable Apex Court in **Jayan (supra)** and **Kannan (supra)** is squarely applicable to the present case as well. Therefore, this Court is of the considered view that the evidence of PW1 cannot be relied upon to establish the identity of the accused in the present case.

71. To challenge the credibility of PW1, the defence has underscored several inconsistencies and contradictions in his testimony. It is contended that PW1 has not presented a consistent account regarding the number of assailants who allegedly attacked him and CW2 at the relevant time. His version in Ext.P1, the statement given to PW15 (the doctor) as reflected in Ext.P13 Wound Certificate, and his deposition before the Court are contradictory. Consequently, the defence argues that he is not a credible witness and his evidence is unreliable.

72. According to the prosecution, the first statement of PW1 relating to the incident was recorded by PW15, the doctor at KIMS Hospital, at 10:20 p.m. on 05.02.2013. During the examination, PW1 stated that he had been assaulted by a group of approximately 20 persons using iron rods and hockey sticks at Santhosh Nagar at about 6:15 p.m.

73. The Ext.P1 statement of PW1 was recorded by PW21 at the same hospital at 11:30 p.m. on the very same day. In this statement, PW1 asserted that the assailants comprised approximately five individuals who arrived in a car and another

five who came on three motorcycles, and that they had attacked him and CW2 at the relevant time.

74. However, when testified before the Court, the definite case of PW1 was that three persons came in a car and four persons came in 2 motorcycles were the assailants who attacked him and CW2 at the relevant time.

75. During cross-examination, PW1 was confronted with contradictory statements between his testimony and his earlier statements in Exts. P1 and P13 documents. He admitted that he had given such a statement to PW15 doctor, at the time of his examination. However, with respect to the contradictory statements in Ext.P1, he deposed that he could not recollect whether he had made those statements while giving Ext.P1. Nonetheless, those statements in Ext. P1 were duly proved through the testimony of PW21, the Assistant Sub Inspector, who had recorded the same.

76. Given the contradictions and inconsistencies outlined above, it is sufficient to hold that PW1 did not have a consistent case regarding the incident in question. The same casts serious doubt regarding his credibility. Therefore, this Court is of the considered view that the evidence of PW1 cannot be relied on to bring home the charge against the accused persons.

77. Now, what remains to be considered is the evidence of PW3, who allegedly witnessed the incident. To discredit the testimony of PW3, the defence has pointed out several contradictions in his evidence. According to the defence, PW3 is a planted witness who was later introduced by the prosecution to fill the lacunae in the present case. In Ext.P1, PW1 did not state that PW3 was present or had witnessed the incident at the relevant time. PW1 had deposed that nearly 100 persons were present in the locality and had witnessed the occurrence, yet none of these natural witnesses were cited or examined by the prosecution. The defence contends that this was done with a deliberate intention to suppress the true version of events.

78. The defence further contended that PW3 was a close associate of CW2 and they belonged to the same political party. Thus, he is an interested witness who has a political rivalry with the accused. The testimonies of PW3 and PW1 are mutually inconsistent and cannot coexist. With respect to the overt acts attributed to the accused, as well as the place of occurrence, PW1 and PW3 have given mutually inconsistent versions.

79. When examined before the Court, PW3 deposed that following the incident, he, along with CW4, returned to their home. During cross-examination, at the first instance, he deposed that only on 08.02.2013, he informed the police that he had witnessed the incident. However, in the later part of his cross-examination, he changed his version and deposed that on the very next day, he went to the police station and informed the police that he had witnessed the incident. However, the Investigation Officer did not record his statement that day. According to him, he again went to the police station on 08.02.2013, and the Investigation Officer recorded his statement on that day. The learned defence counsel has highlighted the delay in recording the statement of PW3. The defence contended that the prosecution had planted this witness to provide evidence consistent with a later version, which, according to them, was concocted by the prosecution to implicate the accused.

