

**IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE,
Sasthamcotta.**

Present:- Kumari. Reshma Rajan, Civil Judge (Junior Division).

Dated this the 30th day of March, 2026.

(Dated this the 9th day of Chaithra, 1948)

CALENDAR CASE.No. 668/2022

- Complainant : State Represented by the Sub Inspector of Police, East Kallada Police Station in Crime No.746/2014.
(By. Assistant Public Prosecutor, Sasthamcotta).
- Accused :A1- Vishnu, Aged 19 years,
S/o Money,
Kaleelil Kizhakkathil,
Uppoodu Muri, East Kallada.
(By Adv. Binu.C)
- :A2- Rahul, Aged 20 years,
S/o Rajasekharan Pillai,
Rahul Bhavanam,
Cherupoyka Muri,
Pavithreswaram village.
(By. Adv.Akhil.R)
- :A3- Midhin, Aged 19 years,
S/o Babu,
Midhin Bhavanam,
Kaithakkottu Muri,
Pavithreswaram Village.
- :A4- Renjith, Aged 19 years,
S/o Remanan,
Remya Bhavanam,
Cherupoyka Muri,
Pavithreswaram Village.
(By. Adv.Akhil.R)
- :A5- Sajin @ Sarath, Aged 19 years,
S/o Santhosh,
Jayabhavanam House,
Kaithakkodu Muri,
Pavithreswaram Village.
(By Adv. Binu.C)
- :A6- Vishnu, Aged 18 years,
S/o Geetha,
Madhu Bhavanam House,
Pavithreswaram Village.

(By. Adv.Akhil.R)

Offence : U/s. 143, 147, 148, 341, 294(b), 323, 324, 427 r/w 149 of the Indian Penal Code, 1860.

Plea : Not guilty

Finding : Not guilty

Sentence or Order : Accused Nos 1, 2 and 4 to 6 were acquitted U/s. 248(1) of the Code of Criminal Procedure, 1973 for the offences punishable u/Ss 143, 147, 148, 341, 294(b), 323, 324, 427 r/w 149 of the Indian Penal Code, 1860. Charge against the third accused is abated as he is no more.

Description of the accused

Sl. No.	Name	Age	Father's Name	Occupation	Residence	
A1-	Vishnu	19	Mani	-	Kaleelil Kizhakkathil, Uppoodu Muri, East Kallada.	
A2-	Rahul	20	Rajasekharan Pillai	-	Rahul Bhavanam, Cherupoyka Muri, Pavithreswaram village.	
A3-	Midhin	19	Babu	-	Midhin Bhavanam, Kaithakkottu Muri, Pavithreswaram Village	
A4-	Renjith	19	Remanan	-	Remya Bhavanam, Cherupoyka Muri, Pavithreswaram Village.	
A5-	Sajin @ Sarath	19	Santhosh	-	Jayabhavanam House, Kaithakkodu Muri, Pavithreswaram Village.	
A6-	Vishnu	18	Geetha	-	Madhu Bhavanam House, Pavithreswaram Village.	
Date of						
Occurrence	Report or Complaint	Apprehension or appearance	Release on bail	Commencement of trial	Close of trial	Sentence or Order
25.06.14	25.06.14	04.07.14	04.07.14	07.02.26	28.03.26	30.03.26

This case having been finally heard on 28.03.2026 and posted judgment to 30.03.2026 and the court on the same day delivered the following:-

JUDGMENT

This case arose on a final report filed by the Sub Inspector of Police, East Kallada Police Station Cr. No.746/2014 for the offences punishable u/s. 143, 147, 148, 341, 294(b), 323, 324, 427 r/w 149 of the Indian Penal Code, 1860.

2. Prosecution case, in brief, is as follows:- The accused persons in furtherance of their common object formed themselves into unlawful assembly on 25.06.2014, at around 04.15 PM at Uppoodu Muri East Kallada, wrongfully restrained the defacto complainant, attacked him with wooden piece and fisted him, thereby caused caused injuries to his chest and his back. During the scuffle the defacto complainant has lost 1¼ sovereigns of gold chain by causing loss of ₹25,000/- to the defacto complainant. Thus the accused persons have committed the offences punishable U/s. 143, 147, 148, 341, 294(b), 323, 324, 427 r/w 149 of the Indian Penal Code, 1860.

3. This case was registered by the CW8, S.I. of Police, East Kallada police station based on the F.I statement given by CW1 against the accused persons. After completing investigation, CW8, the investigating officer laid the final report against the

accused persons before the court citing CW1 to CW8 as prosecution witnesses.

4. Originally the case was taken on file as C.C 1592/2017 before JFMC-I, Kollam and and cognizance u/ss. 143, 147, 148, 341, 294(b), 323, 324, 427 r/w 149 of IPC was taken. Summons were issued to the accused persons. Subsequently the case was transferred into this court and renumbered as the present case. Accused persons appeared before the court and they were enlarged on bail. Thereafter, copies of all relevant prosecution records were furnished to them u/s 207 CrPC. After hearing both sides and after considering the prosecution records, charges under above offences were framed and read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried. Thereafter the case was posted for prosecution evidence. While so A3 died and charge against him is abated.

