

**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.**

Monday, the 23rd day of March, 2026/ 2nd day of Chaithra, 1948

Calendar Case No. 458/2018

Complainant : State - Represented by the Sub Inspector of Police,
Parippally Police Station in Crime No. 587/2017.
(Represented by Assistant Public Prosecutor, Paravur)

Accused : 1. Jayaprakash @ Kochaniyan, Aged 64,
S/o. Balakrishnakurup, Reshmalayam,
Karimbaloer, Parippally Village.
2. Pavan, Aged 30, S/o. Jayaprakash,
Reshmalayam, Karimbaloer, Parippally Village.
3. Manu, Aged 41, S/o. Sasidharan Pilla,
Mayalayam, Karimbaloer, Parippally Village.
4. Rajeevan, Aged 55, S/o. Balakrishnakurup,
Padma Vilasam, Karimbaloer, Parippally Village.
5. Sandeep, Aged 33, S/o. Satheesh,
Sangeetha Bhavan, Pampuram, Parippally Village.
6. Ravikumar @ Kaimal, Aged 59, S/o. Balakrishna Kurup,
Pathma Vilasam, Karimbaloer, Parippally Village.
(Represented by Adv. Kizhakkanela K Sudhakaran)

Charge : Under sections 143, 147, 341, 294(b), 323, 324, 326 and
149 of IPC.

Plea : Not Guilty

Finding : Not Guilty

Sentence/Order : Accused no. 1 to 6 are acquitted u/s. 248(1) of Cr. PC for
the offences punishable under sections 143, 147, 341,
294(b), 323, 324, 326 and 149 of IPC. Bail bonds
executed by accused no. 1 to 6 stand cancelled and they

are set at liberty.

DESCRIPTION OF THE ACCUSED

Sl. No.	Name	Guardian's Name	Age	Residence	Taluk
1.	Jayaprakash @ Kochaniyan	Balakrishnakurup	64	Reshmalayam, Karimbaloor, Parippally Village.	Kollam
2.	Pavan	Jayaprakash	30	Reshmalayam, Karimbaloor, Parippally Village.	Kollam
3.	Manu	Sasidharan Pilla	41	Mayalayam, Karimbaloor, Parippally Village.	Kollam
4.	Rajeevan	Balakrishnakurup	55	Padma Vilasam, Karimbaloor, Parippally Village.	Kollam
5.	Sandeep	Satheesh	33	Sangeetha Bhavan, Pampuram, Parippally Village.	Kollam
6.	Ravikumar @ Kaimal	Balakrishna Kurup	59	Pathma Vilasam, Karimbaloor, Parippally Village.	Kollam

DATE OF

Occurrence	Complaint	Apprehension / appearance	Release on bail	Commencement of trial	Close of trial	Sentence or Order	Explanation for delay
27.02.2017	01.06.2018	07.11.2019	07.11.2019	09.03.2022	23.03.2026	23.03.2026	No delay

This case having been finally heard on 23.03.2026 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. 587/2017 of Parippally Police Station alleging the commission of offences punishable under sections 143, 147, 341, 294(b), 323, 324, 326 and 149 of the Indian Penal Code, 1860 (for short – 'IPC').

2. The prosecution case in brief is as follows:- In prosecution of the common object at 11.30 pm on 27.02.2017 accused no. 1 beat PW2 at his back and head resulting in injuries. Accused no. 2 to 6 beat PW2 using the fire wood, kicked him and wrongfully restrained him. Accused no. 2, 3 and 5 beat PW1 whereby PW1 sustained severe injuries. Hence the accused are alleged to have committed the offences punishable under sections 143, 147, 341, 294(b), 323, 324, 326 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 6 were enlarged on bail and they were represented by a lawyer of their choice. Charge of the offences punishable u/ss. 143, 147, 341, 294(b), 323, 324, 326 and 149 of IPC were framed, read over and explained to accused no. 1 to 6. They pleaded not guilty and claimed to be tried.