80. However, the learned Additional Public Prosecutor submitted that a mere delay in recording the statement of PW3 cannot be a reason to discard his evidence, which is otherwise found to be reliable and convincing. The same may be a lapse in investigation, and therefore, it cannot be a reason to reject the entire prosecution case and evidence of PW2.

81. In the present case, while registering Ext.P21 FIR, the police were in complete darkness about the identity of the assailants who allegedly attacked PW1 and CW2 in the case at hand. The Ext.P1 statement of PW1 did not contain any indication regarding the identity of the assailants. The recital in Ext.P19 Wound Certificate indicates that CW2 was also unaware of the identity of the assailants.

When examined before the Court, PW18 doctor, deposed that CW2 came before him with an alleged history of assault by a group of five unknown people using sharp weapons.

82. This is a case in which CW2 sustained grievous injuries and was luckily saved. Despite these facts, when PW3 went to the police station the following day and informed the police that he had witnessed the incident, the Investigating Officer did not choose to record his statement. This assumes significance, particularly considering the fact that the accused were known to PW3. The prosecution has provided no plausible explanation to account for this delay. In this context, it is apposite to refer to the following decisions of the Hon'ble Apex Court in this regard.

83. In the given case, the witnesses were known and could have been examined when the Investigating Officer visited the scene of the occurrence or soon thereafter. In that context, the honourable Apex Court in ***Ganesh Bhavan Patel vs. State of Maharashtra, (1978 (4) SCC 371)*** held that in the light of the surrounding circumstances, the inordinate delay in registration of the 'F.I.R.' and further delay in recording the statements of the material witnesses, casts a cloud of suspicion on the credibility of the entire warp and woof of the prosecution story.

84. In ***Harbeer Singh v. Sheeshpal and Others (2016 (16) SCC 418)***, the honourable Apex Court held that if witnesses were or could be available for examination when the Investigating Officer visited the scene of occurrence or soon thereafter, and the same was not done, it would cast a doubt upon the prosecution case.

85. In the present case, the Investigating Officer also failed to record the statement of PW3 on the day following the incident, when he approached the police station to report the occurrence. In the absence of any plausible explanation from the prosecution, this circumstance casts serious doubt on the veracity of the prosecution's case as well as the reliability of the evidence of PW3 in the case at hand.

86. The defence has also pointed out the material contradictions in the evidence of PW3 to discredit him. When examined before the Court, PW3 deposed that, witnessing the incident, he parked his motorcycle on the roadside and ran towards the place of the incident. However, in his previous statement, he had stated that seeing the incident, he and CW4 turned their bike and rode towards the place of the incident. Though he denied giving such a statement, the fact that he made such a statement was duly proved through the evidence of PW25, Investigation Officer.

87. When testified before the Court, PW3 deposed that at the relevant time of the incident, the accused named Saddu(A5 herein), Ashiq(A6 herein), and Abid (A6 in the final report) chased PW1 and attacked him along with Fathah (A4 herein). Though he claimed to have made such a statement to the investigation officer, the fact that Saddu, Ashiq, and Abid chased PW1 and attacked him was proved to be an omission, which was duly proved through the evidence of PW25, the Investigation Officer.

88. When examined before the Court, he identified MO1 Swordstick as the weapon used by Accused No. 2 Ameen to attack CW2 at the relevant time. However, in his chief examination, he deposed that Accused No.3 Rifayi was holding MO1 swordstick and Accused No.2 was holding a sword. Furthermore, the Investigation Officer PW25 had categorically asserted that the weapon used by Accused No.2 was not recovered in the case at hand.

89. According to PW1, the place of incident was the National Highway and its margin located at the 4th Mile. Ext.P2 Scene Mahazar also indicates the same. However, PW3 deposed that when CW2 was chased by the accused, he ran towards the Panarkulam mosque situated on the side of the National Highway. When CW2 was about to open the gate, Accused No. 2 struck him with a sword. When CW2 turned around, the accused struck him on his hand. Thereafter, CW2 fell into the courtyard of the mosque, where he was further assaulted by the assailants. When people inside the mosque came out, the assailants fled from the scene.

