

T A B U L A R F O R M

1.	Serial Number	:	Sessions Case No. 141/2019
2.	Name of the Police Station and Crime No. of the offence	:	Iritty Police Station, Crime No.116/2018.

DESCRIPTION OF THE ACCUSED

	3. Name and Rank	4. Father's/ Name	5. Occu- pation	6. Residence	7. Age
1.	Shaji Antony	Antony	--	Kulathinaprayil House, Vilamana amsom, Kunnoth, Iritty Taluk.	47/18
2.	Jismon Jose	Jose	--	Vazhappandayil House, Vilamana amsom, Kunnoth, Iritty Taluk.	27/18
3.	Manu Mathew	Mathew	--	Vattamthottiyil House, Vilamana amsom, Kunnoth, Iritty Taluk.	29/18
4.	Anoop	Surendran	--	Chembloth House, Vilamana amsom, Kunnoth, Kiliyanthara.	29/18
5.	Subeesh. A.M.(Died)	Mohanan	--	Anayil House, Moosanpeedika Vilamana amsom, Kunnoth, Iritty Taluk.	20/18
6.	Ratheesh.M	Naranyanan	--	Mouvanchery House, Vilamana amsom, Kunnoth, Iritty Taluk.	32/18
7.	Daison Joseph	Joseph Prince.	--	Amathoppil House, Kunnoth Kelanpeedika, Iritty Taluk.	32/18

DATE OF

8.	Occurrence	:	29/01//2018.
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9.	Complaint	:	29/01/2018.
10.	Apprehension of the accused	:	A1 to A4 - 19/02/2018. A5 & A6 - 22/02/2018. A7 - 08-06-2018.(Pre arrest Bail granted by the Hon'ble High Court of Kerala.)
11.	Release on bail	:	A1 to A6 - 09/03/2018.
12.	Commitment	:	04/12/2018.
13.	Commencement of trial	:	14/05/2024.
13A.	Commencement of evidence	:	21/03/2026.
14.	Close of trial	:	21/03/2026.
15.	Sentence/Order	:	23/03/2026.
16.	Service of copy of judgment or finding on Accused	:	--
17.	Explanation for delay	:	B Diary extract attached.
18.	Period of detention undergone during investigation, inquiry or trial for the purpose of Section 428 Cr.P.C.	:	--

Additional Sessions Court-III,
Thalassery, Dated : 23/03/2026.

ADDL. SESSIONS JUDGE-III.

IN THE COURT OF SESSION, THALASSERY

Present :- Smt. Ruby K Jose, Addl. Sessions Judge-III

Monday, the 23rd day of March, 2026/2nd Chaithra, 1947

SESSIONS CASE No.1140 OF 2019

(Committed by Smt.Arunima.V.A., Judicial First Class Magistrate, Mattanur in C.P No.99/2018 in Crime No.116/2018 of Iritty Police Station)

Complainant	:	State : (SHO, Iritty Police Station Conducted by Sri.Roopesh.K., Addl. Public Prosecutor, Thalassery.)
Accused:	:	1. Shajimon Antony, S/o.Antony, 47/18, Kulathinaprayil House, Vilamana amsom, Kunnoth, Iritty Taluk.
	:	2. Jismon Jose, S/o.Jose, 27/18, Vazhappandayil House, Vilamana amsom, Kunnoth, Iritty Taluk.
	:	3. Manu Mathew, S/o.Mathew, 29/18, Vattamthottiyil House, Vilamana amsom, Kunnoth, Iritty Taluk.
	:	4. Anoop, S/o.Surendran, 29/18 Chembloth House, Vilamana amsom, Kunnoth, Kiliyanthara.
	:	5. Subeesh.A.M, S/o.Mohanan, 30/18 Anayil House, Moosanpeedika Vilamana amsom, Kunnoth, Iritty Taluk. (Died)
	:	6. Ratheesh.M, S/o.Narayan, 32/18 Mouvanchery House, Vilamana amsom, Kunnoth, Iritty Taluk.
	:	7. Daison Joseph, S/o.Joseph Prince, 32/18, Amathoppil House, Kunnoth Kelanpeedika, Iritty Taluk.
	:	(Accused defended by Sri.Sebastian K.Jacob Advocate, Thalassery.
Charge	:	U/s.341, 323, 326, 294(b), 354(B) and 308 r/w 34 of IPC.
Plea of the accused	:	Not guilty.

Finding of the Judge	:	Not guilty
<p><u>Sentence/Order:-</u> The accused Nos. 1, 2, 3, 4, 6, and 7 are found not guilty of offences punishable u/ss. 341, 323, 326, 294(b), 354, 354(B), 308 r/w 34 of IPC and they are acquitted thereof under section 232 of Cr.P.C. The bail bonds executed by them stand cancelled and they are set at liberty. The accused No.5 is no more, hence charge against him abated.</p> <p>The properties in this case shall be destroyed as per rule.</p>		

J U D G M E N T

The accused persons in this case face indictment for the offences punishable u/ss. 341, 323, 326, 294(b), 354, 354(B), 308 r/w 34 of IPC.

