

**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.**

**Wednesday, the 1<sup>st</sup> day of April, 2026/ 11<sup>th</sup> day of Chaithram, 1948**

**Calendar Case No. 859/2016**

Complainant : State - Represented by the Sub Inspector of Police,  
Paravur Police Station in Crime No. 1040/2016.  
*(Represented by Assistant Public Prosecutor, Paravur)*

Accused : 1. Balu, Aged 30, S/o. Babu,  
Thundil Veedu, Kurumandal B,  
Paravur Village.

2. Sujith, Aged 29, S/o. Suresh,  
Moolavila Thodiyil Veedu,  
Kurumandal B, Paravur Village.

3. Ashik Suresh, Aged 30, S/o. Suresh Babu,  
Akash Nivas, Kurumandal B, Paravur Village.  
**(Charge abated)**

4. Prasanth, Aged 30, S/o. Prakash,  
Thekkethodiyil Veedu, Punchirikulam,  
Kurumadal B, Paravur Village.

5. Pramod, Aged 29, S/o. Prakash,  
Thekkathil Veedu, Kurumandal B,  
Paravur Village.

6. Vishnu, Aged 36, S/o. Gopalan,  
Thundil Veedu, Punchirikulam,  
Kurumandal B, Paravur Village.

*(Represented by Adv. B Suresh for accused no. 1, 2, 4 and  
5 and Adv. Gireesh G P for accused no. 6)*

Charge : Under sections 143, 147, 323, 324, 506 (Para-1) and 149  
of IPC.

Plea : Not Guilty

Finding : Not Guilty

Sentence/Order : Accused no. 1, 2, 4 to 6 are acquitted u/s. 248(1) of Cr. PC for the offences punishable under sections 143, 147, 323, 324, 506 (Para-1) and 149 of IPC. Bail bonds executed by accused no. 1, 2, 4 to 6 stand cancelled and they are set at liberty. Accused no. 3 is no more and charge against him is abated.

### **DESCRIPTION OF THE ACCUSED**

Sl. No.	Name	Father's Name	Age	Residence	Taluk
1.	Balu	Babu	30	Thundil Veedu, Kurumandal B, Paravur Village.	Kollam
2.	Sujith	Suresh	29	Moolavila Thodiyil Veedu, Kurumandal B, Paravur Village.	Kollam
3.	Ashique Suresh (Charge abated)	Suresh Babu	30	Akash Nivas, Kurumandal B, Paravur Village.	Kollam
4.	Prasanth	Prakash	30	Thekkethodiyil Veedu, Punchirikulam, Kurumadal B, Paravur Village.	Kollam
5.	Pramod	Prakash	29	Thekkathil Veedu, Kurumandal B, Paravur Village.	Kollam
6.	Vishnu	Gopalan	36	Thundil Veedu, Punchirikulam, Kurumandal B, Paravur Village.	Kollam

### **DATE OF**

Occurrence	Complaint	Apprehension / appearance	Release on bail	Commencement of trial	Close of trial	Sentence or Order	Explanation for delay
17.06.2016	07.07.2016	13.11.2018 (A1, A4 and A5) 25.01.2019 (A2) 03.05.2019 (A6)	13.11.2018 (A1, A4 and A5) 25.01.2019 (A2) 03.05.2019 (A6)	17.06.2019	01.04.2026	01.04.2026	No delay

This case having been finally heard on 01.04.2026 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. 1040/2016 of Paravur Police Station alleging the commission of offences punishable under sections 143, 147, 323, 324, 506 (Para-1) and 149 of the Indian Penal Code, 1860 (for short – 'IPC').

2. The prosecution case in brief is as follows:- At 4.30 pm on 17.06.2016, the accused who nursed grudge against PW1 since he was indulging with one Mavila Club, the accused manhandled PW1. As the accused beat at his neck, PW3 questioned the same. Accused no.1 wrapped a piece of gravel in a dhoti and did strike PW3 at his head. Accused no. 1 to 6 further manhandled PW1 and PW3. In the attack PW1 sustained swelling on his neck and head. PW3 suffered a swelling on his cheek. They threatened that in case the police was informed the victims would be further manhandled. Hence the accused are alleged to have committed the offences punishable under sections 143, 147, 323, 324, 506 (Para-1) and 149 of IPC.

3. On appearance of accused no. 1 to 6, accused no. 1, 2, 4 to 6 were enlarged on bail and they were represented by a lawyers of their choice. Charge for the offences punishable u/ss. 143, 147, 323, 324, 506 (Para-1) and 149 of IPC were framed, read over and explained to accused no. 1, 2, 4 to 6.

They pleaded not guilty and claimed to be tried. Accused no. 3 was reported as no more and death certificate of him was produced.