90. PW1 did not state that CW2 was assaulted by the assailants inside the compound of the mosque. According to PW1, the entire incident transpired on the National Highway and its margin located near the mosque and the sawmill at the 4th Mile. However, according to PW3, during the alleged incident, CW2 was attacked inside the compound of the mosque. This was inconsistent with the prosecution case as well as the evidence of PW1 in the case at hand. Therefore, when analysing the evidence of PW1 and PW3, it is discernible that the prosecution did not present a consistent case regarding the place of the incident. This inconsistency also raises genuine doubt about the veracity of PW3.

91. According to PW3, he is a chance witness who happened to see the alleged incident while returning home after his work. The incident happened at a public place, namely the National Highway and its margin. PW1 deposed that there were nearly 100 people present and witnessed the incident. The prosecution did not cite or examine any natural witnesses present at the scene who had witnessed the incident. Instead, the prosecution chose to cite and examine PW3, who is a friend of CW2, who is a chance witness to the incident.

92. Though PW3 claimed to be acquainted with CW2, he deposed that CW2 was not his friend and that he was not an activist of the Bharatiya Janata Party, to which CW2 belonged. He further stated that he was unaware of the name of PW1 at the relevant time of the incident. The defence, however, confronted him with his previous statement recorded during the course of the investigation, wherein he had expressly stated that CW2 was his friend and had also mentioned the name of PW1. Although PW3 stated that he could not recall whether he had made such statements to the Investigation Officer, the fact that he had made them was duly proved by the testimony of PW25, the Investigating Officer. All these suggest an inference that PW3 is trying to suppress the true version of events.

93. Before arriving at a conclusion, it is apposite to refer to the following precedents in this regard. The honourable Apex Court in [Mousam Singha Roy and Ors.](#)

Vs. State of WB, (2003 (12) SCC 377), held that deposition of a chance witness, whose presence at the place of incident remains doubtful, ought to be discarded.

94. The defining attributes of a ‘chance witness’ were explained by the Honourable Apex Court in the case of **Puran v. The State of Punjab**, (AIR 1953 SC 459). It was held that such witnesses have the habit of appearing suddenly on the scene when something is happening and then disappearing after noticing the occurrence about which they are called later on to give evidence.

95. The case of the prosecution is that PW3 had prior acquaintance with the accused No. 1, 2, 4 and 5 and that their names had been supplied by him to the police on 08.02.2016, when his statement was recorded by the investigation officer. Ext.P34(c) is the report submitted by PW25 Investigation Officer, for adding the names and addresses of the Accused No. 1, 2, 4, 5 herein and absconding accused Sulaiman Rifayi@ Chitti, Asif K.A.@Ashi and the deceased Sainul Abid @ Pattu. The said report indicates that it was submitted by PW25 before the Court on 05.04.2013. If the assailants were known to PW8 and their names had indeed been supplied to the police on 08.02.2013, why was there an inordinate delay of 57 days in submitting a report to add their names in the present case? It is pertinent to note that Ext. P34(a) report was filed by the Investigating Officer only after the arrest of Accused Nos.1 in the present case. No plausible explanation has been offered by the prosecution to account for this delay. In the absence of a satisfactory explanation, the assertion of PW3 that his statement was recorded on 08.02.2013 and that he had supplied the names of the accused while recording his statement is under a cloud.

96. In view of the contradictions and inconsistencies in the testimony of PW3, as discussed above, this Court is of the considered view that the presence of PW3 at the scene of occurrence, and his claim of having witnessed the incident, remains doubtful. The discrepancies in his deposition give rise to two possible inferences: either he was not narrating the true version of events, or he was not

present at the scene and did not witness the incident in question. Therefore, this Court is of the opinion that his evidence cannot be relied upon to establish the charge against the accused.

