

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS- II,
SOUTH PARAVUR, KOLLAM**

**Present :- Smt. Chithralekha N S,
Judicial Magistrate of the First Class.**

Tuesday, the 31st day of March, 2026/ 10th day of Chaithra, 1948

Calendar Case No. 536/2019

Complainant : State - Represented by the Sub Inspector of Police,
Chathannur Police Station in Crime No. 370/2019.
(Represented by Assistant Public Prosecutor, Paravur)

Accused : 1. Asokan, Aged 59, S/o. Madhavan,
Akash Bhavan, Kizhakkumkara,
Meenadu, Meenadu Village.
2. Suryan, Aged 26, S/o. Asokan,
Akash Bhavan, Kizhakkumkara,
Meenadu, Meenadu Village.
3. Athul, Aged 28, S/o. Sajeev,
Athul Nivas, Palamukku, Meenadu,
Meenadu Village.
4. Shibin, Aged 25, S/o. Sivandan,
R S Sadanam, Palamukku,
Meenadu, Meenadu Village.
5. Manu, Aged 26, S/o. Mohanan,
Akhil Bhavanam, Kollakuzhi,
Meenadu, Meenadu Village.

(Represented by Adv. R Dileepkumar)

Charge : Under sections 143, 147, 148, 323, 324 and 149 of IPC.

Plea : Not Guilty

Finding : Not Guilty

Sentence/Order : Accused no. 1 to 5 are acquitted u/s. 248(1) of Cr. PC for

the offences punishable under sections 143, 147, 148, 323, 324 and 149 of IPC. Bail bonds executed by accused no. 1 to 5 stand cancelled and they are set at liberty.

DESCRIPTION OF THE ACCUSED

Sl. No.	Name	Guardian's Name	Age	Residence	Taluk
1.	Asokan	Madhavan	59	Akash Bhavan, Kizhakkumkara, Meenadu, Meenadu Village.	Kollam
2.	Suryan	Asokan	26	Akash Bhavan, Kizhakkumkara, Meenadu, Meenadu Village.	Kollam
3.	Athul	Sajeev	28	Athul Nivas, Palamukku, Meenadu, Meenadu Village.	Kollam
4.	Shibin	Sivandan	25	R S Sadanam, Palamukku, Meenadu, Meenadu Village.	Kollam
5.	Manu	Mohanan	26	Akhil Bhavanam, Kollakuzhi, Meenadu, Meenadu Village.	Kollam

DATE OF

Occurrence	Complaint	Apprehension / appearance	Release on bail	Commencement of trial	Close of trial	Sentence or Order	Explanation for delay
15.06.2019	17.08.2019	20.05.2022 (A1, A2 & A5) 30.04.2022 (A3 & A4)	20.05.2022 (A1, A2 & A5) 30.04.2022 (A3 & A4)	14.07.2022	31.03.2026	31.03.2026	No delay

This case having been finally heard on 31.03.2026 and the Court on the said day, delivered the following:-

J U D G M E N T

This case was taken cognizance upon a final report filed by the Sub Inspector of Police in Crime No. 370/2019 of Chathannur Police Station alleging the commission of offences punishable under sections 143, 147, 148, 323, 324 and 149 of the Indian Penal Code, 1860 (for short – 'IPC').

2. The prosecution case in brief is as follows:- At 7.00 PM on 15.06.2019 accused no. 1 beat PW1 at his back resulting in pain. Accused no. 2 punched at his chest and accused no. 3 beat at his leg. Another offender, not yet identified using a piece of stone injured PW1 at his head and forehead. Accused no. 4 hit at his upper lip resulting in injury. Accused no. 5 beat at his back. As CW2 intervened, around 15 persons manhandled him. Hence the accused are alleged to have committed the offences punishable under sections 143, 147, 148, 323, 324 and 149 of IPC.

