

TABULAR FORM

1. Serial Number : Sessions Case No.1150/2017
2. Name of the Police Station and : Cr. No.2010/2015 of Kuthuparamba Police station

DESCRIPTION OF THE ACCUSED

	3. Name and Rank	4. Father's Name	5. Occupation	6. Residence	7. Age
1.	Babu P	Balan	--	Sangeerthanam, Aambilad, Mangattidam amsom.	49
2.	K. Padmanabhan	Kunhikannan	--	Kalashaparambath Kaithachal, Mangattidam amsom	57
3.	Nijil K @ Chinjilu	Narayanan	--	Kaitheri Veedu, Kaithachal, Mangattidam amsom	42
4.	Sreejesh A @ Lalu	Gangadaran	--	Neelambari, Nambiar Peedika, Mangadidam amsom	45
5	K. Vipin	Valsan	--	Vision Nivas, Keerachi, Mangattidam.	39
6.	Santhosh A	Balan	--	Vadakkeparambath House, Kinattinvida, Mangattidam amsom	40
7	Biju N@ Maakkandi	Ragavan	--	Kunhipurayil House, Nambiar Peedika, Mangadidam amsom	40

8	Saneesh K	Balan	--	Janani Nivas, Ayyappan Thod, Mangattidam amsom	44
9	Ajesh N	Nanu		N.S.Nivas, Kurumbakkal, Mangattidam.	47
10	Shanoj N	Raveendran	--	Vadakkeyil House,Nambiar Peedika, Mangattidam amsom	42
11	Vineesh N	Narayanan	--	Indhira Avas Colony, Kaithachal, Mangattidam amsom	35
12	Shanil N	Joy	-	Joy Villa, Kaithachal, Mangattid amsom	37
13	Shaludas C @ Shalu	Devadas,	--	SreeSailam, Ayyappanthod, Mangattidam amsom	32
14	Hirandas	Haridas	--	Hiran Nivas, Ayyappanthod, Mangattidam amsom	33
15	Anirudha Das K @ Anu	Haridas	--	Hiran Nivas, Ayyappanthod, Mangattidam amsom	32
16	Shijil Nuchiyil	Joy P.P	--	Joy Villa, Kaithachal, Mangattidam amsom	37
17	Shijil K@Varkki	Sailendran	--	Nucholi House, Ayyappan Thod, Mangattidam amsom	34

DATE OF:-

8	Occurrence	] 03-11-2015
9	Complaint	] 14-07-2017
10	Apprehension of the accused	] A1,A6 13-11-2015] A2,A3 16-11-2015] A4, A7 09-11-2015] A5 31-08-2017] A8 10- 11-2015] A9 to A16 25-11-2015] A17 31-12-2015
11	Release on bail	] A1,A2 to A4, A7 to A16 - 07-01-2016] A5-31-08-2017, A6-24-12-2015 A17- 23-01-2016
12	Commitment	] 20-09-2017
13	Commencement of trial	] 25-07-2023
13A	Commencement of Evidence	] 13-02-2024
14	Close of trial	] 24-04-2026
15	Sentence/Order	] 27-04-2026
16	Service of copy of judgment or finding on Accused.	] 27.04.2026
17	Explanation for delay	] B-Dairy Extract Attached
18	Period of detention undergone during investigation, inquiry or trial for the purpose of Section 428 Cr.P.C.	] A1- 13-11-2015 to 07-01-2016] A2- 16-11-2015 to 07-01-2016] A3- 16-11-2015 to 07-01-2016] A4- 09-11-2015 to 07-01-2016] A5- Surrendered on 31-08-2017 and released on same day] A6- 13-11-2015 to 24-12-2015] A7- 09-11-2015 to 07-01-2016] A8- 10-11-2015 to 07-01-2016] A9 to A16 - 25-11-2015 to 07-01-2016] A17 – 31-12-2015 to 23-01-2016

Addl. Sessions Court-II, Thalassery,
Dated: 27.04.2026

ADDITIONAL SESSIONS JUDGE-II

IN THE COURT OF SESSIONS, THALASSERY

Present :- Smt. Titty George, Addl. Sessions Judge-II, Thalassery.

Monday, the 27th day of April, 2026, 07th Vaishakha, 1948.

SESSIONS CASE No. 1150/2017

**(Committed by Sri. Subrahmanian Namboodiri, Judicial First Class
Magistrate, Kuthuparamba as per order in C.P. No. 78/2017 dated 20.09.2017
in
Crime No. 2010/15 of Kuthuparamba Police Station.)**