97. The remaining evidence let in by the prosecution to prove points No. 1 to 10 is intended to corroborate the evidence of PW1 and PW3 in the case at hand. Since the evidence of PW1 and PW3 is found to be insufficient to prove the guilt of the accused, the other evidence also loses its significance.

98. It is a cardinal principle of criminal jurisprudence that the guilt of the accused must be proved beyond all reasonable doubt. The burden of proving its case beyond all reasonable doubt lies on the prosecution and it never shifts. Another golden thread which runs through the web of the administration of justice in criminal cases is that if two views are possible on the evidence adduced in the case, one pointing to the guilt of the accused and the other to his innocence, the view which is favourable to the accused should be adopted. [*See: Kali Ram V. State of Himachal Pradesh, 1973 (2) SCC 808; State of Rajasthan V. Raja Ram, 2003 (8) SCC 180; Chandrappa & Ors. v. State of Karnataka, 2007 (4) SCC 415; Upendra Pradhan V. State of Orissa, 2015 (11) SCC 124 and Golbar Hussain & Ors. V. State of Assam and Anr., 2015 (11) SCC 242*].

99. The upshot of the foregoing discussion is that the evidence of PW1 and PW3 is not found to be reliable or credible. Consequently, their testimonies cannot be relied upon to bring home the charge against the accused persons. Upon considering the evidence in its entirety, this Court is of the considered view that a genuine doubt exists regarding the prosecution's version, and in such circumstances, the benefit of doubt ought to have been extended to the accused. Therefore, this Court holds that the prosecution has failed to establish that Accused Nos. 1, 2, 4 and 5 had attacked PW1 and CW2 at the relevant time of the incident. Therefore, these points are answered against the prosecution.

100. **Points No.12:** According to the prosecution after assaulting PW1 and CW2, Accused Nos . 7, 8, 10, 12 and 13 herein harboured or concealed Accused Nos. 1, 2, 4 and 5 herein and Sulaiman Rifayi @ Chitti, Asif K.A. @ Ashi and one Sinul Abid@ pattu, knowing that at the time of the said harbouring or concealment, the above-mentioned accused have committed the offences punishable under Sections 143, 147, 148, 341, 324, 326, 307, 427 r/w 149 of IPC and thereby committed the offence punishable under Section 212 of IPC.

101. Therefore, accused Nos. 7, 8, 10, 12 and 13 herein are charged with the offence punishable under Section 212 of the IPC. In order to prove the charge against these accused persons, the prosecution examined PWs 5, 7, 11, 16 and 21 in the case at hand.

102. Among these witnesses, PW5 is the owner of a residential apartment known as Hima Palace, situated at Kuniya. However, when examined before the Court, he deposed that at the relevant time of the incident he was employed at abroad, and that the apartment was being managed by his brother, K.M. Abdullah. Thus, PW5 did not support the prosecution's case.

103. PW7 is the Joint Regional Transport Officer attached to the Regional Transport Office, Kasargod. According to him, as per the requisition of the Investigation Officer in the present case, he had issued B- extracts of the vehicles bearing registration numbers KL-14H-8638 and KL-14M-7287. The B- extracts of the above-mentioned vehicles were marked as Ext.P4 series. According to him, as per Ext.P4, the owner of the Hyundai Santro car bearing registration number KL-14H-8638 is one Nasar Ahammad Mohammed. As per Ext.P4(a), the owner of the Tata Nano car bearing registration number KL-14M-7287 is Abdul Gafoor Talengadi Ahmad.

104. PW11 is a Civil Police Officer attached to the Crime Squad. According to him, on 15.02.2013, he accompanied PW25, the Investigating Officer, when the latter seized the Nano car bearing registration No. KL-14M-7287 from a residential quarter at Chettumkuzhi and recorded the arrest of Accused No. 8 herein. When examined before the Court, he positively identified Accused No. 8, as well as his signature on Ext.P6, Seizure Mahazar, and Ext.P7, Arrest memo.