2. The prosecution case is that, on 29.01.2018 at about 16.45 hours, at a place called Kelanpeedika in Vilamana amsom, the accused persons in furtherance of their common intention, abused Sarath Chandran and his family who were travelling in a car bearing No. KA 19 MF 5277 in filthy language , wrongfully restrained them and voluntarily caused hurt to Sarath Chandran by beating him with a beer bottle and and while he was under wrongful restraint again the accused struck aiming he head of Sarath Chandran using the beer bottle and that blow fell on his nose and caused fracture of his nasal bone. Thereby the accused attempted to commit culpable homicide not amounting to murder. It is further alleged that the wife of Sarath Chandran who was

travelling in the car was also struck on the chest and back of chest by the accused causing bodily injuries and the accused attempted to strip off her dress and she was pushed down by the accused. Thus the the accused persons are alleged to have committed the aforementioned offences.

3. The prosecution was initiated on the basis of Ext.P1 first information statement given by PW1. On completion of the investigation, final report was submitted before the Judicial First Class Magistrate Court, Mattannur. The case was taken on file as CP No.99/2028.

4. The accused persons were appeared before the committal court. They were on bail. When the accused persons appeared before the committal court, copies of all relevant records was given to him in compliance of Sec.207 of Cr.P.C. The case was committed to the Sessions Court as per order dt.04.12.2018 in CP 99/2018. The case was taken on file as the present number and made over to this court for disposal.

5. When the accused persons appeared before this court, both sides were heard u/s.227 Cr.P.C. Charge was framed for offence u/ss. 341, 323, 326, 294(b),354, 354(B), 308 r/w 34 of IPC. The charge was read over and explained to the accused and they pleaded not guilty. Thereafter, it is reported that the accused No.5 is no more.

6. When the matter was taken up for trial, prosecution examined PW1 and PW2 and Ext. P1 were marked on the side of the prosecution. As all the material witnesses turned hostile to the prosecution and examination of the remaining witnesses will not improve the case, the learned Additional Public Prosecutor given up the remaining witnesses Cws.3 to 22. As there are no incriminating circumstances in the evidence, the accused were not examined u/s.313 Cr.P.C.

7. Both sides were heard u/s.232 on Cr.P.C.

8. The point that arise for consideration is:-

Whether the accused persons are entitled to be acquitted of the charge u/s.232 of Cr.P.C?

9. **The Point:-** PW1 is the injured witness in this case. PW1 stated that he is a resident of Manathana and that at the time of the occurrence he was working as a Finance Manager in a private company at Bangalore. He deposed that on 29.01.2018, at about 6.45 p.m., while he was proceeding to Bangalore, when he reached a place called Kelanpeedika, his car was wrongfully restrained and he was attacked. He further stated that in the said incident both he and his wife sustained injuries and that, in connection with the same, he had lodged Exhibit P1 before police. He also stated that he is unable to identify the persons who committed the assault. PW2 is

the wife of PW1 and she deposed in tune with PW1. PW1 and PW2 did not support the prosecution case and deposed that the matter is settled between the parties and they have no complaint against the accused persons. None of the prosecution witnesses including the injured witness supported the prosecution case. Therefore, this court finds that there is no material on record to show the involvement of the accused in the offence.

10. On perusal of the records, it reveals that there is absolutely no evidence to prove the charges against the accused persons. It is reported that the accused No.5 is no more. Hence charge against him abated. So the accused Nos. 1, 2, 3, 4, 6, and 7 are entitled to be acquitted u/s.232 Cr.P.C. The point is found in favour of the accused persons.

In the result, the accused Nos. 1, 2, 3, 4, 6, and 7 are found not guilty of offences punishable u/ss. 341, 323, 326, 294(b), 354, 354(B), 308 r/w 34 of IPC and they are acquitted thereof under section 232 of Cr.P.C. The bail bonds executed by them stand cancelled and they are set at liberty. The accused No.5 is no more, hence charge against him abated.

The properties in this case shall be destroyed as per rule.

(Dictated to the Confidential Assistant, typed by her directly into the computer, corrected by me and pronounced in open court on this the 23rd day of March 2026).

APPENDIX:-**WITNESSES FOR THE PROSECUTION**

Rank	Name	Whether eye witness, police witness, expert witness, Medical witness, other witness
PW1.	Sri. Sarath Chandran	Eye witness
PW2.	Smt.Cadence K.L. Poppen	Eye witness

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EXHIBITS FOR THE PROSECUTION:

Sl. No.	Date	Exhibit number	Description
1.	29-01-2018	P1/PW1	First Information Statement.

WITNESSES FOR THE DEFENCE:- Nil.**EXHIBITS FOR THE DEFENCE:- None.**

ADDL. SESSIONS JUDGE-III

PM.

IN THE COURT OF SESSION,
THALASSERY

SESSIONS CASE No.141/2019

J U D G M E N T

DATED: 23-03-2026.

To,

1. The Registrar, High Court of Kerala,
Ernakulam, Kochi - 682031.
2. The Chief Judicial Magistrate
Court, Thalassery.
3. The District Collector, Kannur.
4. The Supdt. of Police, Kannur.
5. The Chemical Examiner,
Thiruvananthapuram.
6. The Supdt. Central Prison, Kannur.
7. The Public Prosecutor, Thalassery.