Complainant	: SHO Kuthuparamba Police Station, Rep. By Adv. Jayasree V.S. Addl. Public Prosecutor.
Accused :	: 1. Babu.P, S/o.Balan, Sangeerthanam, age 49 years, Aambilad, Mangattidam amsom. A2. K.Padmanabhan, S/o.Kunhikannan, aged 57 years Kalashaparambath, Kaithachal, Mangattidam amsom. A3.Nijil.K @ Chinjilu, S/o.Narayanan, aged 42 years, Kaitheri veedu, Kaithachal, Mangattidam amsom. A4.Sreejesh.A @ Lalu, S/o.Gangadaran, aged 45 years, Neelambari, Nambiar Peedika, Mangattidam amsom. A5.K.Vipin, S/o. Valsan, aged 39 years, Vision Nivas, Keerachi, Mangattidam. A6. Santhosh.A, S/o.Balan, aged 40 years, Vadakkeparambath(H), Kinattintavida, Mangattidam amsom. A7. Biju.N@ Maakkandi, S/o.Ragavan, Aged 40 years, Kunhipurayil(H), Nambiar Peedika, Mangattidam amsom. A8. Saneesh.K, S/o.Balan, aged 43 years, Janani Nivas, Ayyappan Thod, Mangattidam amsom.

	<p>A9. Ajesh.N, S/o.Nanu, aged 47 years. N.S. Nivas, Kurumbakal, Mangattidam amsom.</p> <p>A10. Shanoj N, S/o. Raveendran, aged 43 years, Vadakkeyil House, Nambiar Peedika, Mangattidam amsom.</p> <p>A11. Vineesh N, S/o. Narayanan, aged 35 years, Indhira Avas Colony, Kaithachal, Mangattidam amsom.</p> <p>A12. Shanil.N, S/o.Joshi, aged 37 years, Joy Villa, Kaithachal, Mangattidam amsom.</p> <p>A13. Shaludas.C @ Shalu, S/o.Devadas, aged 32 years, Sree Sailam, Ayyappanthod, Mangattidam amsom.</p> <p>A14. Hirandas, S/o. Haridas, aged 33 years, Hiran Nivas, Ayyappanthod, Mangattidam amsom.</p> <p>A15. Anirudha Das.K @ Anu, S/o.Haridas, aged 32 years, Hiran Nivas, Ayyappanthod, Mangattidam amsom.</p> <p>A16. Shijil Nuchiyil, S/o.Joy P.P, aged 37 years, Joy Villa, Kaithachal, Mangattidam amsom.</p> <p>A17. Shijil.K @ Varkki, S/o.Sailendran, aged 34 years, Nucholi House, Ayyappan Thod, Mangattidam amsom.</p>
Accused defended by	: Vinod Kumar Chambalon
Charge	: U/ss.143, 147, 148, 341, 333 and 307 r/w Sec.149 of IPC & Sec.3(1) of the Prevention of Damage to Public Property Act
Plea of the accused	: Not Guilty
Finding	: A4 to A17 are found not guilty of offence u/ss.143, 147, 148, 341, 333 and 307 r/w Sec.149 of IPC and S.3(1) of PDPP Act and they are acquitted of those offences. Bail bonds of A4 to A17 stand cancelled and they are set at liberty.

	<p>A1 to A3 are found not guilty of offence u/ss.341 and 307 r/w Sec.149 of IPC and S.3(1) of PDPP Act and are acquitted of those offences.</p> <p>A1 to A3 are found guilty of offence u/ss.143, 147, 148, 333 r/w Sec.149 of IPC and are convicted thereunder.</p>
Sentence/Order	<p>: A1 to A3 are sentenced to undergo RI for 4 years and fine of ₹20,000/- each u/s.333 IPC and in default to undergo RI for 6 months. A1 to A3 are also sentenced to undergo rigorous imprisonment for 6 months each and fine of ₹5000/- each u/ss.143, 147 and 148 IPC and in default to undergo RI for 1 month each. Sentences shall run concurrently.</p> <p>Set off is allowed to A1 under S.428 Cr.PC from 13.11.2015 to 07.01.2016. A2 is allowed set off for the period from 16.11.2015 to 07.01.2016. A3 is allowed set off for the period from 16.11.2015 to 07.01.2016.</p> <p>If the fine amount is remitted or realised, ₹30,000/- shall be given to PW9 as compensation under S.357(1) (b) Cr.P.C.</p>

J U D G M E N T

This case is charge sheeted by the Sub Inspector of Police, Kuthuparamba Police Station in Crime No.2010/2015 alleging offence punishable under sections 143, 147, 148, 341, 333 and 307 r/w Sec.149 of IPC & Sec.3(1) of the PDPP Act.

2. The prosecution case is that on 03.11.2015 at about 21:15 hours, A1 to A17 along with 8 other identifiable persons formed themselves into an unlawful assembly and committed rioting with deadly weapons like stone, sword, iron rod etc, with the common object of committing murder of CW2 and in prosecution of that they wrongfully restrained the police party, obstructed their official duty and A3 attempted to kill CW2, Inspector of Police, Kuthuparamba by beating with an iron rod and and caused grievous hurt to him. The accused persons caused damage to the police jeep bearing No.KL 01 BS 351 by pelting stones and caused loss of ₹9,500/- to the government. Hence, A1 to A17 have committed the aforesaid offences.

3. The final report was filed before the Judicial First Class Magistrate, Kuthuparamba and the case was taken on file as CP No.78/2017. The case was committed to the Hon'ble Sessions Court, Thalassery after completing the legal formalities. The case was numbered as SC 1150/2017 and was made over to this Court for disposal.

