

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-  
I, KAYAMKULAM**

Present: Smt. Aiswaryarani, Judicial First Class Magistrate  
Dated this the 30<sup>th</sup> day of April, 2026.

**CC. No.896/2022**

Complainant

: State represented by Sub Inspector of Police, Kayamkulam Police Station in Crime No. 520/22.  
(By Sri Arun P, APP Sr. Grade, Kayamkulam)

Accused

- : A1. Thameem, Aged 24/22, S/o. Muhammed Kunju, Chirappurathu Kizhakkathil Veedu, Kappil Kizhakkum Muri, Krishnapuram Village.  
A2. Anсад, Aged 27 years, S/o. Muhammed Kunju, Chirappurathu Kizhakkathil Veedu, Kappil Kizhakkum Muri, Krishnapuram Village.  
A3 Sadiq-Ul-Ameen, S/o Nissar, Plavillayil Kappil Kizhakum Muriyil, Krishnapuram Village.  
A4. Muhammad Nazoom, S/o Muhammad Nazaruddeen, MN Kottage, Kappil Kizhakum Muriyil, Krishnapuram Village.  
A5. Muhsin Nasar, S/o Muhammad Nazaruddeen. MN Kottage, Kappil Kizhak Muriyil, Krishnapuram Village.  
A6. Muhammad Najoom, S/o Muhammad Nazaruddeen, MN Cottage, Kappil Kizhakum Muriyil, Krishnapuram Village.  
(By Adv. G Saji for A1 and A2, Adv. B K Niyas for A3, Adv. Amina A & Adv. E Rafeek for A4, A5 and A6)

Offences

: U/ss. 143, 147, 148, 149, 294(b), 447, 323, 324, 325, 326, 354 and 354B 149 of the Indian Penal Code, 1860.

Plea : Not guilty.

Finding : Not guilty.

Sentence or Order : The accused are found not guilty of the offence punishable under Sections 143, 147, 148, 294(b), 447, 323, 324, 325, 326, 354 and 354B read with Section 149 of the Indian Penal Code, 1860 and they are acquitted of the said charges as provided under Section 248(1)Cr.P.C.

**DESCRIPTION OF THE ACCUSED**

Sl. No	Police Station	Name	Father's Name	Occupation	Residence	Age
1	Kayamkulam	Thameem	Muhammed Kunju		Krishnapuram	24
2	Kayamkulam	Ansad	Muhammed Kunju		Krishnapuram	27
3	Kayamkulam	Sadiq-Ul-Ameen	Nizzar		Krishnapuram	27
4	Kayamkulam	Muhammed Nazoom	Muhammed Nasarudheen		Krishnapuram	27
5	Kayamkulam	Muhsin Nasar	Muhammad Nazaruddeen		Krishnapuram	19
6	Kayamkulam	Muhammad Najoom	Muhammad Nazaruddeen		Krishnapuram	24

**DATE OF**

Offence	Complaint	Apprehension	Release on bail	Commencement of trial	Close of Trial	Sentence or order
30.05.220	08.06.22	A1 to A2 27.07.22 A3-A4 23.06.22 A5-A6 12.06.25	A1 to A2 27.07.22 A3-A4 23.06.22 A5-A6 12.06.25	A1 to A4 06.12.024 A5 and A6 12.06.25	30.04.26	30.04.26

The case having been finally heard on 30.04.26 court on the same day delivered the following :-

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

The charge sheet is filed against the accused for the offences punishable under Sections 143, 147, 148, 149, 294(b), 447, 323, 324, 325, 326, 354 and 354B of the Indian Penal Code, 1860

2. The prosecution case, in brief, is as follows:- On 30.05.2022, at 08:30 PM, the accused persons, formed themselves into an unlawful assembly with the common object of causing hurt to the CW1 and CW2. The accused uttered obscene words against CW2, who was standing near the shed of the 1<sup>st</sup> accused along with CW1. Thereafter, the 1<sup>st</sup> and 2<sup>nd</sup> accused criminally trespassed into the property of CW1 and caught hold of his neck. When CW2 intervened, the 1<sup>st</sup> accused tore her salwar, thereby outraging her modesty. The 2<sup>nd</sup> accused attacked CW3 on his head, causing injury. The 3<sup>rd</sup> and 5<sup>th</sup> accused beat the back of CW1. The 6<sup>th</sup> accused punched the nose of the sister of CW1, causing a fracture. Thereby, the accused committed the aforesaid offences.

3. On filing the final report, the case was taken on file and summons was issued to the accused persons pursuant to which they appeared before the court. Copies of the prosecution records were furnished to them. After hearing, charge under Sections 143, 147, 148, 149, 294(b), 447, 323, 324, 325, 326, 354 and 354B of the Indian Penal Code, 1860 was read over and explained to the accused in Malayalam. They pleaded not guilty and claimed to be tried.

