

**IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE-II,
SASTHAMCOTTAH**

Present: Smt. Kavya S.S, Judicial First Class Magistrate, Sasthamcottah

Dated this the 3rd day of June, 2026
(3rd day of Ashadham, 1948)

CALENDAR CASE No. 717/2016

Complainant : State represented by the Sub-Inspector of Police,
Sasthamcottah police station in Crime No.655/2012
(By Asst. Public Prosecutor Sasthamcottah)

Name & Description of accused

Sl.No.	Name	Father's Name	Age	Occupation	Residence
A1	Sudheer	Sulaiman Rawther	42	-	Palli Thekkathil Veetil, Iverkala Naduvile Muri, Kunnathur Village.
A2	Sumeer	Sulaiman Rawther	40	-	Palli Thekkathil Veetil, Iverkala Naduvile Muri, Kunnathur Village.
A3	Shanu	Salim	38	-	Sajana Manzil, Iverkala Naduvile Muri, Kunnathur Village.
A4	Shefeeq	Ibrahimkutty	41	-	Mukaluvila Padinjattathil, Iverkala Naduvile Muri, Kunnathur Village.
A5	Sajeev	Majeedkunju	51	-	Sajeev Manzil, Iverkala West Muri, Kunnathur Village.

(By Adv. Sri. Saiju Koshy)

Offence : U/ss 143, 147, 447, 427 & 506(i) r/w 149 of IPC

Plea : Not Guilty.

Finding : Not Guilty.

Sentence/Order : Accused No. 1 to 5 are acquitted u/s 255 (1) of Cr.PC for the offences u/s 143, 147, 447, 427 & 506(i) r/w 149 of IPC.

DATE OF

offence	Complaint	Apprehen-sion	Release on bail	Commence-ment of trial	Closure of trial	Sentence or order	Explanation for delay.
01.07.2012	05.05.2014	14.....06.....2015		11.10.2021	03.06.2026	03.06.2026	--

This case was finally heard on 03.06.2026 and stood over for consideration today and the court delivered the following:

J U D G M E N T

This is a case instituted on the basis of the final report filed by Sub Inspector of Police, Sasthamcottah Police Station in Crime No. 655/2012 against accused No.1 to 5 alleging offences punishable u/ss 143, 147, 447, 427 & 506(i) r/w 149 of IPC.

2.Prosecution case in brief is as follows: The accused persons, due to previous animosity towards CW1, the defacto complainant and others, on 01.07.2012 at around 07:15 pm, accused No.1 to 5 formed themselves into an unlawful assembly, in prosecution of their common object to assault CW1 and others, committed rioting and criminally trespassed into the compound of the Santhwanam Seva Kendram at Pakisthanmukku in Ward No. VII in Kunnathur Village, destroyed the tube lights and flex boards placed there and thereby caused loss of Rs.500/- to the Santhwanam Seva Kendram. It is further alleged that the accused persons threatened CW1 and others to kill them. Thus the accused persons are alleged to have committed the offences punishable under sections 143, 147, 447, 427 & 506(i) r/w 149 of IPC.

3. This case was registered by the CW5, S.I. of Police, Sasthamcottah police station based on the F.I statement lodged by CW1. After completing investigation, he laid charge sheet before the court citing CW1 to CW5 as prosecution witnesses.

4. After completing investigation, final report has been filed and summons was issued to the accused persons. Accused No.1 to 5 turned upon summons and were enlarged on bail. Copies of prosecution records were served to them u/s.207 of Cr.PC. Thereafter the particulars of offences under sections 143, 147, 447, 427 & 506(i) r/w 149 of IPC were read over and explained to the accused, to which they pleaded not guilty.

5. Thereafter, the case was posted for prosecution evidence. To prove the guilt of the accused, prosecution has examined PW1 to PW3 and Ext. P1 was marked. The remaining witnesses were given up by the learned Assistant Public Prosecutor. Since there were no incriminating circumstances found against the accused from the prosecution evidence, examination of accused u/s 313 (1) (b) Cr.P.C. was dispensed with. No defence evidence was adduced.