4. On issuing summons, A1 to A17 appeared before this court. After hearing both sides, charge was framed against them under sections 143, 147, 148, 341, 333 and 307 r/w Sec.149 of IPC & Sec.3(1) of the Prevention of Damage to Public Property Act. The charge was read over and explained to the accused persons. A1 to A17 pleaded not guilty and claimed to be tried.

5. The prosecution cited CWs 1 to 23 and Addl. CW24 and out of them CWs 6, 8, 10, 11, 13, 14, 12, 1, 2, 16, 17, 22, 15, 18, 20, 24, 21 and 23 were examined as PW1 to 18 and the remaining witnesses were given up by the Additional Public Prosecutor. Exts.P1 to P43 and MO1 to MO4 were also marked.

6. After closing the prosecution evidence, the accused were questioned u/s.313 CrPC. They denied all incriminating evidence adduced against them and further stated that they were falsely implicated in the case due to political rivalry. A1 to A4 filed additional statement u/s.313(5) stating that on that day, Crime No.2015/2022 was registered against BJP workers in connection with the attack on a CPIM worker at a place called Kinatintavida in Koothuparamba, Mangattidam. Later, it came to be known that Circle Inspector of Police, Koothuparamba (PW9) was injured while doing law and order duty in the said incident. This case was registered against the accused persons who are CPI(M) workers to resolve the issues that arose on registration of the case against BJP workers. A1 to A4 are completely innocent in this case, but police had deliberately made A1 to A4 as accused persons only because they are CPI(M) workers. Police traced out the photos of the accused persons from somewhere and had identified them in the court during trial.

7. Heard both sides under section 232 of the Code of Criminal Procedure. As there was evidence against the accused persons, they were not acquitted u/s.232 CrPC. The accused were called upon to enter on their defence. Witnesses on the side of the defence were examined as DW1 and DW2 and Exts.D1 and D2 were also marked.

8. Heard both sides.

9. Following points arise for determination:-

- (i) Whether A1 to A17 formed into an unlawful assembly with the common object of committing murder of PW9 as alleged by the prosecution?
- (ii) Whether A1 to A17 in prosecution of the common object of the unlawful assembly, committed rioting armed with deadly weapons as alleged by the prosecution?
- (iii) Whether A1 to A17 in prosecution of the common object of the unlawful assembly, wrongfully restrained PW9 and the police party as alleged by the prosecution?
- (iv) Whether A3 voluntarily caused grievous hurt to PW9 by beating with MO1 iron rod during his discharge of duty as a police officer as alleged by the prosecution?
- (v) Whether A1 to A17 in prosecution of their common object voluntarily caused grievous hurt to PW9 by beating with MO1 iron rod during his discharge of duty as a police officer as alleged by the prosecution?
- (vi) Whether A1 to A17 attempted to commit murder of PW9 in prosecution of the common object of the unlawful assembly which the members of that assembly knew it likely to be committed as alleged by the prosecution?
- (vii) Whether A4 and A7 in prosecution of the common object of the unlawful assembly pelted stones on the

police department vehicle bearing No. KL01 BS 352 and caused a loss of ₹9500/- as alleged?

(viii) What is the order or sentence to be passed?

10. **Point Nos. (i) to (vii):-** For sake of brevity and easy discussion, these points are considered together.

PW8 is the Sub Inspector of Kuthuparamba police station who registered Ext.P5 FIR in the case. He deposed that on 03.11.2015 at 9.00pm, on receiving information that CPI(M) and BJP workers were rioting at Kinattintavida, he passed the information to PW9 (Circle Inspector) and accompanied by CW3 and the police driver, proceeded to the place of occurrence in his jeep. PW9 and his driver also proceeded to the place of occurrence in the jeep of Circle Inspector of Police. When they reached there at 9.15 pm, they found about 25 persons gathered there armed with stones, sticks and swords. They alighted from the jeeps with grenades and moved towards them and identified the persons gathered there in the light available from jeep and from the street light and demanded them to leave the place. He further deposed that A1 Babu, who was the CPM branch secretary exhorted others “Don’t allow them to go alive” (ഇവന്മാരെയാന്നിനെയും ജീവനോടെ വിടരുത്) and came forward to attack them, and A3 Nijil @ Chinjil beat Circle Inspector of police (PW9) aimed to hit Circle Inspector of police on head with an iron rod which was blocked by Circle Inspector of police with his left hand and sustained fracture to the hand. Then, CW3 and himself threw grenades to disperse the mob and while leaving the place the accused persons pelted stones on the jeep of the Inspector causing damage on its driver side and backside doors, and resulting in a loss of ₹15,000/-. He further deposed that CW2 also hurled a grenade towards the mob and the accused persons left the place. And also that, CW4 driver Sunilkumar took the Inspector to Indira Gandhi Hospital, Thalassery in the TATA Sumo vehicle bearing Regn. No.KL 01 BS 351. PW8 also deposed that he reached police station on 04.11.2015 at 00:40 hours and registered Ext.P5

FIR against A1 Babu, A6 Santhosh, Shijil, Padmanabhan, Lalu and other identifiable persons. PW8 identified A1 to A4 and A6 in the dock correctly as those persons who were among the members of the unlawful assembly.