4. From the side of the prosecution, witnesses PW1 and PW2 were examined and document Ext P1 was tendered in evidence and marked to prove the prosecution case. The learned Assistant Public

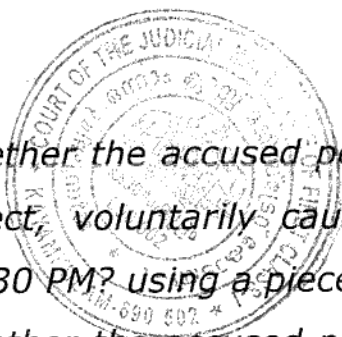
Prosecutor gave up CW1, CW4 to CW14 as their evidence would not improve the prosecution case.

5. After the prosecution witness was examined, since no circumstances appeared against the accused, the examination of the accused under Section 313(1)(b) of the Code of Criminal Procedure, 1973 was dispensed with. The accused was called upon to enter their evidence. No oral or documentary evidence was adduced from the side of the defence.

6. Heard both sides and analysed the records.

7. The following points arise for consideration:-

1. *Whether accused persons, in prosecution of their common object, joined themselves into an unlawful assembly on 30.05.2022, at 08:30 PM?*
2. *Whether the accused persons, in prosecution of their common object, committed riot on 30.05.2022, at 08:30 PM?*
3. *Whether the accused persons, in prosecution of their common object of all, were armed with deadly weapons on 30.05.2022, at 08:30 PM?*
4. *Whether the accused persons, in prosecution of their common object uttered obscene words at CW2 on 30.05.2022, at 08:30 PM?*
5. *Whether the accused persons, in prosecution of their common object, trespassed into the yard of Thayyil Kizhakkathil House of CW1 on 30.05.2022, at 08:30 PM?*
6. *Whether the accused persons, in prosecution of their common object, voluntarily caused hurt to PW1 on 30.05.2022, at 08:30 PM?*
7. *Whether the accused persons, in prosecution of their common object, voluntarily caused hurt to PW1 using a stone as a dangerous weapon on 30.05.2022, at 08:30 PM?*

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8. *Whether the accused persons, in prosecution of their common object, voluntarily caused grievous hurt on 30.05.2022, at 08:30 PM? using a piece of stone as a dangerous weapon?*
  9. *Whether the accused persons, in prosecution of their common object, in prosecution of their common intention, voluntarily caused grievous hurt to PW1 on 30.05.2022, at 08:30 PM?*
  10. *Whether the accused persons, in prosecution of their common object, intention of all outraged the modesty of PW1 on 30.05.2022, at 08:30 PM?*
  11. *Whether the accused persons, in prosecution of their common object, disrobed PW1 on 30.05.2022, at 08:30 PM?*
  12. *What is the order or sentence if found guilty and convicted?*

8. **Point Nos. 1 to 11:-** For the sake of convenience and brevity, and to avoid repetition of facts, these points are considered together.

9. PW1 and PW2 deposed that they sustained injuries in the incident. However, they do not know who caused the injuries. PW1 also deposed that she has seen CW1, sign Ext. P1 FIS in her presence PW2 deposed that CW1 is his brother. In view of the testimony of PW1 and PW2, the learned Assistant Public Prosecutor gave up CW1, CW4 to CW14 as their evidence would not improve the prosecution case.

10. The witnesses examined by the prosecution did not support the prosecution's version. Resultantly, the facts necessary to prove the actus reus of the accused is not brought forth. The ingredients to satisfy the offences in question are not proved.

11. Furthermore, it is seen that there is nothing on record to show either the involvement or complicity of the accused in the alleged crime. Therefore, the prosecution has not proved that accused

committed the offences punishable under Sections 143, 147, 148, 149, 294(b), 447, 323, 324, 325, 326, 354 and 354B of the Indian Penal Code, 1860

12. **Point No. 12:** In the light of the findings in point numbers 1 to 11, the accused are found not guilty of the offences publishable under Sections 143, 147, 148, 149, 294(b), 447, 323, 324, 325, 326, 354 and 354B of the Indian Penal Code, 1860

13. In the result, the accused are acquitted of the said offence under Section 248(1) of the Code of Criminal Procedure, 1973. They are set at liberty and his sureties are discharged.

*(Dictated to CA, typed by her in the office computer, corrected and pronounced by me in the open Court on the 30<sup>th</sup> day of April, 2026)*



**JUDICIAL FIRST CLASS MAGISTRATE**

**APPENDIX**

**WITNESSES EXAMINED FOR PROSECUTION:-**

Prosecution witness No.	Name of Witness	Description
PW1	██████████	Injured witness
PW2	Shukkoor	Injured witness

**EXHIBITS MARKED FOR PROSECUTION:-**

Exhibit No.	Description of the Exhibit	Proved by/Attested by
P1	FIS dated 08.06.22	PW1

**WITNESSES FOR DEFENCE:** - Nil

**EXHIBITS FOR DEFENCE:-** Nil



**JUDICIAL FIRST CLASS MAGISTRATE**