3. Upon receipt of the final report, this court took cognizance of the offences and issued process against the accused. Accused no. 1 to 5 were enlarged on bail and they were represented by a lawyer of their choice. Charge of the offences punishable u/ss. 143, 147, 148, 323, 324 and 149 of IPC were framed, read over and explained to accused no. 1 to 5. They pleaded not guilty and claimed to be tried.

4. As per final report, altogether six witnesses were proposed from the side of prosecution including the victim and the occurrence witnesses. CW1 was examined as PW1 and Ext. P1 was marked. The presence of CW2 could not be secured in spite of issuance of all coercive measures. As PW1 turned hostile to the prosecution case the rest of the witnesses were dispensed as no purpose will be served and will only end in waste of valuable time of court. Since no incriminating materials came up before this court, examination of accused no. 1 to 5 u/s. 313 Cr. PC was dispensed with. No defence evidence was adduced.

5. The case was considered for final decision after hearing the learned Assistant Public Prosecutor and the learned counsel who appeared for accused no. 1 to 5. Perused the relevant records.

6. The points which arose for consideration are:

1. Whether accused no. 1 to 5 constituted to be members of an unlawful assembly?
2. Whether accused no. 1 to 5 unlawfully assembled and in prosecution of common object of that assembly caused rioting?
3. Whether accused no. 1 to 5 unlawfully assembled and in prosecution of common object of that assembly caused rioting armed with deadly weapons ?

4. Whether accused no. 1 to 5 at 7.00 PM on 15.06.2019 in prosecution of common object voluntarily caused hurt to PW1 attracting the offence punishable u/s. 323 of IPC?
5. Whether accused no. 1 to 5 at 7.00 PM on 15.06.2019 in prosecution of common object voluntarily caused hurt using dangerous weapon to PW1 attracting the offence punishable u/s. 324 of IPC?
6. If found guilty, what order as to sentence?

7. **As to Point No. 1 to 5:-** For the sake of convenience and brevity, point nos. 1 to 5 are considered together.

PW1 would submit that he was attacked in the incident and he lodged Ext. P1 First Information Statement. He squarely submitted that accused no. 1, 2 and 5 did not harm him and failed to identify said accused in dock. Also accused no. 3 and 4 were not among the offenders. It also was submitted by the victim that the matters leading to the case were settled among him and the accused.

8. The allegation against the accused would not sustain for them to have no involvement in the crime, going by the statement of PW1. The evidence is insufficient to draw conclusion as to the essentials of the alleged offences. It leads to no finding against any of the accused.

Hence, point nos.1 to 5 stand not proved.

9. **As to Point No. 6:-** In view of the discussions on point nos. 1 to 5, accused no. 1 to 5 are found not guilty to the offences punishable under sections 143, 147, 148, 323, 324 and 149 of IPC. Hence, they are only to be acquitted for the said offences.

In the result:-

Accused no. 1 to 5 are acquitted u/s. 248(1) of Cr. PC for the offences punishable under sections 143, 147, 148, 323, 324 and 149 of IPC. Bail bonds executed by accused no. 1 to 5 stand cancelled and they are set at liberty.

The properties produced before court in TR 215/2019 shall be destroyed after the appeal period.

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

Sd/-

**Judicial Magistrate of the First Class- II,
Paravur**

APPENDIX

Witnesses for prosecution :-

Prosecution witness no.	Name of Witness	Description
PW1	Anshad (CW1)	Victim

Exhibit for prosecution:

Exhibit No.	Description of the Exhibit	Proved by /Attested by
P2	First Information Statement	PW1

Witnesses for Defence :-

Prosecution witness no.	Name of Witness	Description
Nil		

Exhibit for Defence:

Exhibit No.	Description of the Exhibit	Proved by /Attested by
Nil		

Material Objects :-

Material Object No.	Description of the Exhibit	Proved by/Attested by
Nil		

Sd/-
Judicial Magistrate of the First Class-II,
Paravur