5. In evidence, defacto complainant was examined as PW1 and Ext P1 FIS marked through PW1. The defacto complainant turned hostile to the prosecution case. Therefore, CW2 to CW8 were given up by the learned Assistant Public Prosecutor. Since there is no incriminating circumstances against

the accused, examination u/s. 313(1)(b) of Cr.P.C is dispensed with. No defence evidence was adduced.

6. Heard the learned counsel for the accused and learned APP.

7. The points that arise for determination are:-

i) Whether the accused persons in furtherance of common object formed themselves into an unlawful assembly on 25.06.2014, at around 04.15 PM at Uppoodu Muri East Kallada and thereby committed the offence u/s. 143 IPC as alleged ?

ii) Whether the accused persons in furtherance of common object committed rioting on 25.06.2014, at around 04.15 PM at Uppoodu Muri East Kallada and thereby committed the offence u/s. 147 IPC as alleged ?

iii) Whether the accused persons in furtherance of common object committing rioting with deadly weapons on 25.06.2014, at around 04.15 PM at Uppoodu Muri, East Kallada and thereby committed the offence punishable u/s 148 IPC as alleged ?

iv) Whether, on 25.06.2014, at around 04.15 PM at Uppoodu Muri East Kallada, the accused persons in furtherance of their common object wrongfully restrained PW1 and thereby committed offence punishable u/s 341 of IPC as alleged?

v) Whether, on 25.06.2014, at around 04.15 PM at Uppoodu Muri East Kallada, the accused persons in furtherance of their common object uttered obscene words against PW1 and thereby committed

offence punishable u/s 294(b) of IPC as alleged?

vi) Whether the accused persons in furtherance of common object voluntarily caused hurt to PW1 on 25.06.2014, at around 04.15 PM at Uppoodu Muri East Kallada and there by committed the offence punishable u/s 323 IPC as alleged ?

vii) Whether the accused persons in furtherance of common object voluntarily caused grievous hurt to PW1 with wooden piece, on 25.06.2014, at around 04.15 PM at Uppoodu Muri East Kallada and thereby committed the offence punishable u/s.324 IPC as alleged ?

viii) Whether the accused persons in furtherance of their common object, caused loss of ₹25,000/- to PW1 by losing his gold chain weighing 1 ¼ sovereigns on 25.06.2014, at around 04.15 PM at Uppoodu Muri East Kallada and thereby committed offence u/s 427 of IPC as alleged?

ix) If found guilty, what should be the proper order as to sentence?

8. Point Nos. i to viii:- For the sake of convenience these points are considered together. The defacto complainant was examined as PW1. He stated that he gave Ext.P1 First Information Statement to the police. He turned hostile to the prosecution case by stating that he did not sustained injury in the alleged incident. He did not know who are the assailants in this case. He further stated that the matter has settled and he did not want to continue

case against the accused persons. Learned APP was given permission to declare PW 1 as hostile to the prosecution.

9. Since there is no cogent and reliable evidence before this court to show that the accused had committed the offenses alleged as, the defacto complainant, ie, PW1 was turned hostile to the prosecution case. Examination of CW2 to CW8 were given up by the learned Assistant Public Prosecutor. Therefore the prosecution miserably failed to prove the case. Hence Point Nos i to viii are found against the prosecution.

10. **Point No.ix:-** In view of the finding in Point Nos.i to viii, A1, A2 and A4 to 6 are found not guilty of the offences punishable U/s. 143, 147, 148, 341, 294(b) 323, 324, 427 r/w 149 of the Indian Penal Code, 1860.

In the result, A1, A2 and A4 to A6 are found not guilty of the offences punishable U/s. 143, 147, 148, 341, 294(b), 323, 324, 427 r/w 149 of the Indian Penal Code, 1860 and they are acquitted U/s. 248(1) of Cr.P.C. Their bail bonds stand cancelled and they are set at liberty. Charge against A3 is abated as he is no more.

(Interim custody of item No.1 (Piaggio Ape bearing Reg No KL 24 G 6763) in the property list No TR 487/2014 dated 01.07.14 shall be

made absolute after the period of appeal.)

(Dictated to the Confidential Assistant, transcribed and typed by him, corrected by me and pronounced in open court, this the 30th day of March, 2026)

Sd/-

Civil Judge (Junior Division)

APPENDIX

Witnesses examined for the Prosecution:-

PW1/CW1 : Sri. Nakulan - 07.02.2026

Exhibits marked for the Prosecution:-

P1 :- First Information Statement proved through PW1 - 07.02.2026

Witness examined for the defence :-

Nil

Exhibits marked for the defence :-

Nil

Material Objects Marked:-

Nil

Sd/-

Civil Judge (Junior Division).

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Civil Judge (Junior Division).