105. PW16 is the Additional Sub Inspector attached to Vidyanagar Police Station at the relevant time. According to him, as per the direction of the Investigation Officer, he had conducted a search in the house of Accused No. 10 and 11 herein and another accused, namely Abdul Saheer Anaz. During the said search, he recovered two mobile phones. The search lists prepared by him in this regard are marked as Ext.P14 to Ext.P16.

106. Though the customer application forms and ID proofs relating to these mobile numbers were produced before the Court, nothing incriminating was brought out from the said mobile phones to establish the charge against the accused. None of the prosecution witnesses examined before the Court gave any positive evidence to substantiate the charge against Accused Nos. 7, 8, 10, 12 and 13 in the case at hand.

107. Any person who, after an offence has been committed, harbours or conceals the offender with knowledge or reason to believe that he is the offender, and does so with the intention of screening him from legal punishment, is liable to be punished under Section 212 of the IPC. However, in the present case, the prosecution is failed to adduce any evidence to prove that Accused Nos. 7, 8, 10, 12 and 13 herein had harboured or concealed Accused Nos. 1, 2, 4 and 5 and Sulaiman Rifayi @ Chitti, Asif K.A. @Ashi and one Sinul Abid@ pattu, knowing that at the time of the said harbouring or concealment, the above-mentioned accused have involved in the present case.

108. Accordingly, upon evaluation of the evidence as a whole, this Court is of the considered view that the prosecution has failed to establish the charges against Accused Nos. 7, 8, 10, 12 and 13. The point is, therefore, answered against the prosecution.

109. **Points No.11, 13 and 14:-** In view of the findings recorded with regard to Points No.1 to 10 and 12, it is found that the prosecution has failed to prove the charge against the Accused numbers 1, 2, 4, 5, 7, 12, 13, 8 & 10 beyond reasonable doubt.

110. Hence, this court holds the view that the prosecution failed to prove with cogent and convincing evidence that the Accused numbers 1, 2, 4 and 5 had committed the offences punishable under Sections 143, 147, 148, 341, 324, 326, 307 & 427 r/w 149 of the IPC .

111. The prosecution also failed to prove, with cogent and convincing evidence, that the Accused Nos. 7, 12, 13, 8 & 10 had committed an offence punishable under Section 212 of the IPC.

112. Hence, the Accused numbers 1, 2, 4, 5, 7, 12, 13, 8 & 10 are liable to be acquitted under Section 235(1) of Cr. P.C. for the said offences. These points are answered against the prosecution.

As a result,

Accused numbers 1, 2, 4, 5, 7, 12, 13, 8 & 10 are found not guilty of the offences punishable under Sections 143, 147, 148, 341, 324, 326, 307 & 427 r/w 149 and under Section 212 of IPC and they are acquitted under Section 235(1) of the Cr.P.C. The accused are set at liberty.

The case against Accused Nos.3, 6, 11 & 9 (A3, A7, A9,& A14 in the final report) was already split up and the same is directed to be refiled as SC No.... /....

Since the trial against Accused Nos. 3, 6, 11 & 9 herein, as well as Accused No. 12 in the final report, is split up, the office is directed to retain the case records, including material objects.

