

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-II  
CHERTHALA.

Present: Smt. Aminakutty P. M, Judicial First Class Magistrate-II  
Dated this the 18<sup>th</sup> day of March, 2026

**C.C. No. 1132 of 2018**

Complainant : State of Kerala represented by the Police Sub  
Inspector, Poochakkal Police station in crime  
No.596/18  
(By Assistant Public Prosecutor-II Cherthala)

Accused : Job , aged-25/18  
S/o -Ouseph  
Valiyathara Veedu  
Thyakattussery P O, Thykattussery  
Ward-15  
(By. Adv Sri.R Pramod)

Offence : U/ss. 15(4) r/w 19 KAA(P)

Plea : Not guilty

Finding : Not found guilty

Sentence or order : **Accused are acquitted U/s.248 (1)of Cr.PC**

**Description of accused**

Sl. No.	Name of police station & crime No.	Name of accused	Father's Name	Occupation	Residence	Age
1	Poochakkal Cr No. 596/18	Job	Ouseph		Valiyathara Veedu Thyakattussery P O, Thykattussery Ward-15	25/18

## Date of

Occurrence	Complaint	Appearance of accused	Released on bail	Commencement of trial
19.05.2018	04.07.2018	28.09.2018	28.09.2018	15.12.2021
Close of trial		Sentence or order		Explanation for delay
12.03.2026		18.03.2026		

This case coming on for hearing on this day and the court on the same day passed the following:

**J U D G M E N T**

This is a case charged by the Sub Inspector of Police, Poochakkal Police Station in Crime No. 596 of 2018, alleging the offences punishable 15(4) r/w 19 KAA(P)

2. Prosecution case in brief is as follows:- The accused was restrained by order of the Kochi Range Police Inspector dated 06.03.2018 from entering Alappuzha District under the provisions of the Kerala Anti-Social Activities (Prevention) Act (KAAPA). On 19.05.2018 at about 2:30 p.m., the accused was found at Taikkattussery , Valyara by CW4 while allegedly involved in certain criminal activities. Hence, the accused is alleged to have committed offences punishable under Section 15(4) read with Section 19 of the Kerala KAAPA Act.

3. On appearance of the accused, copies of all relevant documents relied on by the prosecution were furnished to him U/s.207 Cr. P.C and he was released on bail. The accused was defended by counsel appointed by him. After hearing both sides, charge was framed for the offences punishable U/ss. 15(4) r/w

19 KAA(P) and read over and explained to the accused to which he pleaded not guilty.

4. In order to prove the prosecution case, PW1 to PW3 were examined and Exts P 1 to P4 were marked . After closing the prosecution evidence, the accused was examined u/s 313(1) (b) of Cr P C. He denied all the incriminating circumstances appeared in evidence against him. The accused further stated that at the commencement of his life he was implicated in the Kappa case. He asserted that through hard work he had collected money to pursue the Plus Two course in a private college, and that he successfully passed the examination. Thereafter, according to him, the police began impleading him in various cases for the purpose of obtaining merit. He contends that such actions spoiled his life. Thereafter, the accused was called upon to enter upon his defence and adduce evidence. From the side of defence no evidence was adduced.

5. Now the points to be decided in this case are:

1. whether the accused violated the order of the Kochi Range Police Inspector dated 06.03.2018 by entering Alappuzha District on 19.05.2018 at about 2:30 p.m., and whether he was involved in criminal activities as detected by CW1 at Thaikkattussery Valiyara, thereby committing the offence alleged under Section 15(4) read with Section 19 of the Kerala KAAPA Act.

2. If so, what is the order or sentence to be passed?

6. Heard both sides.

7. **Point No.1** : Prosecution relied on the oral testimony of PW1 to PW3 and Exts P 1 to P4 to prove the case. PW1, an auto driver residing at Taikattussery, deposed that he is acquainted with the accused. However, he categorically stated that he had not witnessed the alleged incident and had not given any statement to the police in connection with the case. Consequently, PW1 turned hostile.

8. PW2 deposed that, on 19.05.2018, while he was on patrol duty along with SI Rajeev Kumar of Arthunkal Police Station, they reached the Valiyara area and saw the accused standing by the roadside. He further stated that he assisted the Sub-Inspector in restraining and arresting the accused. He also deposed that he was aware of the order dated 06.03.2018, which prohibited the accused from entering Alappuzha District for a period of six months. During cross-examination, PW2 deposed that the accused was detected at Taikkattussery Panchayath- Ward No. 15. He was found standing by the side of the road near his residence, about two to three houses away from his house. PW2 clarified that it was the Sub-Inspector who first identified the accused, and thereafter he himself saw him. The accused did not attempt to flee from the spot, and he was arrested in the presence of the witness and taken to the police

station. PW2 further stated that the Sub-Inspector was aware of the fact that the accused was involved in a Kappa case.