11. PW9 testified that while working as Kuthuparamba Circle Inspector on 03.11.2015 at 9.00pm, he received information from PW8 regarding rioting of CPI(M) - BJP workers at Kinattintavida and he proceeded in the station vehicle No.KL 01 BS 351. PW8 accompanied by CW3 also proceeded towards Kinattintavida in their vehicle and reached there at 9.15pm and found a crowd on the western and northern portions of the road. They alighted there and found about 25 persons armed with sticks and swords under the leadership of A1 Babu, the Mangattidam branch secretary and A2 Padmanabhan, and when he demanded the mob to get dispersed, A1 exhorted “Don’t allow any of them to go alive” (ഒരാളെയും ജീവനോടെ വിടരുത്) and the accused persons proceeded towards them and A3 Nijil @ Chinjilu among them attacked him with an iron rod aimed at his head and he blocked it with his left hand and sustained grievous injury. Immediately, the Sub Inspectors who accompanied him, hurled grenades towards the mob and he too hurled a grenade towards them. A4 Sreejesh and A7 Biju pelted stones on his jeep causing damage to the vehicle and caused a loss of ₹15,000/-. It is further deposed that he went to Indira Gandhi Hospital, Thalassery for treatment and a suo moto case was registered by PW8 in the incident. PW9 also deposed that light was available at the place of occurrence from street lamp and that of the jeep. He identified A1 to A3 present in the dock and further deposed that others were also present at the place of occurrence at the time of the incident but he could not identify them stating their names. He also deposed that he sustained fracture of his left hand in the attack of A3 and for further treatment he went to his native place at Kanhangad and availed treatment from City Hospital. He identified MO1 as the weapon used by A3 to attack him.

12. PW15 testified that on 03.11.2015 at 10.00pm, while working as Casualty Medical Officer at Indira Gandhi Hospital, Thalassery he examined Prem

Sadan, Circle Inspector of Police Kuthuparamba who was brought to hospital by Sunil Kumar, driver and noted Haematoma over left forearm and fracture shaft of Ulna (left) and had issued Ext.P9 wound certificate. The alleged cause of injury was stated to be due to assault by an identifiable group of persons on 03.11.2015 at 9.15pm at Kinattintavida, Kuthuparamba. PW15 further testified that the injury could be caused as alleged and that MO1 could cause injuries stated in Ext.P9.

13. PW12 testified that while working as Village Assistant in Mangattidam Village Officer as per the direction of village officer he inspected the place of occurrence on 15.12.2015 and prepared Ext.P7 site plan and the place of occurrence was specifically marked using red ink in a circle. PW16, Mangattidom Village Officer testified that he countersigned in Ext.P7 site plan prepared by the Village Assistant and had accompanied PW12 while the site was visited.

14. PW4 testified that on 03.11.2015, while working as CPO in Kannavam Police Station he accompanied SI Prakash for L&O duty at night and when they reached Kinattintavida, as per direction of superior officer, he conducted scene guard duty there from 10.00pm, and that a black and red coloured Nokia company mobile phone having No.9947977120, a white coloured plastic cap and a medium sized granite piece were seen there and identified them as MOs 2 to 4. It is also deposed that he was there at the place of occurrence till the seizure of MOs 2 to 4 and the preparation of Ext.P1scene mahazar by the investigating officer.

15. Addl. Public Prosecutor submitted that there is clear evidence regarding the involvement of the accused persons in the incident and failure of PW18 to identify the 3rd accused during trial is only because several years have lapsed since the completion of the investigation. Addl.Public Prosecutor further submitted that testimony of PW9 and PW15, and Ext.P9 wound certificate would prove that PW9 had sustained grievous hurt in the incident which occurred on 3.11.2015 at 9.15pm at Kinaattintavida and even the testimony of DW1 would support the prosecution case that PW9 had sustained hurt at 9.15pm on 3.11.2015. It is pointed out that the injured PW9 had identified A3 as the person who inflicted hurt by beating with

MO1 iron rod and therefore the prosecution has successfully proved the case beyond reasonable doubt.

16. On the other hand, the defence counsel argued that the prosecution case is a cooked up one only to resolve the issue between BJP and CPI(M) workers in consequence of the incident in Cr. No.2022/15 which occurred on 03.11.2015. According to the defence counsel, the evidence before court would prove that PW8, the SI of Police had not accompanied PW9 to the place of occurrence as alleged by the prosecution and the non recovery of remnants of the grenades alleged to be used by PW8 and CW3 would prove the falsity of the prosecution case. It is also argued that when the prosecution alleges that the accused persons caused damage to the vehicle of PW9 by pelting stones, the recovery of a single stone from the road is not sufficient to prove the prosecution case.

