

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, RAMANKARY

Present:-Sri. Arun Kumar P, Judicial First Class Magistrate

Dated, this day the 28th day of March, 2026.

C.C.No. 343/2022

Complainant : State-represented by the Sub Inspector
of Police, Ramankary Police Station in
crime no. 125/2022

(By A P P- Ramankary)

Accused : A1. Raju
A2. Kunjamma @ Ammukutty Vasu
A3. Omana @ Sindhu
A4. Molamma @ Suji Ratheesh
A5. Surya @ Aswathy Sudheesh
A6. Sudheesh
A7. Vava @ Kaveri

(By Adv. Santhosh Kurian)

Offence : U/ss. 143, 147, 149, 294 (b), 447, 427, 506
Indian Penal Code

Plea : Not guilty

Finding : Not guilty.

Sentence or order : Accused are acquitted u/s 248(1) CrPC
and are set at liberty.

DESCRIPTION OF THE ACCUSED:-

Sl. No	Accused	Father's name/Husband name	Occupation	Residence	Age
1	Raju	Vava		Vava Bhavanam Veedu, Velianadu Panchayath ward 7, Velianadu Muri, Velianadu Village	70/22
2	Kunjamma @ Ammukutty Vasu	w/o Vasu		Thonduchira Veedu, Velianadu PW 9, Velianadu Muri Velianadu Village	75/22
3	Omana @ Sindhu	w/o Sunil Kumar		Nedumparambil Veedu, Velianadu Panchayath ward 2, Velianadu Muri, Velianadu Village	46/22
4	Molamma @ Suji Ratheesh	W/o Ratheesh		Nedumparambil Veedu, Velianadu Panchayath ward 2, Velianadu Muri, Velianadu Village	36/22
5	Surya @ Aswathy Sudheesh	W/o Sudheesh		Nedumparambil Veedu, Velianadu Panchayath ward 2, Velianadu Muri, Velianadu Village	34/22
6	Sudheesh	S/o Sreedharan		Kangadam Veliyil Veedu, Peringara Village, Peringara PW 1	41/22
7	Vava @ Kaveri	W/o Ratheesh		Arjun Nivas, Velianadu PW 11, Velianadu Muri, Velianadu Village	37/22

DATE OF:-

Offence	Complaint	Appearance	Release on bail.	Commencement of trial	Close of trial	Sentence or Order.
18.03.2022	18.03.2022	06.10.2022	06.10.2022	10.11.2023	28.03.2026	30.03.2026

This case coming on this day for consideration, the court on the same day delivered the following:

J U D G M E N T

1. This is a case charge sheeted by the Sub Inspector of Police, Ramankary Police Station in Crime No.125/2022 against the accused alleging the offences punishable u/ss.143, 147, 149, 294 (b), 447, 427, 506 of Indian Penal Code, 1860.
2. **Prosecution case in brief is as follows:-** The accused persons in prosecution of their common object to commit mischief, had unlawfully assembled with the knowledge that each of them were members of that unlawful assembly assembled with dangerous weapons like crowbar and iron rod on 18.03.2022 at around 10.30 a.m. at Veliyanadu Village and destructed the compound wall which was on the Southern side of the pathway of the informant- Subhash by destructing with the above said weapons and caused loss of rupees. ₹ 1,003/- (Rupees One thousand and three only). When the informant tried to prevent this, he was verbally abused and threatened by the accused persons. Hence the accused persons are alleged to have committed offences punishable under Section 143, 147, 149, 294 (b), 447, 427, 506 of Indian Penal Code, 1860.
3. On submission of charge sheet by the investigating officer, cognizance was taken for the offences punishable u/ss.143, 147, 149, 294 (b), 447, 427, 506

of Indian Penal Code, against the accused persons and the case was taken on file as CC. 343/2022. On issuance of summons the accused persons entered appearance. They were represented by a counsel who filed vakalath. They were enlarged on bail. Copies of relevant records of prosecution case were furnished to them and thereby mandate u/s.207 of Cr.PC was duly complied with. Accused were heard on charge. Charge was framed for the offence punishable u/ss. 143, 147, 149, 294 (b), 447, 427, 506 of Indian Penal Code, 1860 and it was read over to the accused persons to which they pleaded not guilty and claimed to be tried.

4. From the side of the prosecution, eight witnesses were examined as PW1 to PW 8 and four documents were marked as Exts.P1 to P4 & MO1 and Ext. MO2 were also marked.
5. After the closure of prosecution evidence the accused persons were examined u/s.313(1)(b) Cr.Pc. for all incriminating circumstances appeared against them to which they denied and further submitted that they were falsely implicated in the case. From the side of defence Ext. D1 was marked.
6. Heard the learned Assistant Public Prosecutor and the learned counsel for the accused.