4. As per final report, altogether eleven witnesses were proposed from the side of prosecution including the victim and the occurrence witnesses. CW1 to CW4 were examined as PW2, PW1, PW3 and PW4 respectively and Ext. P1 to P3 were marked. As PW1 to PW4 turned hostile to the prosecution case the rest of the witnesses were given up by the learned Assistant Public Prosecutor 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 6 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 6. Perused the relevant records.

6. The points which arose for consideration are:

1. Whether accused no. 1 to 6 constituted to be members of an unlawful assembly?
2. Whether accused no. 1 to 6 unlawfully assembled and in prosecution of common object of that assembly caused rioting?
3. Whether accused no. 1 to 6 at 11.30 pm on 27.02.2017 in prosecution of common object voluntarily caused hurt to PW2 attracting the offence punishable u/s. 323 of IPC?
4. Whether accused no. 1 to 6 at 11.30 pm on 27.02.2017 in prosecution of common object uttered obscene words at PW2 attracting the offence punishable u/s. 294(b) of IPC ?
5. Whether accused no. 1 to 6 at 11.30 pm on 27.02.2017 in prosecution of common object voluntarily caused hurt using dangerous weapon to PW1 and PW2 attracting the offence punishable u/s. 324 of IPC?
6. Whether accused no. 1 to 6 at 11.30 pm on 27.02.2017 in prosecution of common object voluntarily obstructed PW2

so as to prevent him from proceeding in any direction in which he had a right to proceed attracting the offence punishable u/s. 341 of IPC ?

7. Whether accused no. 1 to 6 at 11.30 pm on 27.02.2017 in prosecution of common object voluntarily caused grievous hurt using dangerous weapon to PW1 attracting the offence punishable u/s. 326 of IPC?

8. If found guilty, what order as to sentence?

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

The testimony of PW2 precisely is that he lodged Ext. P2 First Information Statement before police while admitting that he was injured in the incident leading to the case. He refused to identify the accused before court. He further added that the matters leading to the case were settled among him and the accused. He was declared hostile to prosecution. Similarly PW1, a victim in the case submitted to have not been injured in the incident. He was declared hostile to prosecution. PW3 and PW4 who were cited as occurrence witnesses refused to have witnessed the incident leading to the case. Accordingly they were declared hostile.

8. The victims as well as the occurrence witnesses did not have a case that the victims suffered any harm at the hands of accused. As the key witnesses have turned hostile there could be furnish no adequate evidence

regarding any of the offences in question. There exists absolutely no material to hold the accused guilty for the offences in question.

Hence, point nos.1 to 7 stand not proved.

9. **As to Point No. 8:-** In view of the discussions on point nos. 1 to 7, accused no. 1 to 6 are found not guilty to the offences punishable under sections 143, 147, 341, 294(b), 323, 324, 326 and 149 of IPC. Hence, they are only to be acquitted for the said offences.

In the result:-

Accused no. 1 to 6 are acquitted u/s. 248(1) of Cr. PC for the offences punishable under sections 143, 147, 341, 294(b), 323, 324, 326 and 149 of IPC. Bail bonds executed by accused no. 1 to 6 stand cancelled and they are set at liberty.

The property produced before court in TR 163/2018 shall be destroyed after the appeal period.

Dictated to the Confidential Assistant directly, corrected and pronounced by me, in open court, on this the 23rd 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	Mr. Arun (CW2)	Victim

PW2	Mr. Vaisakh (CW1)	Occurrence witness/victim
PW3	Mrs. Anitha (CW3)	Occurrence witness
PW4	Mr. Subin (CW4)	Occurrence witness

Exhibit for prosecution:

Exhibit No.	Description of the Exhibit	Proved by /Attested by
P1	Portion of sec. 161 Cr. PC statement	Proved by PW1 on 29.07.2025
P2	First Information Statement	Proved by PW2 on 27.11.2025
P3	Portion of sec. 161 Cr. PC statement	Proved by PW3 on 12.03.2026

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