

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE
AMBALAPUZHA**

Present : Aiswarya Ann Jacob

Judicial Magistrate of First Class

Dated this, the 13th day of March, 2026

C. C. No.366/2020

Complainant : State of Kerala represented by the Sub
Inspector of police, Punnapra Police
Station in Crime No.447/2019

Rep. by A.P.P., Ambalapuzha

Accused : 1. Sajith aged 26/19, S/o Malathi, Aalisserry
Purayidathil, Punnapra PO, Punnapra south
panchayth ward no.15
2. Sajesh aged 25/19, S/o Sathyan, Aalisserry
Veedu, Punnapra PO, Punnapra south panchayth
ward no.13
3. Sreekuttan aged 23/19, S/o Anilkumar,
Kizhakkethayyil Veedu, Punnapra PO,
Punnapra South Panchayath Ward No.16
(No more)
4. Harikuttan @ Thakku aged 25/19,
S/o Remanan, Puthuval Punnapra Veedu,
Punnapra PO, Punnapra south panchayath
ward no.14

A1 Rep. by Adv. O. Salim
A2 to A4 Rep. by Adv. K. Sreekumar

Offences : U/s.153, 427 r/w S.34 of Indian Penal Code
 Plea : Not guilty
 Finding : Not guilty
 Sentence or Order : Accused nos.1, 2 and 4 are acquitted u/s.255(1) of Cr.P.C. Accused no.3 was reported no more, hence charge against him was abated.

DESCRIPTION OF THE ACCUSED

Sl. No.	Name of the Police Station and Crime No. of the offence	Name	Father's name	Occupation	Residence	Age
1.	Punnapra Police Station in Crime No.447/2019	Sajith	Malathi	...	Aalisserry Purayidathil, Punnapra PO, Punnapra south panchayth ward no.15	26/19
2.	„	Sajesh	Sathyan	...	Aalisserry Veedu, Punnapra PO, Punnapra south panchayth ward no.13	25/19
3.	„	Sreekuttan	Anilkumar	...	Kizhakkethayyil Veedu, Punnapra PO, Punnapra South Panchayath Ward No.16	23/19
4.	„	Harikuttan @ Thakku	Remanan	...	Puthuval Punnapra Veedu, Punnapra PO, Punnapra south panchayath ward no.14	25/19

DATES OF

Occurrence	Complaint	Apprehension	Release on bail	Commitment	Commencement of trial	Commencement of Evidence
09.04.19	10.04.19	06.05.22 (A2 to A4) 06.12.22 (A1)	06.05.22 (A2 to A4) 06.12.22 (A1)	...	06.12.22	04.09.24

Close of trial	Sentence/ Order	Service of Copy of Judgment or finding on account	Explanation of delay	Period of detention undergone during investigation, inquiry of trial for the purpose of section 428 Cr.P.C.
11.03.26	13.03.26	...	No delay	...

This case having been heard on 11.03.2026 and the court on 13.03.2026 delivered the following :

J U D G M E N T

1. This is a case instituted on a final report filed by the Sub Inspector of police, Punnpra Police Station in Crime No.447/2019, alleging commission of offences punishable u/s.153, 427 r/w S.34 of Indian Penal Code against the accused persons.
2. The prosecution case in brief, is that, accused persons, in furtherance of their common intention, with the intent to cause riot, on 09.04.2019 at 23:00 hours near Sreesandram Veedu of Ward No.15 of Punnpra South Panchayath, destroyed postures of the then candidate contesting in election which was affixed on the compound wall and flux boards, thereby causing a loss of ₹1,000/-. Thus, the accused are alleged to have committed the above said offences.
3. On the appearance of the accused before the court, they were released on bail and copies of relevant prosecution records were furnished to them. The particulars of offences u/s.153, 427 r/w S.34 of I.P.C. read over and explained to accused persons to which they pleaded not guilty and claimed to be tried.
4. The prosecution examined PW1 to PW3. Ext.P1 was marked. Since PW3 was the defacto complainant and PW1 and PW2 being the witnesses to prove the alleged incident turned hostile to the case of the prosecution, all the other witnesses were given up by the learned APP. Since no incriminating circumstance was brought out against the accused persons by the prosecution in its evidence, the examination under Section 313(1)(b) was also dispensed with. No defence evidence was adduced.

5. Heard both sides.
6. The following points arose for consideration
 1. Whether the accused persons in furtherance of their common intention, wantonly gave provocation with the intent to cause riot, destroyed postures and flux boards and thereby committed the offence punishable under Section 153 r/w S.34 of IPC ?
 2. Whether the accused persons in furtherance of their common intention, committed mischief by destroying postures and flux boards thereby causing loss of ₹1,000/- and thereby committed an offence punishable under Section 427 r/w S.34 of IPC ?
 3. What shall be the sentence or order ?
7. **Point nos.1 and 2** : As the matter to be discussed in these points are interrelated, for the sake of brevity and convenience, these points are considered together. The prosecution levelled against accused persons is that, they in furtherance of their common intention, with the intent to cause riot, on 09.04.2019 at 23:00 hours destroyed postures and flux boards of the then candidate contesting in election, resulting in a loss of ₹1,000/-, thereby resulting in the final report indicating the accused persons for the offences punishable u/s.153, 427 r/w 34 of IPC.
8. To prove its case, prosecution had examined PW3. He deposed to the tune that he had lodged a complaint with the police and had identified his signature in Ext P1. But he turned hostile to the prosecution and denied identifying the accused. He further testified to have only hearsay knowledge about the involvement of accused. PW1 and PW2, the eye witnesses to prove the alleged incident, denied witnessing the incident.
9. Since all the material witnesses turned hostile to the case of the prosecution and

denied identifying the accused persons, the remaining witnesses were given up by the learned APP. Thus, the inevitable conclusion that could be drawn is that the prosecution has failed to prove the allegations levelled against the accused persons. Hence, the point nos.1 to 3 are answered against the prosecution. Accordingly, these points are found against the prosecution.

10. **Point no.3** : In the light of my findings in point nos.1 and 2, accused nos.1, 2 and 4 are found not guilty of the offences punishable u/s.153, 427 r/w S.34 of Indian Penal Code and they are acquitted u/s.255(1) of Cr.P.C. The accused are set at liberty and the bail bonds executed by them stand cancelled. Accused no.3 was reported no more, hence charge against him was abated. Material object shall be disposed of after the appeal period is over, as per rules.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in the open court, on this, the 13th day of March, 2026).

Sd/-

Judicial Magistrate of First Class
Ambalapuzha

APPENDIX

Witnesses for the Prosecution :

PW1 : Kannappan

PW2 : Suresh

PW3 : Antony

Exhibits for the Prosecution :

P1 : Complaint marked through PW3 on 03.12.2024

Witnesses/Exhibits for Defence : NIL

Court Witnesses/Exhibits : NIL

Material objects marked : NIL

Sd/-

Judicial Magistrate of First Class
Ambalapuzha