7. **The points that arise for determination are:-**

1. *Whether the accused persons formed themselves into an unlawful assembly and thereby committed offence punishable u/s 143 IPC ?*
2. *Whether the accused used force or violence being members of unlawful assembly in prosecution of the common object of that assembly and thereby committed offence punishable u/s 147 IPC?*
3. *Whether the accused persons committed any offence in prosecution of the common object of that assembly and thereby committed offence punishable u/s 149 IPC?*
4. *Whether all the accused persons formed themselves into an unlawful assembly and trespassed into the property of CW1- Subhash with the intention to cause damages and thereby committed offence punishable u/s 447 of Indian Penal Code?*
5. *Whether the persons formed themselves into an unlawful assembly had uttered obscene words against PW1- Subhash to his annoyance at a public place and thereby committed offence punishable u/s 294(b) of Indian Penal Code?*
6. *Whether the accused persons formed themselves into an unlawful assembly and caused loss of Rs. 1,003/- to CW1 Subhash and thereby committed offence punishable u/s. 427 IPC?*
7. *Whether the accused persons formed themselves into an unlawful assembly and criminally intimidated CW1- Subhash and thereby committed offence punishable u/s. 506 IPC ?*
8. *If the accused are found guilty, what is the order as to sentence?*

8. **Point No.1 to 7:-** In order to avoid repetition, all these points are considered together. The learned counsel for the accused persons had argued that the material object which was recovered is having a description apart from the description given by the witnesses and the independent witness turned hostile and there was a civil dispute between the accused persons and the informant. The prosecution failed to prove the essential ingredients of the offences alleged against the accused and there was delay in loading the First Information Statement. All these cast doubt in the version of the prosecution case and hence the accused persons are to be acquitted for the offences alleged against them.
9. Per contra, the learned APP submitted that the prosecution had by oral evidence and documents submitted proved the essential ingredients of the offences alleged against the accused persons by cogent and reliable evidence. Hence the accused persons are to be convicted for the offences punishable against them.
10. PW1- Sheeba deposed in examination-in-chief that CW1 was her husband and he expired. She deposed that on 18.03.2022 at around 10.30 a.m. on the western side of her property, the accused persons unlawfully assembled and they came with a crowbar, iron rod and destructed 15 meter long compound wall and she had informed her husband and her husband came and then the

accused persons had verbally abused her husband and threatened him and her husband had given Ext. P1 First Information Statement and they had sustained loss of ₹ 3,000/- and the compound wall is having 11 years old and she had identified all the accused persons in dock.

11. During cross examination she admitted that at the time of the alleged incident, her husband was not there and her husband came at 12.30 p.m. the police officials came on the next day. She admitted that there was a property dispute between the accused persons with regard to the compound wall. She deposed that she couldn't remember whether she had given statement to police that what all specific acts were done by each accused. She later deposed that the accused persons came with a crowbar and a chopper. Then an omission was put to her that whether she had given statement to police that the accused persons had destructed the compound wall with chopper and crowbar, to which she admitted the same. She was put another omission that whether she had stated to police that she had witnessed the alleged incident to which she answered that she had given the same. She also deposed that she had given statement to police that they sustained a loss of ₹ 3,000/-. She then deposed that when the police party came, they saw that the compound wall was destructed and they had taken the remnants of the compound wall. She admitted that there was a property dispute, but denied a suggestion that in order to wreak vengeance in

the civil dispute she had lodged this complaint and deposing falsely before court.

12. From her evidence, it is seen that there were several omissions and she admitted that she had not deposed the specific overt act of each of the accused. The learned counsel had argued that, if the compound wall was destructed, then it would have been scattered. But from her version, it is seen that only the compound wall's bricks were removed and hence it is not believable. There were several omissions in her version. According to the prosecution case, the informant sustained a loss of ₹ 1,003/-. But she had deposed that she sustained a loss of ₹ 3,000/-. There were omissions that she had failed to state before police that she had witnessed the incident. There were also many discrepancy with regard to the weapon. According to her, the accused came with chopper and crowbar. But according to the prosecution case, accused had destructed with iron rod and crowbar. All these are seen as inconsistent with the prosecution case. Hence, her version is seen as doubtful.
13. PW2- Sneha Subhash deposed in examination-in-chief that on 18.03.2022 at around 10.30 a.m. she along with her sister and mother were in their house and their father was not in the house and they heard some noise outside their house. They saw that some persons were removing the compound wall by destructing with crowbar and it was pulled down. They went outside and called their

mother. The compound wall was constructed by their father. It was constructed 11 years before and the accused persons were known to them. She had identified the accused person and she had identified Ext. MO1 and MO2 and she identified Exhibit P1 given by her father. During cross-examination, she was put a question that whether she had given statement to police that with which weapon the accused persons had removed the compound wall to which she answered that she had given such a statement. She admitted that she had deposed to police that on the western side of their house she saw some persons were destructing the compound wall by kicking the same. She also admitted that she had not stated to police that each of the accused persons used what weapon for destructing the compound wall. She also admitted that there was a civil dispute with regard to the pathway between the accused persons and her father and mother.