(Dictated to the Confidential Assistant, typed by him, corrected and pronounced by me in open Court, this the 31st day of December 2025)

Sd/-
ADDL. SESSIONS JUDGE-III
KASARAGOD

APPENDIX OF EVIDENCE

FORM 62

List of Prosecution/ Defence/Court Witnesses
 (Rule 134 Criminal Rules of Practice, Kerala)

A. Prosecution Witness:

Rank	Name	Whether Eye witness, Police Witness, Expert Witness, Medical Witness, Other Witness.
PW1/CW1	Sudheer K	Eye witness
PW2/CW12	Sandhya C.H.	Other witness
PW3/CW3	Babumon K	Eye witness
PW4/CW6	Ratheesh.T.K.	Other witness
PW5/CW9	K.M.Ibrahim	Other witness
PW6/CW15	Shivaprasad	Other witness
PW7/CW24	A.C.Sheeba, Joint RTO, RT Office, Civil Station, Kasaragod.	Other witness
PW8/CW18	Nazar Ahammed Muhammed	Other witness
PW9/CW19	Muhammed Nizamudheen	Other witness
PW10/CW20	V.Narayanan	Other witness

PW11/CW23	Sunil Abraham, CPO, District Special Branch, Kasaragod.	Police witness
PW12/CW30	Sathyapala S, Special Village Officer, Chengala Village Office	Other witness
PW13/C33	Narayanan, SCPO, Vidyanagar Police Station	Police witness
PW14/CW36	Krishnakumar P, ASI of Police, Kasaragod Police station	Police witness
PW15/CW27	Dr.Prasad Menon, Consultant Orthopaediac Surgeon, KIMS, Kasaragod.	Medical witness
PW16/CW38	E.V.Rajasekaran, Addl.SI, Vidyanagar P.S.	Police witness
PW17/CW41	Aravindan, SCPO, Kasaragod Police station	Police witness
PW18/CW28	Dr.Jayaprakash.K, Professor and HOD, Department of Forensic Medicine, A.J.Hospital, Mangalore	Medial witness
PW19/CW14	Pavankumar.B.K.	Other witness
PW20/CW21	Abdul Gafoor T.A.	Other witness
PW21/CW43	Kunhikrishnan, ASI, Vidyanagar Police Station	Police witness
PW22/CW45	P.K.Sudhakaran, Inspector of Police, Kasaragod.	Police witness
PW23/CW46	Babu Peringath, Inspector of Police, Vidyanagar.	Police witness
PW24/CW31	Jayachandran K, Scientific Assistant, RFSL, Kannur	Medical witness
PW25/CW44	C.K.Sunil Kumar, Inspector of Police, Kasaragod.	Police witness
PW26/CW11	Ratheesh C	Other witness

B. Defence Witness:

Rank	Name	Whether Eye witness, Police Witness, Expert Witness, Medical Witness, Other Witness.
NIL		

C. Court Witness:

Rank	Name	Whether Eye witness, Police Witness, Expert Witness, Medical Witness, Other Witness.
NIL		

List of Prosecution/ Defence/ Court Exhibits**A. Prosecution Exhibits:**

Sl. No.	Exhibit Number	Date	Description
1	Ext.P1/PW1	05.02.2013	First Information Statement
2	Ext.P2/PW4	06.02.2013	Scene Mahazar
3	Ext.P3/PW5		Contradicted portion of 161 statement (അതിൽ എന്നയാളാണ്)
4	Ext.P4/PW7	11.09.2018	Registration particulars.
5	Ext.P4(a)/PW7	11.09.2018	Registration particulars.
6	Ext.P5/PW9		Contradicted portion of 161 statement (31.01.2013 തീയതി ചോദിച്ചു)
7	Ext.P5(a)/PW9		Contradicted portion of 161 statement (ഞാൻ സൂഹ്യത്തുക്കളുണ്ട്)
8	Ext.P6/PW11	15.02.2013	Seizure Mahazar
9	Ext.P7/PW11	15.02.2013	Arrest Memo