4. As per final report, altogether six witnesses were proposed from the side of prosecution including the victim and the occurrence witnesses. CW1 to CW4 and CW6 were examined as PW1, PW3, PW2, PW4 and PW5 respectively and Ext. P1, P1(a), P2 to P8 were marked from the side of prosecution. The presence of CW5 could not be secured in spite of issuance of all coercive measures. Accused no. 1, 2 and 4 to 6 were thereafter examined u/s. 313(1)(b) of the Code of the Criminal Procedure, 1973. They denied all incriminating circumstances which appeared in evidence against them. Hence the defence was invited for presenting evidence. No evidence was tendered from the side of the defence.

5. The matter was considered for final decision after hearing the learned Assistant Public Prosecutor and the learned counsels who appeared for accused no. 1, 2, 4 to 6. Perused the relevant records.

6. The points which arose for consideration are:

1. Whether accused no. 1, 2, 4 to 6 constituted to be members of an unlawful assembly?

2. Whether accused no. 1, 2, 4 to 6 unlawfully assembled and in prosecution of common object of that assembly caused rioting?
3. Whether accused no. 1, 2, 4 to 6 at 4.30 pm on 17.06.2016 in prosecution of common object voluntarily caused hurt to PW1 attracting the offence punishable u/s. 323 of IPC?
4. Whether accused no. 1, 2, 4 to 6 at 4.30 pm on 17.06.2016 in prosecution of common object voluntarily caused hurt to PW1 using dangerous weapon attracting the offence punishable u/s. 324 of IPC?
5. Whether accused no. 1, 2, 4 to 6 at 4.30 pm on 17.06.2016 in prosecution of common object criminally intimidated PW1 attracting the offence punishable u/s. 506 (Para-1) of IPC ?
6. If found guilty, what order as to sentence?

7. **As to Point Nos. 1 to 5** :- For the sake of convenience and brevity, point nos. 1 to 5 are considered together.

PW1 has submitted that there had occurred a scuffle. The First Information Statement he lodged pursuant to the incident was marked as Ext. P1. He squarely denied to have any information regarding the offenders. Also it was submitted that the matters leading to the case were settled. The prosecution declared him hostile to prosecution. PW3 would submit that in the

incident 3 - 4 persons assaulted him near Punchirikkulam ground. It was informed him over phone that his nephew PW1 was manhandled. As he came to the place, the accused pushed him. He submitted to have not sustained any injury. He identified accused no. 4 and 5 before court. The prosecution declared him hostile. PW2 an occurrence witness turned hostile to prosecution. PW4, whom the prosecution examined as mahazar witness has turned hostile and refused to have affixed his signature on the scene mahazar. PW5 identified the signature of CW5 who registered Ext. P5 First Information Report. The scene mahazar was marked as Ext. P6. The address report identifying the accused was marked as Ext. P7.

8. PW3 was not the witness to the alleged assault on PW1. He identified accused no. 4 and 5 before court. He submitted that the accused pushed him though he did not sustain any injury. The specific case of the prosecution is that accused no. 1 beat a wrap of gravel at his cheek which he denied. The prosecution has no case that the accused pushed him. There was no identification of any of the accused except accused no. 4 and 5. the evidence is insufficient to show the exact overt acts accused no. 4 and 5 committed. The prosecution evidence failed both in terms of overt act of the accused and common intention of accused no. 4 and 5 in commission of offences. The remaining accused stand not identified before court. The evidence is highly insufficient to draw any conclusion of the elements to attract

the offences in question. The evidence is sufficient to hold the accused guilty for the offences. Therefore the prosecution case fails.

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, 2, 4 to 6 are found not guilty to the offences punishable under sections 143, 147, 323, 324, 506 (Para-1) and 149 of IPC. Hence, they are only to be acquitted for the said offences.

In the result:-

Accused no. 1, 2, 4 to 6 are acquitted u/s. 248(1) of Cr. PC for the offences punishable under sections 143, 147, 323, 324, 506 (Para-1) and 149 of IPC. Bail bonds executed by accused no. 1, 2, 4 to 6 stand cancelled and they are set at liberty. Accused no. 3 is no more and charge against him is abated.

Dictated to the Confidential Assistant directly, corrected and pronounced by me, in open court, on this the 1<sup>st</sup> day of April, 2026.

**Sd/-**

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

**APPENDIX**

**Witnesses for prosecution :-**

Prosecution witness no.	Name of Witness	Description
PW1	Mr. Ashiq (CW1)	Defacto complainant

PW2	Mr. Sumesh (CW3)	Eye witness
PW3	Mr. Amjithkhan (CW2)	Occurrence witness
PW4	Mr. Renjith (CW4)	Occurrence witness
PW5	SI Baburaj (CW6)	Investigating officer

**Exhibit for prosecution:**

Exhibit No.	Description of the Exhibit	Proved by /Attested by
P1	First Information Statement	PW1
P1(a)	Body note	PW5
P2	Portion of sec. 161 Cr. PC statement	PW2
P3	Portion of sec. 161 Cr. PC statement	PW3
P4	Portion of sec. 161 Cr. PC statement	PW3
P5	First Information Report	PW5
P6	Scene mahazar	PW5
P7	Address report	PW5
P8	Bail bond	PW5

**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**