14. Hence from her evidence it is seen that there was inconsistency in her version as she had stated to police that some persons were kicking the compound wall and destructing the same and she had admitted that there was a civil dispute pending between her father and the accused persons and her mother and she also deposed that the material objects were crowbar and iron rod and she identified the same. But earlier PW1- Sheeba had deposed that the accused persons used chopper and hence her version is inconsistent with the version of

PW1- Sheeba. Hence it doesn't corroborated the version of PW1 and hence not helpful to the prosecution.

15. PW3- Megha Subhash deposed in examination-in-chief that PW1 and PW2 where her mother and sister and her father expired. She deposed that on 18.03.2022 in between 10.00 and 10.30 a.m. while that time she was studying at college and on that day it was a holiday. She heard a sound and went out of the sit-out and she saw the accused persons were destructing the compound wall with iron rod and crowbar and they were using abusive words and at that time her father was not there and her father had constructed the compound wall.
16. During cross-examination, she deposed that, there was an omission with respect to the time of the incident when she made her statement to police to which she answered that she had given the statement to the police with respect to the time of the alleged incident. She admitted that there was a dispute with regards to the construction of the compound wall between the accused person and her father. Then she was put another question that whether by kicking the compound wall it will be destructed to which she had answered in the negative. She then later deposed that she saw that the accused persons were destructing the compound wall by using the crowbar and after that they were kicking the same. She also deposed that the accused persons were destructing the

compound wall by using crowbar, chopper and iron rod. Then a contradiction was put to her that whether she had given Ext. D1 statement to the police that Purushothaman had kicked the compound wall and destructed the same to which she denied the same, even though it was not put to the Investigating Officer as he was not examined and no explanation was given by PW3 for the same. Hence, it stands proved. She further deposed that they had taken the videograph and it was given to the police. Then he denied a suggestion that since the videograph will be against them hence, it was not produced before the investigating officer.

17. Hence, from her evidence, it is seen that there were omissions with regard to the mentioning of the compound wall during the alleged incident and there was contradiction with respect to the fact that the accused had kicked the compound wall and hence her version is against the version of PW1- Sheeba and prosecution and it does not corroborate the version of PW1. Even though PW2 and PW3- Megha Subhash deposed compound wall was kicked by the accused persons but at the same time they are deposing that the compound wall was destructed by iron rod. But at the same time PW1 also deposing that another weapon chopper was also used. According to prosecution case only two weapons were used. Hence, all these cast doubt in the version of PW3 and

hence her evidence doesn't corroborate the version of PW1- Sheeba and it is not helpful to prosecution.

18. PW4-Shinu deposed in examination-in-chief that, he saw the incident and he saw that the compound wall was destructed by the accused persons. There were seven women and two men were presented for the destruction.
19. During cross examination he deposed that he went to see CW1 Subhash but he doesn't saw him and when he returned to home he saw that Subhash was going to his house and then he went to meet Subhash. He deposed that he doesn't know the civil dispute between Subhash and Purushottaman. He later admitted that when he made statement to police, he stated that the accused persons and CW1 Subhash is having civil dispute. Another omission was put to him that whether he had given statement to police that the accused persons used iron rod and chopper to which he answered that he had given such a statement. When a suggestion was put to him that he had not been witnessed the alleged incident to which he denied the same.
20. From his evidence it is seen that omission was put to him with regard to the weapons used i.e. iron rod and chopper to which he answered that he had given. But the said omission was seen as fatal because he is an independent witness and he saw the accused persons committing mischief. Later he deposed that he initially went to the house of CW1- Subhash and he returned and then

he went there again and he saw the accused persons were destructing the compound wall. But it is against the case of the prosecution and deposition of PW1 that at the time of the presence of CW1, the incident already had occurred and his version is not corroborating the version of PW1 and not helpful to prosecution.

21.PW5- Karthika was an independent witness and turned hostile to the prosecution by deposing that she had not witnessed the alleged incident nor she gave any statement to police and her evidence is not helpful to prosecution.

22. PW6 -Joseph Sunni deposed in examination in chief that while he was working as Village Officer, as per the request of the Investigating Officer, he had given Ext. P2 certificate which shows that the owner of the house and property was CW1 Subhash.