9. PW3 deposed that, on 19.05.2018, while serving as Sub-Inspector at Poochakkal Police Station, he was on patrol duty at about 2:30 p.m. When he reached Thaikkattussery Valiyara area, he noticed a young man behaving suspiciously. The police jeep was stopped, and the man was restrained. Upon questioning, he disclosed his name and address as Job, son of ouseph . On further inquiry, it was revealed that, by order of the Inspector General of Police, Ernakulam Range, dated 06.03.2018, he was prohibited from entering Alappuzha District for six months. It was understood that he had violated this order by entering the district. Accordingly, the accused was arrested, a case was registered, and the FIR was forwarded to the Court. FIR was marked as Ext P 1. At the time of arrest of the accused, a memo was prepared and submitted before the Court which was marked as Ext P 2. Inspection memo of the accused was marked as Ext P 3 . PW3 further deposed that thereafter he examined the witnesses, recorded their statements, completed the investigation and submitted the charge sheet and the prohibition order issued by the Alappuzha District Police Chief.

10. During cross-examination, PW3 deposed that he was aware of the fact that, at the time when the accused was detected, he was restrained from entering Alappuzha District as per the KAAPA order, a copy of which was kept in the police station. PW3 stated that he had not arrested the accused in any other case, nor had he

met him prior to this incident. He saw the accused for the first time at the time of arrest and identified him then. Apart from PW3, the police officers who accompanied him during patrolling duty also identified the accused. It was stated that PW2 had identified the accused, and he was further identified by an independent witness, PW1. PW3 added that patrolling was initiated on 19.05.2018, though the exact time was not mentioned, however, they reached the place at about 2.30 p.m. The arrest memo was prepared at Taikkattushiri Valyara, and the inspection memo was prepared at Poochakal.

11. On an analysis of the evidence on record, it could be seen from the statement of PW2, it is evident that the offence was detected by PW3, Sub-Inspector of Poochakal Police Station, who arrested the accused and identified him for violation of the KAAPA order. However, there are material contradictions in the depositions of PW2 and PW3 regarding the detention and arrest of the accused. According to PW3, he saw the accused for the first time at the place of occurrence and was not aware of the details of the KAAPA proceedings against him. He further stated that it was PW2 who identified the accused first, following which he was arrested. In contrast, PW2 denied this version. PW1, on the other hand, did not state that he witnessed the incident, nor did he see the police arresting the accused. On perusal of Exhibit P2 arrest memo, it is seen that the place of arrest was shown as Valiyara on 19.05.2018 at 02.40 p.m. The case records reveal that the accused was detected and arrested during

patrolling duty. Yet, none of the officials gave a consistent account regarding the identity of the accused or the detection of the offence. PW2 stated that it was PW3 who identified and arrested the accused, whereas PW3 stated that it was PW2 who identified him. In view of these inconsistencies, the prosecution's evidence cannot be regarded as consistent, trustworthy, or reliable. In view of the inconsistencies and contradictions in the testimonies of PW2 and PW3, it is clear that the prosecution has failed to establish the allegations against the accused beyond reasonable doubt. Accordingly, this Court is of the opinion that the prosecution has failed to prove the guilt of the accused beyond reasonable doubt, and hence the accused is entitled to be acquitted.

12. **Point No.2** : - In view of my findings on point No .1 the accused is found not guilty of the offences alleged against him and he is entitled to get acquitted.

13. In the result, accused is found not guilty for the offences punishable U/ss. 15(4) r/w 19 of KAAPA and he is acquitted under section 248 (1) of the Code of Criminal Procedure. He is set at liberty and the bail bond executed by the accused is cancelled.

Dictated to the Confidential Assistant transcribed and typed by her, corrected and pronounced by me in open Court this the 18<sup>th</sup> day of March, 2026.

Sd/-  
Aminakutty. P.M.  
Judicial First Class Magistrate-II,  
Cherthala.

### A P P E N D I X

#### Witnesses examined for prosecution:

PW1 - Vishnu  
PW2 - Benny Peter  
PW3 - Rajeev Kumar (SI)

#### Exhibits marked for the prosecution :

P1 - FIR marked through PW1  
P2 - Arrest memo marked through PW3  
P3 - Inspection memo marked through PW3  
P4 - KAAPA order marked through PW6

Witnesses examined for the defence : Nil

Exhibits marked for the defence : Nil

MO's marked : Nil.

MO's unmarked : Nil

Sd/-  
Aminakutty. P.M.  
Judicial First Class Magistrate-II,  
Cherthala.

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Judicial First Class Magistrate-II,  
Cherthala.