

**IN THE COURT OF THE JUDICIAL FIRST-CLASS MAGISTRATE,  
KADAKKAL**

**Present: - Sri.Amal S.R., Judicial First-Class Magistrate**

Tuesday, 9<sup>th</sup> day of June, 2026/ 19<sup>th</sup> Jyaishta, 1948

**CALENDAR CASE No. 1513/2021**

- Complainant : State-represented by the Sub Inspector of Police,  
Valavupacha Police Station Crime No. 670/2021  
(By A.P.P., Kadakkal)
- A1 Nisamudeen S/o Sainudeen, Nisam Manzil, Thalavarambu,  
Mancode.
- A2 Muhammad Irbhan, aged 20/21, S/o Nisamudeen, - do -
- A3 Navas, S/o Abdul Karim, Shahaban Manzil, Thalavarambu,  
Chithara.( Split up)
- A4 Shemeer S/o Amarudeen, Shameer Manzil, Parakadekonam,  
Chithara.
- A5 Muhammad Sajid S/o Salim, Shibina Manzil, Thalavarambu,  
Mancode.
- A6 Afsal, aged 21/21, S/o Shamsudeen, Afsal  
Manzil,Thalavarambu, Mancodu.  
( By Adv .Dipin S for A1 to A6)
- Offence : Under Section 143, 147, 148,341,294(b), 323, 324 r/w 149 of  
the Indian Penal Code.
- Plea : Not guilty
- Finding : Not guilty
- Sentence or order : The accused Nos. A1,A2, A4 to A6 are found not guilty of  
the offence punishable under sections 143, 147,  
148,341,294(b), 323, 324 r/w 149 of the Indian Penal Code  
and they are acquitted under section 271(1) of the BNSS,  
2023. Their bail bond stands cancelled and they are set at  
liberty. The case against the 3<sup>rd</sup> accused is split up and refiled  
as CC 1751/2021.

**Date of**

Occurrence	Complaint	Apprehension	Release on bail	Commencement of trial	Commencement of evidence	Close of trial	Sentence or order	Period of detention undergone during investigation of trial for the purpose of Section 428 Cr.P.C
03.09.21	05.09.21	03.06.26 -A1 11.09.25 -A2,A5, 18.04.26 19.02.26 -A3 20.02.26 -A6	03.06.26 -A1 11.09.25 -A2,A5, 18.04.26 19.02.26 -A3 20.02.26 -A6	23.01.26	04.06.26	09.06.26	09.06.26	-

This case having been finally heard today and the Court on the same day delivered the following:-

### **JUDGMENT**

The accused persons are put on trial upon a final report filed by the Sub Inspector of Police, Valavupacha Police Station Crime No. 670/2021 alleging commission of offence punishable under sections 143, 147, 148, 341, 294(b), 323, 324 r/w 149 of the Indian Penal Code.

2. ***Prosecution case in brief is as follows:*** - On 03.09.2021 at about 6.30 p.m., owing to previous enmity, the accused persons formed themselves into an unlawful assembly at Thalavarambu–Bhajanamukku Road. It is alleged that accused Nos.1 and 2, along with others, wrongfully restrained and assaulted CW2. When CW1 attempted to intervene, the accused uttered obscene words towards him, and accused No.1 hit him on his back with a stone, causing injuries. Thereafter, accused Nos.3 to 6, along with the other members of the unlawful

assembly, restrained CW1, and accused No.3 assaulted him with a stick, causing hurt. Thus, the accused are alleged to have committed offences punishable under Sections 143, 147, 148, 341, 294(b), 323 and 324 read with Section 149 of the Indian Penal Code.