17. Yet another argument is that the 161 statement of PW9 was recorded only on 08.11.2015 and hence, it is evident that the name of accused No.3 was stated by PW9 only on the basis of the information received from PW8. The defence counsel submitted that PW9 had not stated the names of any of the assailants to PW15 doctor who examined him on 03.11.2015 which would show that PW9 did not know the persons who alleged to have assaulted him. It is also argued that the time of the alleged incident in FIR is seen corrected as 21:15 hrs whereas in column No.12, it is stated as 21:45 hrs. According to the defence counsel, this inconsistency itself would go to prove that the prosecution case is a false one. It is also pointed out that the prosecution has purposefully withheld the vehicle diary of the vehicle alleged to have been used by PW8 and the non examination of CW3 also creates much suspicion as to the presence of PW8 and CW3 at the place of occurrence as alleged by the prosecution. The defence counsel also argued that the actual incident which occurred on 3.11.2015 at the place of occurrence was brought to light through the testimony of DW1 and it is proved through DW1 that PW8 and CW3 had not gone to the place of occurrence on 03.11.2015 as alleged by the prosecution. It is submitted that the evidence of

DW1 (CW4) cannot be discarded merely on the ground that he was examined by the defence. Reliance was placed on the decision **Suresh Sahu v. State of Bihar (Now Jharkhand) (2025 KHC OnLine 6986)** in support of his arguments. Also, relying on the decision in **Suresh @ Sura v. State of Kerala (2025 KHC Online 1303)**, the defence counsel submitted that when the prosecution case is riddled with material contradictions, inconsistencies, non examination of material witnesses and suppression of crucial facts, the accused are entitled to benefit of reasonable doubt.

18. The defence counsel also argued that the prosecution has not satisfactorily proved the availability of light at the place of occurrence and considering the entire evidence the prosecution has not succeeded in proving the charge against the accused persons beyond reasonable doubt. Relying on the decision of the Apex Court in **Nikhil Chandra Mondal v. State of West Bengal 2023 LiveLaw (SC) 171**, the defence counsel submitted that it is the settled principle of law that however strong a suspicion may be, it cannot take the place of a proof beyond reasonable doubt and prayed for acquittal of all the accused.

19. It is apposite to reproduce the evidence of DWs 1 and 2 also. DW1 testified that he was the police driver of the Circle Inspector, Kuthuparamba, on 03.11.2015. As per the direction of the Circle Inspector (PW9), he had gone to Kinattintavida at 9.00 pm along with PW9 and on reaching there they did not see anyone. Thereafter, they proceeded to Vengad Ayyappanthode and as no one was found there, CW9 contacted the SI. Then, Circle Inspector of Police directed him to proceed to Kanalkara, where they met the Sub Inspector of Police and his party and after talking with the Sub Inspector of Police, the Circle Inspector of Police told him to proceed to Kinattintavida and when they reached there they found a crowd and the Circle Inspector of Police alighted from the vehicle with a grenade and when it was blasted by the Circle Inspector of Police, the crowd dispersed. He further deposed that Circle Inspector of Police directed him to proceed to Kuthuparamba, and told him to proceed to the hospital as he had pain on his hand

and when they reached Kuthuparamba Govt. Hospital, they found a long queue and went to Thokkilangadi Christhuraaja Hospital and as there was no facility for taking X-ray, they went to Indira Gandhi Hospital, Thalassery. He deposed that while the grenade was blasted, apart from the Circle Inspector of police and his vehicle, there was no other police vehicle or other police officers were there. He also deposed that as a surgery was necessary for the Circle Inspector of police, he took Circle Inspector of police to Kanhangad.

20. DW2 testified that he had worked as the Sub Inspector of Kuthuparamba during 2016-2017 and had conducted further investigation in the Crime No.2022/15 and submitted the final report in it. He deposed that the allegation in that case was that due to political rivalry A1 to A5 who were RSS workers had beaten Ragesh, a CPI(M) worker inside the bus named 'New Light' using iron pipe, wooden stick etc., on 03.11.2015 at 20:45 hours at Kinattintavida. Ext.D1, the certified copy of the FIR and Ext.D2, the final report in Crime No.2022/2015 were marked through DW2.

21. The prosecution case is that the accused persons, A1 to A17 and 8 identifiable persons formed an unlawful assembly at Kinnattintevida on 03.11.2015 at 20:15 hrs and in prosecution of the common object committed rioting and A3 beat PW9, the Circle Inspector of Police, Kuthuparamba who was on official duty, with MO1 iron rod and caused grievous hurt to him. And also that the A4 and A7 pelted stones on the official jeep of PW9 bearing No.KL 01 BS 351 and caused damage to the said vehicle and a loss of ₹9,500/-.

22. The testimony of PW8 and PW9 were heavily relied upon by the prosecution to prove the case. Both PWs 8 and 9 testified that they reached the place of occurrence at 9.15pm on their respective official vehicles and 25 persons were seen gathered there with weapons like stones, stick and swords under the leadership of A1 and A2 and A1 exhorted to attack them. From the testimony of PWs8 and 9 it can be seen that A1 and A2 were known to them even prior to the incident and they were identified by PWs 8 and 9 while in the witness box.