23.During cross-examination, he deposed that he had not mentioned upon what basis he had prepared Ext P2. He further deposed that the boundaries of the property was not mentioned by him. He deposed that he was Village Officer of the said Village for 2 months. He also deposed that he had not verified the address and details of Subhash, who was residing in the said property. Hence from his evidence it is seen that even though he had issued Ext. P2, but it was not clearly mentioned upon what basis he had issued Ext. P2 and also he had admitted that he had not conducted any investigation with regard to the details

of the Subhash and his family members. Hence, the certificate produced will not assist the prosecution.

24.PW7- Monica deposed in examination-in-chief that while she was working as PWD Building Section at Edathva as Assistant Engineer, as per the request of the Investigating Officer, she had issued Ext. P3 valuation certificate of the compound wall. The valuation was ₹ 1,003/- (Rupees one thousand and three only).

25.During cross-examination she deposed that she admitted that she had not produced any document showing the request of the Investigating Officer. Hence, from her evidence it is seen that the damage caused to the compound wall was ₹ 1,003/-. But according to the version of PW1 it was ₹ 3,000/-. Hence, both these are inconsistent and hence her version does not corroborate the version of PW1 and it will not assist the prosecution. Hence her evidence is not helpful to prosecution.

26.PW8. Jigeesh deposed in examination-in-chief that he had witnessed the preparation of Ext. P4 scene mahazar.

27.During cross-examination, he admitted that he had not read the content of the scene mahazar nor it was read over to him. Hence, the content was not known to him. Hence, his evidence is not helpful to prosecution.

28. Even though several opportunities were given to the prosecution to produce CW12 and CW 13 and coercive steps were issued, but failed to produce the Investigating Officer. Even though they were examined, only the factum of the investigation and also the contradiction which must put to the witnesses might have been brought out. On perusal of the other evidence, such as the evidence of PW1 to PW4, it is seen that all these are inconsistent versions. PW1 deposed that the accused persons brought 3 weapons. But according to PW2 and PW3, they brought 2 weapons. PW3- Sneha later added that they brought 3 weapons. There were several omissions in the version of PW1 and also there were several omissions in the version of PW2 and PW3. All these are inconsistent among themselves also. Regarding the time of the incident also and the presence of CW1 who was deceased, all the witnesses deposed that he was not there. But the independent witnesses deposed that he was present there when the accused persons had destructed the compound wall. According to PW2 and PW3 the accused persons had kicked the compound wall. But the prosecution case and the version of PW1 is that the accused persons used the weapons to destruct the compound wall and moreover the damage which was according to PW1 was ₹ 3,000/-. But according to the prosecution case and the deposition of PW7 and Ext. P3 valuation certificate it was ₹ 1,003/-. Hence all these had shown that the alleged offences cannot be attributed towards the accused

persons. The prosecution failed to prove the essential ingredient of the offences alleged against the accused persons by cogent and the reliable evidence and the accused persons are entitled to get the benefit of reasonable doubt and these points are found against the prosecution.

29. **Point No.8:-**From point no.1 to 7, it is found that the accused persons had not committed the offences alleged against them and hence they are not found guilty of offence punishable u/s.143, 147, 149, 294 (b), 447, 427, 506 of Indian Penal Code, 1860 alleged against them. Hence, they are acquitted for the aforesaid offence u/s.248(1) of Cr.PC. The bail bond of the accused persons stand cancelled and they are set at liberty.

30. Property produced in this case will be disposed of after the expiry of period of appeal if no appeal is preferred and if appeal is preferred after the conclusion of appeal.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open Court on this the 30th day of March, 2026.

sd/-
Judicial First Class Magistrate

APPENDIX

Witnesses for the prosecution:-

PW1. Sheeba
PW2. Sneha Subhash
PW3. Megha Subhash
PW4. Shinu
PW5. Karthika

PW6. Joseph Sunny

PW7. Monica

PW8. Jigeesh

Exhibits for the prosecution:-

P1. First Information Statement dated 18.03.2022 proved through PW1 on 25.03.2024.

P2. Ownership Certificate dated 13.06.2022 proved through PW6 on 25.11.2024.

P3. Valuation certificate dated 07.07.2022 proved through PW7 on 24.12.2024.

P4. Scene mahazer dated 19.03.2022 proved through PW 5 on 08.04.2025.

Material Objects:- TR 194/2022

MO1 Iron rode

MO2 Iron rode

Witnesses for the defence:-NIL

Exhibits for the defence:-

D1. Statement of PW3 dated proved through PW3 on 15.07.2024.

sd/-

Judicial First Class Magistrate