

**IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE-II,
(FOREST OFFENCES), PUNALUR.**

Present: Sri. Ekalavian L.V, Judicial Magistrate of First Class

On Thursday, the 26th day of March, 2026/ 5th day of Chaithra, 1948

CC No. 640/2016

- Complainant : The State of Kerala represented by the Sub Inspector of Police,
Thenmala Police Station in Cr. No. 680/2015.
(By. Ld. Adv. Roy Titus, Assistant Public Prosecutor, Punalur)
- Accused : A1- Vishnu, Age 21/15, S/o Sundareshan,
Sukanyalayam, Aryankavu P.O., Aryankavu.
- : A2 - Sarath, Age 18/15, S/o Satheeshan,
Sarath Bhavan, Arayankavu P.O., Aryankavu.
- : A3 - Nijas, Age 21/15, S/o Jalaludeen,
Chembuvila Veedu, Aryankavu P.O., Aryankavu.
- : A4 - Akhil Raj, Age 21/15, S/o Rajan,
Parayil Puthen Veedu, Aryankavu P.O., Aryankavu.
- : A5 - Rins Mathew, Age 25/15, S/o Mathai,
Kunnackattu Veedu, Pandyanpara, Aryankavu P.O., Aryankavu.
- : A6 - Bineesh, Age 21/15, S/o Babu,
Aneesh Bhavan, Pandyanpara, Aryankavu P.O., Aryankavu.
(By Ld. Adv. P. C. Gerogekutty)
- Offence : Punishable u/ss. 143, 147, 148, 341, 323, 324, 294(b) and 506(ii)
r/w 149 of IPC, 1860.
- Plea : Not guilty
- Finding : Not guilty
- Order : A1, A3 to A6 are found not guilty of the offences punishable
under sections 143, 147, 148, 341, 323, 324, 294(b), 506(ii) r/w 149
of IPC, 1860 and they are acquitted u/s. 248(1) Cr.P.C for the said
offences. Case against A2 is split up and refiled as CC 2378/16.

DATES OF

Date of offence	Date of Complaint	Date of apprehension	Release on bail	Date of Commencement of trial	Date of commencement of evidence	Period of detention undergone during investigation, inquiry or trial for the purpose of Section 428 Cr.PC	Date of Close of trial	Date of Sentence or Order
24.06.15	02.09.15	08.06.17	08.06.17	08.06.17	17.03.26	26.03.26

This case coming on this day for consideration, the court passed the following:-

JUDGMENT

1. This case is a calendar case based upon the final report filed by the Sub Inspector of Police in Thenmala Police Station in Cr. No. 680/2015 against the accused persons alleging the commission of offences punishable u/ss. 143, 147, 148, 341, 323, 324, 294(b), 506(ii) r/w 149 of IPC, 1860.
2. The prosecution case in brief is as follows: The accused No. 1 to No. 6, after forming an unlawful assembly in prosecution of their common object, at around 06.00 p.m. on 24.06.2015, wrongfully restrained the defacto complainant at Aryankavu check post in Kollam-Tirumangalam National Highway and voluntarily caused hurt by hitting him with a bunch of keys and also by beating him on his body parts, thereby committing the offences punishable under Sections 143, 147, 148, 341, 323, 324, 294(b), 506(ii) r/w 149 of IPC, 1860.
2. Originally the case was taken into file as CC. 1608/2015 by JFMC-I, Punalur. Subsequently the case is transferred to this court and numbered as CC 640/2016. On appearance of accused, they are released on bail. After being released on bail, they were furnished with all relevant prosecution records u/s.207 Cr.P.C. Thereafter, a charge u/ss. 143, 147, 148, 341, 323, 324, 294(b), 506(ii) r/w 149 of IPC, 1860 were framed, read over and explained to A1, A3 to A6, to which they pleaded not guilty and claimed to be tried. A2 was absconding, hence case against him split.

