

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-I, NADAPURAM.	
Present:- Smt.Amrutha Aravind Judicial First Class Magistrate-I, Nadapuram	
Dated, this the 31st day of March, 2026	
<u>C.C. No. 499/2020</u>	
Complainant	: State, Rep.by the Sub Inspector of Police, Thottilpalam Police Station (Cr.No.331/2019) (Rep.By Sri.PC.Jawad & Smt.Lekha.K.V Assistant Public Prosecutor) v.
Accused	: 1. Adarsh, S/o.Chandran, aged 23/19, Kayalullaparambath(H), Vannathichira(PO). 2.Rasil, S/o.Rameshan, aged 20/19, Chundakkattil(H), Nidumannur(PO). 3.Sayooj, S/o.Chandran, aged 19/19, Niravuparambath(H), Chathankottunada(PO). 4.Sarun, S/o.Surendran, aged 22/19, Karyapparambath(H), Kanayankode, Nidumannur(PO). 5.Fidal, S/o.Suresh, aged 19/19, Koorikkattil(H), Kakkattil(PO). (Rep.By Adv. K.P.Vimesh)
offences	: U/ss. 143, 147, 148, 341, 323, 324 and 506 para I r/w 149 of IPC.
Plea	: Not Guilty.
Finding	: Not guilty.
Sentence or Order	: Accused nos.1 to 5 are acquitted U/s.248 (1) of Cr.P.C.

DESCRIPTION OF ACCUSED

Sl. No.	Name	Father's Name	Occupation	Residence	age
1	Adarsh	Chandran	Coolie	Vannathichira	23/19
2	Rasil	Rameshan	Coolie	Nidumannur	20/19
3	Sayooj	Chandran	Coolie	Chathamkottunada	19/19
4	Sarun	Surendran	Coolie	Nidumannur	22/19
5	Fidal	Suresh	Coolie	Kakkattil	19/19

RELEVANT DATES

Occurrence	Complaint	Apprehension	Released on bail	Commencement of trial	Close of trial	Sentence or order
17.08.19	26.10.19	A2&A3-17.09.19	A1 to A4-06.02.23 A5-27.05.24	17.07.24	27.03.26	31.03.26

J U D G M E N T

The accused are put on trial for the commission of offences punishable U/ss. 143, 147, 148, 341, 323, 324 and 506 para I r/w 149 of IPC.

2. The prosecution case in brief is as follows:- On 17.08.2019 at 16.30 hours at Chathamkottunada at Kavilumpara, accused nos.1 to 5, formed themselves into an unlawful assembly, and in prosecution of their common object, committed rioting armed with deadly weapons and wrongfully restrained CW1 to CW5. Accused no.1 voluntarily caused hurt to CW1 by slapping on his face and also by beating on his back with wooden rafter. Accused no.1 criminally intimidated CW1 by threatening to kill him. Accused nos.2 to 5 voluntarily caused hurt to CW2 to CW5 by beating them with a stick. The accused are thereby alleged to have committed the above-mentioned

offences.

3. On appearance of accused nos.1 to 5 before the court, they were released on bail. Copies of prosecution records were furnished to them U/s.207 Cr.P.C. After hearing both sides on framing of charge and on satisfaction of the existence of prima facie materials to frame charge against the accused, charges U/ss.143, 147, 148, 341, 323, 324 and 506 para I r/w 149 of IPC were framed against accused nos.1 to 5, read over and explained to them, to which they pleaded not guilty and claimed to be tried.

4. On the side of prosecution PW1 to PW6 were examined and Exts.P1 to P10 were marked. As no incriminating circumstances were brought out against the accused in prosecution evidence, examination of the accused U/s. 313 (1) (b) of Cr.P.C was dispensed with. No defence evidence was adduced. I heard both sides.

5. The points which arose for consideration are:

- (i) Whether accused nos.1 to 5 , formed themselves into an unlawful assembly?
- (ii) Whether accused nos.1 to 5 , in prosecution of the common object of the unlawful assembly to which they are members, committed rioting?
- (iii) Whether accused nos.1 to 5 , in prosecution of the common object of the unlawful assembly to which they are members, committed rioting armed with deadly weapons or anything which if used as a weapon of offence is likely to cause death?
- (iv) Whether accused nos.1 to 5 , in prosecution of the common object of the unlawful assembly to which they are members, wrongfully restrained PW2, PW3, CW1, CW3 and CW4?