10	Ext.P8/PW12		Site Plan
11	Ext.P9/PW13	01.04.2013	Observation Mahazar
12	Ext.P10/PW14	31.03.2015	Seizure Mahazar
13	Ext.P11/PW4	16.04.2015	Seizure Mahazar
14	Ext.P13/PW15	05.02.2013	Accident Register cum wound certificate issued from Kasaragod Institute of Medical Sciences, Kasaragod.
15	Ext.P14/PW16	14.02.2013	Search List
16	Ext.P15/PW16	14.02.2013	Search List
17	Ext.P16/PW16	14.02.2013	Search List
18	Ext.P17/PW16	14.02.2013	Advance Search Memo
19	Ext.P18/PW17	31.07.2018	Seizure Mahazar
20	Ext.P19/PW18	23.02.2013	Wound Certificate issued by A.J.Hospital & Research Centre, Mangalore.
21	Ext.P20/PW20		Contradicted portion of 161 statement (ആ കാർ ഉപയോഗിച്ചിട്ടില്ല)
22	Ext.P21/PW21	06.02.2013	First Information Report in Crime No. 89/2013 of Vidyanagar Police Station.
23	Ext.P22/PW22		Form 15 with ID Proof
24	Ext.P23/PW22		Form 15 with CDR
25	Ext.P24/PW22	23.05.2015	Time charging report
26	Ext.P25/PW23	31.07.2018	Section 153(A) deleting report.
27	Ext.P26/PW23	12.09.2018	Charge abating report
28	Ext.P27/PW25	07.02.2013	Seizure Mahazar
29	Ext.P28(Series)/PW25 Ext.P28 and Ext.P28(a)	12.02.2013	Arrest Memo and Inspection Memo of Saleem M.A
30	Ext.P29/PW25	15.02.2013	Inspection memo of Abdul Rasheed N.V

31	Ext.P30(Series)/PW25 Ext.P30 and Ext.P30(a)	18.02.2013	Arrest Memo and Inspection Memo of Rishal K.M.
32	Ext.P31(Series)/PW25 Ext.P31 and Ext.P31(a)	12.02.2013	Arrest Memo and Inspection Memo of Sakeer K.I
33	Ext.P32(Series)/PW25 Ext.P32 and Ext.P32(a)	28.02.2013	Arrest Memo and Inspection Memo of Muhammed Noushad.P.H.
34	Ext.P33(Series)/PW25 Ext.P33 and Ext.P33(a)		Section adding report.
35	Ext.P34(Series)/PW25 Ext.P34, Ext.P34(a), Ext.P34(b) and Ext.P34(c)		Address adding report.
36	Ext.P35/PW25	14.02.2013	Property list.
37	Ext.P36/PW25	18.03.2013	Property List.
38	Ext.P37/PW25	15.04.2013	Property List.
39	Ext.P38/PW25	28.07.2015	Forwarding Note.
40	Ext.P39/PW25	17.06.2016	RFSL Report.

B. Defence Exhibits:-

Sl No	Exhibit No.	Date	Description
NIL			

C. Court Exhibits:

Sl No	Exhibit Number	Date	Description
NIL			

D. Material Objects

Sl No	Material Objects	Description
1	MO1/PW3	Weapon
2	MO2/PW4	Cover
3	MO3/PW4	Hairs
4	MO4/PW4	Human finger pieces
5	MO5/PW4	Coin
6	MO6/PW4	Gold ring
7	MO7/PW4	Cotton and Cotton gauze pieces
8	MO8/PW4	Oily soil
9	MO9/PW4	Marriage letter
10	MO10/PW4	Broken glass pieces containing in paper cover
11	MO11/PW4	The black lace of the shoe

Sd/-
ADDL. SESSIONS JUDGE-III
KASARAGOD

Typed &
 Compared by : Beena N

Fair/Copy of Judgment in S.C.No. 364/2019

In the Court of Addl. Sessions Judge-III,
Kasaragod.

Sessions Case No. 364/2019

Judgment dated : 31.12.2025

To

The Registrar, High Court of Kerala,
Ernakulam.

The Addl. Public Prosecutor-III,
Kasaragod.

The Complainant.

The District Collector, Kasaragod.

The District Police Chief, Kasaragod.