23. The first point to be considered is whether the prosecution succeeded in proving the unlawful assembly of the accused persons. According to the prosecution, around 25 persons were in the unlawful assembly armed with deadly weapons. Though defence side took up the contention that an incident as alleged by prosecution did not occur, DW1, the driver SCPO who was admittedly with PW9 at the time of the incident, examined on the side of the defence testified that when PW9 reached the place of occurrence on KL01 BS 351 Tata Sumo at about 9.15pm, he had seen a crowd at the place of occurrence and when PW9 threw grenade at them, they left the place. So the presence of an unlawful assembly at 9.15 at Kinnattintevida on 03.11.2015 has clearly been proved through the testimony of PWs 8, 9 and DW1.

24. Now it has to be analysed as to whose version about the incident has to be believed, testimony of PWs 8 and 9 or that of DW1. According to DW1, on 3.11.2015 he took PW9 on the official vehicle to Kinattintevida at 9 pm and as no one was there, they proceeded to Vengad Ayyapanthode and from there they went to Kanalkara where they met Sub Inspector of Police and party and again returned to Kinattintevida. On the other hand, PWs 8 and 9 testified that they proceeded from their offices and reached Kinattintevida at 9.15pm on receiving information about possible clash between CPI(M) and BJP workers. Ext.P42 vehicle diary of Police vehicle bearing No.KL 01 BS 351 on 03.11.2015 would go to show that PW9 had visited Kuthuparamba town, Ayyappanthodu, Vagode, Kinavakkal and Kinattintevida with DW1 as his driver from 8pm onwards. So testimony of DW1 that they proceeded at 9 pm from the office and visited all the other places and reached Kinattintevida at 9.15 pm is against the records. Ext.P42 vehicle diary was produced before court by SI of Police, Motor Transport, DPHQ, Kannur and there is no reason to doubt its authenticity.

25. PW5 testified that on 23.06.2016, while working as Writer in the office of the Circle Inspector Kuthuparamba, he produced the duty note book of CW2 (PW9) before the investigating officer who took it into custody as per Ext.P4

seizure mahazar and it was returned to him on condition that it would be produced as and when directed. PW6, the attesor to Ext.P4 seizure mahazar admitted his signature in it and testified that he witnessed seizure of duty note book of CW2 by the investigating officer.

26. PW13 testified that on 23.06.2016, while he was in charge of Station Writer at Kuthuparamba police station, he produced the duty note book of PW8 before investigating officer and it was taken into custody as per Ext.P8 mahazar which was signed by him and it was received back on the condition that it would be produced before court as and when demanded. PW10 deposed that while working as CPO in Kuthuparamba police station on 23.06.2016 he witnessed SCPO Latheesh (CW15) producing the note book of PW8 before the investigating officer.

27. PW11 testified that while working as CPO in Kannur AR camp on 20.07.2016 he was on duty in the motor transport office of the camp and was the custodian of all records related to police vehicles at that time. On receiving notice he produced vehicle diary of KL 01 BS 351 and KL 01 AS 8131 in the month of November, 2015 before the investigating officer and were taken into custody by the investigating officer in presence of witnesses and it was received back on the condition that it would be produced before court as and when demanded. He identified Ext.P6 as the seizure mahazar prepared at that time and admitted his signature in it. PW14 testified that on 20.07.2016, he accompanied the investigating officer to Kannur AR Camp and signed in Ext.P6 seizure mahazar while the investigating officer took the vehicle diary of police jeep bearing No.KL 01 BS 351 and it was returned back to PW11.

28. PW18, Circle Inspector of Police of Azheekkal Coastal Police Station deposed that he was in additional charge of Circle Inspector of Police, Kuthuparamba from 04.11.2015 and took over investigation of the case as per order of District Police Chief No.10/Camp/2015 dated 03.11.2015 and submitted Ext.P12 report before court. He deposed that Ext.P1 scene mahazar was prepared