3. Evenafter repeated coercive steps, the prosecution could not procure the presence of CW3, CW7, CW8 and CW1, who are the material witnesses, to establish the allegation of prosecution. No defence evidence was adduced.
4. Heard both sides and perused the records.
5. After hearing both sides and perusing the records, the court framed the following points for the due adjudication of the case on merits:-
 1. Did the accused form an unlawful assembly in prosecution of their common object and commit the offence of rioting punishable under Sections 143, 147, 148 and 149 of IPC, 1860?
 2. Did the accused, after forming an unlawful assembly, wrongfully restrain the defacto complainant and commit the offence punishable under Section 341 of IPC-1860?
 3. Did the accused voluntarily cause hurt by hitting him with a dangerous instrument and thereby committing the offence punishable under Sections 323 and 324 of IPC 1860?
 4. Did the accused utter obscene words to the annoyance of defacto complainant in any public place and committed the offence punishable under Section. 294(b) of IPC 1860?
 5. Did the accused criminally intimidate the defacto complainant by instilling fear of death and thus committing the offence punishable under Section 506(ii) of IPC 1860?
 6. If so, what should be the order as to sentence?
6. **Point Nos:1 to 5** :- For the sake of brevity, the Court hereby proceeds to consider point number 1 to Point number 5 together for which it is highly necessary to discuss the evidence of prosecution witnesses in detail as follows.
7. The original injured and defacto complainants, CW1 and CW3 were examined as PW4 and PW1, who deposed that they suffered injuries after being attacked by some unidentified persons on 24.06.2015 at around 06.00 p.m in Aryankavu Check Post, but they could not identify the person by whom they were attacked and they categorically deposed that the accused in this case have not attacked them. Accordingly they were declared hostile to the

prosecution. CW7 was examined as PW6 and he deposed that he was an assistant surgeon at Taluk Hospital, Punalur and on 24.06.2015 at 09.00 p.m. he examined a patient by name Febin with a history of injury over the face and head. According to him, he advised him tetanus toxide injection and cleaning and dressing the wound with betadine and the wound certificate issued by him was marked as Exhibit P1. PW4 was the Investigating Officer who recorded the Exhibit P2 FIS of the defacto complainant and the body note, Exhibit P2(a) showing that there were injuries on the left eye and the right eye. According to him, he reached the place of occurrence on 23.06.2015. and prepared the Exhibit P3 scene mahazzar. He arrested and released the accused on bail bond by way of Exhibit P4 bail bond. He also identified the name and full address of the accused and the report thereon was marked as Exhibit P5. On his cross-examination, nothing material regarding the flaw in conducting investigation was elicited.

8. On analysing the evidence of prosecution witnesses, the evidence of PW4 that he was not attacked by the accused in this case clearly goes against the prosecution case and the evidence of PW2 and PW3 being corroborative in nature are not sufficient to fasten the criminal liability when the original injured has been declared hostile to the prosecution. In the result, Point number 1 to 5 are answered against the prosecution and the accused are found not guilty of the offences charged with them. In light of the finding on the above said points, point number 6 need not require any consideration.
9. **Point No. 6:-** In light of the finding on point number 1 to 5, point number 6 need not require any consideration. In the result, Accused No. 1 , 3 to 5 are found not guilty of the offences punishable under sections 143, 147, 148, 341, 323, 324, 294(b), 506(ii) r/w 149 of IPC, 1860 and accordingly they are acquitted of the said charges under section 248(1) Cr.P.C. Their bail bonds stand cancelled and they are set at liberty. Case against A2 is split up and refiled as CC 2378/2016.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me, in open court, on this the 26th day of March, 2026.

Sd/-

Judicial First Class Magistrate-II,
(Forest Offences), Punalur

APPENDIX

List of Prosecution/Defence/Court Witness

A. Prosecution Witnesses:

Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, Other witness
PW1	Vaisakh (CW3)	Occurrence Witness
PW2	Tom V Thomas (CW7)	Medical Witness
PW3	T.G. Satheesh Pillai (CW8)	Police Witness
PW4	Febin Varghese (CW1)	Occurrence Witness/ Complainant

B. Defence Witness:

Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, Other witness
	Nil	

C. Court Witness:

Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, Other witness
	Nil	

List of Prosecution/Defence/Court Exhibits

A. Prosecution Exhibits:

Sl. No.	Exhibit Number	Description
1	P1	Wound Certificate proved by PW2 on 10.10.25
2	P2	FIS proved by PW3 on 10.10.25
3	P2(a)	Bodynote proved by PW3 on 10.10.25
4	P3	Scene Mahazar proved by PW3 on 10.10.25
5	P4 Series	Bail Bond proved by PW3 on 10.10.25
6	P5	Report proved by PW3 on 10.10.25
7	P6	Report proved by PW3 on 10.10.25

B. Defence Exhibits:

	Nil	

C. Court Exhibits:

Sl. No.	Description	Exhibit Number
	Nil	

D. Material Objects:

Sl. No.	Description	Material Objects
	Nil	

Sd/-

Judicial First Class Magistrate-II
(Forest Offences), Punalur

//True Copy//

Judicial First Class Magistrate-II
(Forest Offences), Punalur