- (v) Whether accused nos.1 to 5 , in prosecution of the common object of the unlawful assembly to which they are members, voluntarily caused hurt to CW1 by slapping on his face ?
- (vi) Whether accused nos.1 to 5 , in prosecution of the common object of the unlawful assembly to which they are members, voluntarily caused hurt to CW1 by beating on his back with wooden stick ?
- (vii) Whether accused nos.1 to 5 , in prosecution of the common object of the unlawful assembly to which they are members, voluntarily caused hurt to PW2, PW3, CW3 and CW4 by beating them with a stick ?
- (viii) Whether accused nos.1 to 5, in prosecution of the common object of the unlawful assembly to which they are members, criminally intimidated CW1 by threatening to kill him?
- (ix) Sentence or Order?

6. **Point Nos. (i) to (viii) :-** The prosecution case was based on Ext.P1 FIS given by CW1 to the police. CW1, CW3, CW4, PW2 and PW3 are the injured witnesses in this case. PW1 and CW6 are the occurrence witnesses in this case. Even after execution of steps u/s.82 of CrPC against CW1, CW3 , CW4 and CW6, their presence could not be secured before the court for examination.

7. PW2 and PW3 deposed that they got injured in the alleged incident. However they are not able to identify the assailants at present. They further deposed that the accused had not attacked them. It was also deposed by them that the matter has been settled between them and the accused. PW1 deposed that he had not

witnessed the alleged incident.

8. PW4 is the police officer who recorded Ext.P1 FIS and who registered Ext.P2 FIR on the basis of Ext.P1. PW5 and PW6 are the investigating officers in this case. They deposed as to the steps taken by them during the course of investigation.

9. CW1, CW3 , CW4 and CW6 , who are material witnesses in this case, are not available for examination before the court. Other material witnesses examined (PW1, PW2 and PW3) retracted from their earlier versions and deposed against the prosecution case. Although the learned Assistant Public Prosecutor was permitted to ask questions which might be put in cross examination by the adverse party to PW1 to PW3, nothing was brought out to support the prosecution case. Even though the investigating officers are examined in this case, it did not improve the prosecution case. In this context, the learned Assistant Public Prosecutor gave up the remaining witnesses, as their examination will not serve any purpose.

10. On evaluation of the available evidence in this case, this Court finds that there is no evidence to prove that accused nos.1 to 5, formed themselves into an unlawful assembly and in prosecution of the common object of the unlawful assembly, committed the above said acts . There are no materials before the Court to connect accused nos.1 to 5 with the alleged offences. It can only be concluded that the prosecution has not succeeded in proving the guilt of accused nos. 1 to 5. Hence these points are answered against the prosecution.

11. **Point No. (ix)**:- In the light of the findings on Point Nos. (i) to (viii), accused nos.1 to 5 are found not guilty of the offences punishable U/ss.143, 147, 148, 341, 323, 324 and 506 para I r/w 149 of IPC and they are acquitted U/s. 248 (1) Cr.P.C. Their bail bond stand cancelled and they are set at liberty.

12. No material objects were produced in this case.

(Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in open court, on this the 31st day of March, 2026).

JUDICIAL FIRST CLASS MAGISTRATE -I
NADAPURAM.

APPENDIX

WITNESSES EXAMINED FOR PROSECUTION

Rank	Name	Whether Eye witness, police witness, Expert witness, Medical Witness, other witness
PW1	Nanu, S/o.Kelan	(CW7/other witness)
PW2	Shahad, S/o.Saleem	(CW2/injured witness)
PW3	Muhammed Althaf, S/o.Naseer	(CW5/injured witness)
PW4	Sreedharan.C, SCPO 7072, Thottilpalam P.S	(CW11, police witness)
PW5	Jithesh.P.K, S.I of Police, Thottilpalam P.S	(CW13, police witness)
PW6	Mahamood.K, SCPO 9469, Thottilpalam P.S	(CW12, police witness)

EXHIBITS MARKED FOR PROSECUTION:

Sl.No	Date	Exhibit number	Description
1	Dt: 20.08.19	Ext.P1/PW4	FI Statement
2	Dt:20.08.19	Ext.P2/PW 4	FIR
3	Dt:17.08.19	Ext.P3/PW5	Wound certificate of PW2
4	Dt:20.09.19	Ext.P4/PW5	Wound certificate of PW3
5	Dt:20.09.19	Ext.P5/PW5	Wound certificate of Nijas(CW4)
6	‘dated nil	Ext.P6/PW5	41 A notice given to accused no.1
7	‘dated nil’	Ext.P7/PW5	41 A notice given to accused no.4
8	‘dated nil’	Ext.P8/PW5	41 A notice given to accused no.5
9	‘dated nil’	Ext.P9/PW5	Report to add name and address of accused
10	Dt:21.08.19	Ext.P10/PW6	Scene mahazar

WITNESS EXAMINED FOR ACCUSED : NIL.

EXHIBITS MARKED FOR ACCUSED : NIL.

MOs MARKED : NIL.

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