in presence of witnesses after site inspection, seized MO2 to MO4 (MO2 a granite piece of size which could be held within palm, MO3 Nokia company mobile phone of black and red colour and MO4, a plastic cap of grenade with metal portion on top) from the place of occurrence and produced them before court as per Ext.P11 property list. He deposed that Ext.P3 body mahazar of KL 01 BS 351 vehicle was prepared on 04.11.2015 at 16:00 hours. And that, accused Nos.4 and 7 were arrested on 09.11.2015 at 10.30 at Nambiarpeedika and 8th accused Suneesh was arrested on 10.11.2015. Exts.P14 to P19 and P13 and P20 reports were marked through him. He deposed that A1 Babu, A6 Santhosh surrendered before court on 13.11.2015 and A2 Padmanabhan and A3 Nijil surrendered before court 16.11.2015. It is also deposed that on 23.11.2015 A3 was received in police custody and on basis of the voluntary confession made by the 3rd accused, on 24.11.2015 at 10.30 am as led by the 3rd accused, they reached Kinattintavida and the 3rd accused handed over MO1 iron pipe taken from among the bushes on the eastern road margin on the western side of the house of Padmaja Janardhanan and it was taken into custody as per Ext.P2 seizure mahazar. The relevant portion of the confession statement of A3 in Ext.P2 mahazar is marked as Ext.P2(a). PW18 identified MO1 as the iron pipe recovered as per Ext.P2 and deposed that he could identify A3 who was also known as Chinjilu. But PW18 failed to identify A3 and pointed out A17 as A3. He deposed that A9 to A16 were arrested and Exts.P21 to 36, and Exts.P38, 40, 41, 43 reports were also submitted before court. Ext.P39 is the formal arrest memo of A17 prepared at Kannur Special Sub Jail. He also deposed that on 23.06.2016 note books of CWs1 and 2 produced by CWs15 and 13 respectively were taken into custody as per Exts.P8 and P4 seizure mahazars and were returned back to CW15 and CW13. It is also deposed that Ext.P42 vehicle diary of vehicle bearing No.KL 01 BS 351 was taken into custody from CW17 as per Ext.P6 seizure mahazar and it was returned to CW17 on kacheet. He deposed that vehicle particulars of vehicle bearing No.KL 01 AS 8133, Ext.P7 site plan,

Ext.P9 wound certificate were also produced before court and had recorded the statements of witnesses also.

29. Defence counsel took up a contention that the seized duty notebooks of PWs 8 and 9 and even the vehicle diary of the jeep No.KL01 AS 8133 alleged to have been used by PW8 at the time of the incident were purposefully avoided by prosecution as production of the said documents would negative the prosecution case. An affidavit was filed by Motor transport Officer Police Head Quarters, Kannur stating that the vehicle diary of police vehicle No. KL01 AS 8133 was misplaced when the records related to vehicles were shifted to a new building and the said document could not be traced out. Ext.P42 vehicle diary shows that PW9 had been on patrolling duty on 3.11.2015 from 8pm onwards and had reached Kinattintevida at 9.15pm. Evidence on record particularly, the testimony of DW1, would prove that PW9 was on official duty at the time of the incident. So non production of the note books of PWs 8 and 9 and vehicle diary of PW8 would not affect the prosecution case.

30. Now it has to be looked into whether the prosecution case is a cooked up one as alleged by the defence side. The defence contention is that the case was taken against CPM workers only for resolving the issue of the earlier crime which occurred at the place of occurrence prior to the incident on the same day at 20 hrs. Exts.D1 and D2 are relied on by the defence side to prove their case. Exts.D1 and D2 are the certified copy of FIR and Final report in SC 490/2017 before the Sub Ordinate Judge's Court Thalassery (Cr. 2022/2015 of Kuthuparamba P.S). The Sub Inspector of Police, Kuthuparamba during 2016-2017 who conducted the investigation and submitted Ext.D2 final report was examined as DW2. He testified that the charge against the accused persons, A1 to A5 who are RSS activists, was that on 3.11.2015 at 20:45 hrs they beat Rakesh, a CPI M activist, inside New Light bus at Kinattintevida, and also caused grievous hurt by beating with iron rod. It has also come out in evidence that the said crime was registered only on 6.11.2015 as per FI statement given by one Krishnan Cheruvath and that

nothing is stated in Ext.D1 to show that information was given to police on 03.11.2015 or that police reached the place of occurrence after the said incident.

31. So the evidence adduced by the defence side proves that a crime occurred on 3.11.2015 at 8.45 at Kinattintevida and subsequently a case was registered against some RSS activists on 6.11.2015 on information given by Krishnan Cheruvath. A1 to A4 has a contention that the case against A1 to A17 is a cooked up one by police to maintain law and order at the place of occurrence. Yet another defence contention is that PW9 sustained injury when he reached the place of occurrence immediately after the incident which occurred at 8.45pm. There is no evidence before court to show that police had reached Kinattintevida on receiving information about the incident which occurred at 8.45 pm. Even DW1 has no case that when they reached Kinattintevida at 9 pm there was anyone at that spot. So the defence contention that PW9 sustained injury on his hand in the prior incident which took place at Kinattintevida goes in vain in the light of the evidence on record.

32. Both PW8 and PW9 testified that A3 attacked PW9 with MO1 iron rod and when PW9 defended the attack with his left hand, he sustained a fracture on left hand. Testimony of PWs 8 and PW9 that PW9 sustained grievous hurt in the incident is supported by testimony of PW15 and Ext.P9 wound certificate. As per the testimony of PW15, the doctor who examined PW9 on 03.11.2015 at 10pm at Indira Gandhi hospital Thalassery, PW9 sustained haematoma over the left forearm and fracture of shaft of left ulna. Though DW1 testified that they had gone to Govt. hospital and Christuraja hospital for treatment, neither prosecution nor the defence has a case that PW9 was given any treatment at those hospitals. PW15 testified that the cause of injury was stated by PW9 as assault by a group of known persons at Kinattintevida Kuthuparambu at 9.15pm on 03.11.2015. PW15 also testified that haematoma would occur by rupture of blood vessels and MO1 iron rod can cause the injuries stated in Ext. P15. Testimony of DW1 also corroborates the testimony of PW9 that he had no superficial injuries.

