

| <b>IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-I,<br/>NADAPURAM.</b>          |                                                                                                                                                      |
|---------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Present:- Smt.Amrutha Aravind<br/>Judicial First Class Magistrate-I, Nadapuram</b> |                                                                                                                                                      |
| <b>Dated, this the 27<sup>th</sup> day of April, 2026</b>                             |                                                                                                                                                      |
| <b><u>C.C. No. 1112/2018</u></b>                                                      |                                                                                                                                                      |
| Complainant                                                                           | : State, Rep.by the Sub Inspector of Police,<br>Kuttiady Police Station<br>(Cr.No.375/2012)<br>(Rep.By Sri.P.C.Jawad<br>Assistant Public Prosecutor) |
| Accused                                                                               | : Shyjal, S/o.Sooppy, aged 30/12, Angadi<br>Kunnath(H), Thaleekkara.<br>(Rep.By Adv. Musthafa P.P)                                                   |
| offences                                                                              | : U/ss. 143, 147, 148, 323 and 324 r/w 149 of<br>IPC.                                                                                                |
| Plea                                                                                  | : Not Guilty.                                                                                                                                        |
| Finding                                                                               | : Not guilty.                                                                                                                                        |
| Sentence or Order                                                                     | : Accused is acquitted U/s.248 (1) of Cr.P.C.                                                                                                        |

**DESCRIPTION OF ACCUSED**

| Sl. No. | Name   | Father's Name | Occupation | Residence   | age   |
|---------|--------|---------------|------------|-------------|-------|
| 1       | Shyjal | Sooppy        | Coolie     | Thaleekkara | 30/12 |

**RELEVANT DATES**

| Occurrence | Complaint | Apprehension | Released on bail | Commencement of trial | Close of trial | Sentence or order |
|------------|-----------|--------------|------------------|-----------------------|----------------|-------------------|
| 14.07.12   | 08.03.13  | 15.07.12     | 28.12.18         | 05.01.19              | 24.04.26       | 27.04.26          |

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

The accused is put on trial for the commission of offences punishable U/ss.

143, 147, 148, 323 and 324 r/w 149 of IPC.

2. The prosecution case in brief is as follows:- On 14.07.2012 at 7.15 p.m at Kuttiady Government Hospital, accused nos.1 to 6 formed themselves into an unlawful assembly, and in prosecution of the common object of the unlawful assembly, committed rioting armed with deadly weapons such as stone and iron pipe. The accused voluntarily caused hurt to CW1 to CW3 by beating them with hands. The accused herein voluntarily caused hurt to CW1 by hitting him with a stone. Accused no.3 voluntarily caused hurt to CW1 and CW2 by beating on their head with an iron pipe. The accused are thereby alleged to have committed the above-mentioned offences.

3. Originally the case was taken on file as CP.91/2013 and was committed to the Hon'ble Court of Session, Kozhikode. The accused were discharged under section 228 Cr.P.C of the offence punishable u/s.308 IPC and the case was sent back to this court. On receipt of the case records, the case was taken on file on this court as CC.1265/2014. Accused nos.1, 3, 4, and 5 appeared before the court in that case, and they were acquitted in that case. As accused no.6 did not appear before the court in that case, the case against him was split up and refiled as CC.117/2019. On 1.11.2023 the entire proceedings in CC.117/2019 was quashed by the Hon'ble High Court. As accused no.2 (accused herein) did not appear before the court in CC.1265/2014, the case against him was split up and refiled as CC.1112/2018, which is the present case.

4. On appearance of the accused before the court, he was released on bail. Copies

of prosecution records were furnished to him 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, 323 and 324 r/w 149 of IPC were framed against the accused, read over and explained to him, to which he pleaded not guilty and claimed to be tried.

5. On the side of prosecution PW1 to PW4 were examined and Ext.P1 was 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.

6. The points which arose for consideration are:

- (i) Whether the accused herein along with the other accused, formed themselves into an unlawful assembly?
- (ii) Whether the accused, in prosecution of the common object of the unlawful assembly to which he is a member, committed rioting?
- (iii) Whether the accused, in prosecution of the common object of the unlawful assembly to which he is a member, committed rioting armed with deadly weapons or anything which if used as a weapon of offence is likely to cause death?
- (iv) Whether the accused, in prosecution of the common object of the unlawful assembly to which he is a member, voluntarily caused hurt to PW1, PW2 and CW3 by beating them with hands?
- (v) Whether the accused, in prosecution of the common object of the unlawful assembly to which he is a member, voluntarily caused hurt to PW1 by

beating him with a stone and an iron pipe, which if used as weapons of offence, are likely to cause death?

(vi) Whether the accused, in prosecution of the common object of the unlawful assembly to which he is a member, voluntarily caused hurt to PW2 by beating him with an iron pipe, which if used as weapon of offence, is likely to cause death?

(vii) Sentence or Order?

7. **Point Nos. (i) to (vi) :-** The prosecution case was based on Ext.P1 First Information Statement given by PW1 to the Police. PW1 deposed that on 14.07.12 at 7.15 p.m some persons wrongfully restrained and him, PW2 and CW3 at Kuttiady Govt. Hospital. PW2 is also an injured witness in this case. He deposed that he and PW1 got injured in the alleged incident. However PW1 and PW2 are not able to identify the assailants at present. They further deposed that the accused had not committed the alleged acts. They further deposed that the matter has been settled between them and the accused.

8. PW3 and PW4 are stated to be the occurrence witnesses in this case. They deposed that they had not witnessed the alleged incident. PW4 denied to have produced the weapons involved in the offence before the police.

9. Material witnesses 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 PW4, nothing was brought out to support the prosecution case. In this context, the

learned Assistant Public Prosecutor gave up the remaining witnesses, as their examination will not improve the case of the prosecution.

10. On evaluation of the available evidence in this case, this Court finds that there is no evidence to prove that the accused had committed the alleged offences. There are no materials before the Court to connect the accused with the alleged offences. It can only be concluded that the prosecution has not succeeded in proving the guilt of the accused. Hence these points are answered against the prosecution.

11. **Point No. (vi)**:- In the light of the findings on Point Nos. (i) to (v), the accused is found not guilty of the offences punishable U/ss.143, 147, 148, 323 and 324 r/w 149 of IPC and he is acquitted U/s. 248 (1) Cr.P.C. His bail bond stands cancelled and he is set at liberty.

12. Property (stone ) received as PR.No.496/12 shall be destroyed, being valueless and property(iron pipe) received as PR.No.496/12 shall be confiscated. The property shall be disposed off, after the appeal period is over and if an appeal is preferred after its disposal.

(Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in open court, on this the 27<sup>th</sup> day of April, 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  | Saneesh, S/o.Kumaran  | (CW1/informant)                                                                     |
| PW2  | Ambareesh, S/o.Rajan  | (CW2/other witness)                                                                 |
| PW3  | Shijeesh, S/o.Kanaran | (CW4/eye witness)                                                                   |
| PW4  | Sathyan, S/o.Gopalan  | (CW5/eye witness)                                                                   |

**EXHIBITS MARKED FOR PROSECUTION:**

| Sl.No | Date        | Exhibit number | Description  |
|-------|-------------|----------------|--------------|
| 1     | Dt:14.07.12 | Ext.P1/PW1     | FI Statement |

WITNESS EXAMINED FOR ACCUSED : NIL.

EXHIBITS MARKED FOR ACCUSED : NIL.

MOs MARKED : NIL.

JUDICIAL FIRST CLASS MAGISTRATE -I  
NADAPURAM.

*//True copy//*

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NADAPURAM.