3. On appearance of the accused Nos. 1 to 5, they are enlarged on bail. The copies of all relevant prosecution records were furnished under section 207 of the Code of Criminal Procedure, 1973. After hearing both parties, charge u/s. 143, 147, 148, 341, 294(b), 323, 324 r/w 149 of the Indian Penal Code were framed, read over and explained to them to which they pleaded not guilty and claimed to be tried. After coercive steps, the presence of third accused could not be procured. Hence case against his is split up.
4. On the side of the prosecution, PW1 to PW3 were examined . As the material witnesses failed to support the prosecution case, the learned Assistant Public Prosecutor gave up remaining witnesses. In the absence of any incriminating evidence against the accused, questioning him under section 351(1)(b) of BNSS was dispensed with.
5. Heard both sides.
6. Points that arose for consideration are :-
  - 1) *Has the accused, on 03.09.2021 at 18.30Hrs, in prosecution of their common object formed themselves into an unlawful assembly and being a member of such assembly committed the offence punishable under section 143 r/w 149 of the Indian Penal Code?*
  - 2) *Has the accused, on the same day at the same time in prosecution of their common object formed themselves into an unlawful assembly, committed*

*violence and committed the offence punishable under section 147 r/w 149 of the Indian Penal Code?*

- 3) *Has the accused, on the same day at the same time ,in prosecution of their common object formed themselves into an unlawful assembly, committed an offence of rioting armed with deadly weapons and committed the offence punishable under section 148 r/w 149 of the Indian Penal Code?*
- 4) *Has the accused, on the same day at the same time ,in prosecution of their common object formed themselves into an unlawful assembly, voluntarily caused hurt to PW1 and committed the offence punishable under section 323 r/w 149 of the Indian Penal Code?*
- 5) *Has the accused, on the same day at the same time ,in prosecution of their common object formed themselves into an unlawful assembly, voluntarily caused hurt to PW1 by beating him with a stick and committed the offence punishable under section 324 r/w 149 of the Indian Penal Code?*
- 6) *Has the accused, on the above date, time and place, uttered obscene words towards PW1 and thereby committed the offence punishable under section 294(b) of the Indian Penal Code?*
- 7) *as the accused, on the same day at the same time ,in prosecution of their common object formed themselves into an unlawful assembly, wrongfully restrained PW1 and committed the offence punishable under section 341 r/w 149 of the Indian Penal Code?*
- 8) *If the accused is found guilty, what is the order as to sentence?*

7. **Points No. 1 to 7** :- For the sake of convenience and to avoid repetition, and for brevity, these points are considered together. The defacto complainant was examined as PW1. PW1 deposed that he did not know the culprits.

8. PW2 and PW3 did not support the prosecution case. They stated that they have not seen the incident.

9. Seeing the plight of the case, the learned APP gave up the remaining witnesses. In the above circumstances the prosecution case stands as failed. Thus, point no.1 to 6 are found against the prosecution.

10. **Point No. 8** :- In view of the finding in Point No.1 to 7, the accused Nos. A1, A2 ,A4 to A6 are found not guilty of the offence punishable under sections 143, 147, 148,341,294(b), 323, 324 r/w 149 of the Indian Penal Code and they are acquitted under section 271(1) of the BNSS, 2023. Their bail bond stands cancelled, and they are set at liberty. The case against the third accused is split up and refiled as CC 1751/2021.

*Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this, the 09<sup>th</sup> Day of June 2026.*

Judicial First-Class Magistrate, Kadakkal.

### **APPENDIX**

#### **List of Prosecution/Defence/Court Witnesses**

##### A. Prosecution Witnesses

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
PW1	Rasi	Eye witness
PW2	Shahin	Occurrence witness
PW3	Sahad	Occurrence witness

##### B. Defence Witness

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
	NIL	

## C. Court Witnesses

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
	NIL	

List of Prosecution/Defence/Court Exhibits

## A. Prosecution Exhibits

Sl.No	Exhibit Number	Description
	NIL	

## B. Defence Exhibits

Sl.No.	Exhibit Number	Description
	NIL	

## C. Court Exhibits

Sl.No.	Exhibit Number	Description
	NIL	

## D. Material Objects

Sl.No.	Exhibit Number	Description
	NIL	

Judicial First-Class Magistrate, Kadakkal.

