

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

Present:- Smt. Aiswaryarani, Judicial First Class Magistrate

Dated this the 30th day of March, 2026

CC No. 1619/2018

Complainant	:	State represented by Sub Inspector of Police, Vallikunnam Police Station in Crime No.135/2023. (By Sri. Arun P, APP Sr. Grade, Kayamkulam)
Accused	:	A1. Swaraj, Aged 27/12, S/o. Poomangalam Veedu, Kappil Mekum Muri, Krishnapuram Village. A2. Rajesh @ Kannan, Aged 20/12 years, Keeppalil Tharayil Veedu, Kappil Mekum Muri, Krishnapuram Village. (<i>Split up</i>) A3. Sumesh, Aged 23/12, S/o. Surendran, Nediyathu Vadakkathil Veedu, Kappil Mekum Muri, Krishnapuram Village. (<i>Split up</i>) (By Adv. B Venugopal for A1)
Offences	:	Punishable u/ss.143, 147, 148, 323, 324 read with s.149 of the Indian Penal Code, 1860
Plea	:	Not guilty
Finding	:	Not Guilty
Sentence or Order	:	Accused is found not guilty of the offences punishable u/ss. 143, 147, 148, 323, 324 read with Section 149 of the Indian Penal Code, 1860 and he is acquitted of the offences u/s. 248(1) of CrPC. The case against the 2 nd and 3 rd

accused is split up and refiled as
CC____/2018.

DESCRIPTION OF ACCUSED							
SL No	Police Station	Name	Fathers/ Husbands name	Religion	Occupation	Residence	Age
1	Kayamkulam	Swaraj	Surendran			krishnapuram	27

DATE OF						
Offence	Complaint	Apprehension	Release on bail	Commencement of trial	Close of Trial	Sentence or Order
16.05.12	20.06.13	A1 30.12.24	A1 30.12.24	23.01.25	30.03.26	30.03.26

The case having been finally heard on 30.03.26 the court on the same delivered the following:-

J U D G M E N T

The Sub Inspector of Police, Vallikunnam Police Station, filed the charge sheet against the accused for the offence punishable under Sections 143, 147, 148, 323 and 324 read with Section 149 of the Indian Penal Code, 1860

2. The prosecution case in brief is as follows: 16.05.12 at 01.30 PM, all accused, in furtherance of their common object, joined themselves into an unlawful assembly, committed riot armed with deadly weapons and intercepted the Maruthi Omni van bearing Reg. No. KL 04 S 8802 near Panayannarkavu Junction, in which CW1 to CW3 travelled. The 1st to 5th accused who came in two motorcycles, pulled out CW1 to CW3 from the car and caused hurt to CW1 and CW2 by slapping and striking with helmets. As informed by the 1st accused over the cellphone, the other accused rushed to the scene.

The 6th accused stamped on CW1's waist. The 7th and 8th accused caused hurt to him with a helmet. Thus, the accused have committed the above offences.

3. Originally, this case was taken on file as CC 1036/2013 and summons was issued to the accused persons pursuant to which the original 2nd, 3rd, 5th, 7th, and 8th accused appeared before the court and they were found not guilty and were acquitted under Section 248(1) of the Code of Criminal Procedure, 1973. The case against the original 1st, 4th and 6th accused, i.e., the accused herein, was split up and refiled as CC 1619/2018. On 30.12.24, the 1st accused appeared before the court and he was enlarged on bail. Copies of the prosecution records were furnished to him. After hearing both sides and perusing the prosecution records, charge under Sections 143, 147, 148, 323 and 324, read with Section 149 of the Indian Penal Code, 1860 was read over and explained to him in Malayalam to which he pleaded not guilty and claimed to be tried. The case against the 4th and 6th accused is split up as they are reported to be absconding.

4. From the side of the prosecution, witness PW1 was examined, and no document was tendered in evidence and marked. Though coercive steps were taken against CW1 and CW3, the prosecution could not procure their presence. Hence, they were not examined to avoid undue hardship to the accused. The learned Assistant Public Prosecutor gave up CW4 to CW10 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 his defence. 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 the accused, in furtherance of their common object, formed themselves into an unlawful assembly on 16.05.12 at 01.30 PM?*
 2. *Whether the accused, in furtherance of their common object, committed riot on 16.05.12 at 01.30 PM?*
 3. *Whether the accused, in prosecution of the common object, committed riot armed with deadly weapons on 16.05.12 at 01.30 PM?*
 4. *Whether the accused, in prosecution of the common object of, caused hurt to CW1 on 16.05.12 at 01.30 PM?*
 5. *Whether the accused, in prosecution of the common object of all, caused hurt to CW1 using a helmet as a dangerous weapon on 16.05.12 at 01.30 PM?*
 6. *What is the order or sentence if found guilty and convicted?*
8. **Point No. 1 to 5:-** For the sake of convenience and brevity, and to avoid repetition of facts, these points are considered together.
9. PW1, deposed that the CW1 is his friend. He was hurt in the incident. But he does not know who injured him. Though coercive steps were taken against CW1 and CW3, the prosecution could not procure their presence. Hence, they were not examined to avoid undue hardship to the accused. In view of the testimony of PW1, the learned Assistant Public Prosecutor gave up the remaining witnesses, CW4 to CW10, 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 are 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 the accused

has committed the offences punishable under Sections 143, 147, 148, 323 and 324 read with Section 149 of the Indian Penal Code, 1860

12. **Point No. 6:** In the light of the findings in point 1 to 5, the 1st accused is found not guilty of the offences punishable under Sections 143, 147, 148, 323 and 324 read with Section 149 of the Indian Penal Code, 1860

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

24. The case against the 2nd and 3rd accused is split up and refiled as CC____/2018.

(Dictated to the C.A, transcribed by her, corrected and pronounced by me in the open court on this the 30th day of March, 2026)

Sd/-

Judicial First Class Magistrate-I

WITNESSES EXAMINED FOR PROSECUTION:-

Prosecution witness No.	Name of Witness	Description
PW1	Shameer	Eye witness

Witness and Exhibit for defence: Nil

Sd/-

Judicial First Class Magistrate - I