6. Heard both sides.

7. The points that arise for consideration are:

1. Whether the accused No. 1 to 5 on 01.07.2012 at around 07:15 pm, formed themselves into an unlawful assembly at Pakisthanmukku and thereby committed offence punishable u/s.143 IPC as alleged?
2. Whether the accused No.1 to 5 at aforesaid time and place, have committed rioting and thereby committed offence punishable u/s.147 IPC as alleged ?
3. Whether the accused No.1 to 5 at aforesaid time and place, have trespassed in to the Santhwanam Seva Kendram and thereby committed offence punishable u/s. 447 of IPC as alleged?
4. Whether the accused No.1 to 5, at aforesaid time and place, had caused mischief at Santhwanam Seva Kendram and thereby committed offence punishable u/s.427 of IPC as alleged?
5. Whether the accused No.1 to 5 at aforesaid time and place, criminally intimidated PW1 and others and thereby committed offence punishable u/s.506(ii) of IPC as alleged?
6. Whether the accused No.1 to 5 have common object of unlawful assembly u/s.149 IPC as alleged ?
7. Sentence or Order?

8. **Point No.1 to 6:** For the sake of brevity and convenience these points are considered together.

9. PW1 is the defacto complainant and PW2 was an occurrence witness. PW1 & PW2 were examined on 18.04.2023 and initially they supported the prosecution case. On 29.05.2026, CMP. No. 04/2026 filed u/s 348 of BNSS to re-examine PW1 &

PW2. After hearing both sides, CMP. No. 04/2026 was allowed and PW1 & PW2 were re-examined on 02.06.2026. PW1 deposed that he had lodged a complaint before police regarding the incident and the said complaint was marked as Ext. P1. But he deposed that he was not present at the time of alleged incident. PW1 further deposed that the matter was already settled and that he does not wish to proceed with the case, he has no complaint against the accused persons herein.

10. PW2 deposed almost in tune with the testimony of PW1. On examination, he deposed that he had given statement against the accused before police regarding the incident due to a misunderstanding and the incident alleged in this case happened in a night, but he could not identify the assailants. The accused herein had not committed any offence. PW1 further deposed that the matter was already settled and that he does not wish to proceed with the case, he has no complaint against the accused persons herein. Hence PW1 & PW2 are declared as hostile. It can be seen that the testimonies of PW1 & PW2 are not believable.

11. PW3 is an occurrence witness cited by the prosecution. On examination, he deposed that he had not witnessed the incident and had not given any statement before police regarding the incident. Hence PW3 is also declared as hostile. Since the material witnesses turned hostile to the prosecution, the learned APP had given up the remaining witnesses.

12. Since there is no cogent and reliable evidence before this court to show that the accused persons have committed the offences alleged against them as PW1, the defacto complainant and PW2 & PW3 turned hostile, the prosecution failed to prove

the case. The prosecution utterly failed to prove the charge against the accused persons. Points No. 1 to 6 are found against prosecution.

13. **Point No. 7:-** In view of the finding of Points No. 1 to 6, Point No. 7 is also found against the prosecution.

In the result, accused No.1 to 5 are not found guilty of offences punishable under sections 143, 147, 447, 427 & 506(i) r/w 149 of IPC and they are acquitted u/s.255(1) of Cr.P.C. Their bail bonds stand cancelled and they are set at liberty.

(Dictated to the CA, transcribed and typed by her, corrected and revised by me and pronounced in open court on 3rd day of June, 2026

**Judicial First Class Magistrate-II,
Sasthamcottah. _**

APPENDIX

Witnesses Examined for the prosecution:

Prosecution Witness No.	Name of Witness	Description
1	Thulaseedharan Pillai	Defacto complainant
2	Bahuleyan	Occurrence witness
3	Vinod.	Occurrence witness

Exhibits for the prosecution:

Exhibit No.	Description of Exhibit	Proved by / attested by
1	F.I statement	PW1 on 18.04.2023

Material Objects : Nil

Witness & Exhibits for Defence : Nil.

**Judicial First Class Magistrate-II,
Sasthamcottah.**