33. According to defence counsel, in Ext.P5 FIR there was no allegation of any overt act by the accused persons and subsequently improvements were made in the prosecution case to falsely implicate them. It is also pointed out that evidence of PW8 would show that he had prior knowledge about A1 and A4 only and hence identity of other accused persons is not at all proved beyond reasonable doubt. Though PW7, the brother of A17, was examined on the side of prosecution to prove the involvement of A17 in the crime, PW7 turned hostile to prosecution. Though PW7 admitted that MO2 Nokia mobile phone which was seized from the place of occurrence belonged to him, the evidence available before court is not sufficient enough to prove the presence of A17 at the place of occurrence at the time of the incident.

34. The Addl. Public Prosecutor argued that Ext.P5 FIR is only a starting point of investigation and merely because no overt act was attributed to the accused persons in FIR, they are not entitled for acquittal. It is submitted that both PWs 8 and 9 testified before court that all the accused persons were present at the place of occurrence at the time of the incident and hence, the accused persons are liable to be convicted with the aid of section 149 IPC.

35. According to the Addl. Public Prosecutor, even though DW1 failed to identify the accused persons during trial, the testimony of DW1 corroborates the testimony of PW9 and relying on the decision of Hon'ble Supreme Court reported in **2025 KHC 6400 (Tamilmaran K.P v. State by Deputy Superintendent of Police)** it is submitted that statements made by a witness in court, including those during cross examination by either the opposing party or the party who called the witness are considered 'evidence' and court has discretion to determine the value and use of this evidence. Addl. Public Prosecutor argued that testimony of PW8 corroborates the testimony of PW9 regarding the identity of the persons in the unlawful assembly involved in the crime and names of the accused persons who were known to PW8 were narrated in Ext.P5 FIS also.

36. In this case, A1 to A17 are charged with various offences including the offence u/s.307 IPC read with section 149 IPC. The prosecution has failed to prove the identity of accused Nos.4 to 17 who were alleged to be the members of the unlawful assembly. So, the crucial question is that when the prosecution has failed to prove the identity of all others except A1 to A3 in the unlawful assembly, against whom the various offences read with Sec.149 IPC are charged, can A1 to A3 alone be convicted for all the offences committed in the prosecution of the common object, based on the principle of constructive liability.

37. The Apex Court in the decision **Bharwad Mepa Dana & Another vs State Of Bombay (AIR 1960 SC 289)** held that if the evidence available on record clearly establishes the involvement of five or more persons in the commission of crime, the evidence under S.149 IPC would be attracted, even if some of the persons named in the final report were happened to be acquitted on account of the failure on the part of the prosecution in proving their identity. The Hon'ble High Court of Kerala followed the above dictum in **Nazirudeen K v. State of Kerala (2022 (2) KLJ 277)** also.

38. Here, in this case, the accused Nos.1 to 17 were charged with the offence u/ss.143, 147, 148, 341, 333 and 307 r/w s.149 IPC. The evidence, in this case, shows that though the identity of A4 to A17 who faced the trial has not been proved as the persons who had been there along with A1 to A3 during the alleged acts of violence, the fact that there was an unlawful assembly of more than 5 persons involved in the incident stands proved by the evidence of PWs 8, 9 and DW1. Thus, the unlawful assembly of more than 5 persons including A1 to A3, in prosecution of their common object of committing the murder of PW9, and inflicting grievous hurt to PW9 stands proved. In that circumstance, based on the decision of the Apex Court in **Bharwad Mepa Dana & Another vs State Of Bombay**, A1 to A3 are liable to be found guilty of the offences committed by the members of the unlawful assembly of which A1 to A3 were members.

39. The defence counsel vehemently argued that recovery of MO1 on basis of alleged confession of A3 cannot be relied by prosecution as the Investigating officer who alleged to have seized MO1 as pointed out by A3 failed to identify him during trial. Relying on decision in **Surendran v. State of Kerala And Another (2024 Supreme Online (KER) 5484** it is argued that the identification of the accused in court must be specific and reliable to establish his complicity in the crime and mere assertions without corroboration are insufficient. Reliance was also placed on decision in **State of Kerala v. Haridas and Another (2018 Supreme (Online) KER 30436)** in support of his arguments. It is also argued that MO1 was not sent for forensic examination and therefore in the absence of reliable evidence, recovery of MO1 cannot be considered in evidence.

40. The Addl. Public Prosecutor , on the other hand, submitted that non sending of weapon for chemical analysis is not a ground to doubt the genuineness of the prosecution case and has to discard it when there is other credible evidence like eye witness testimony. It is argued that there is no necessity to send the weapon for scientific analysis in all cases.

41. From the evidence on record in the present case, testimony of PWs 9, 15 and DW1 would prove that there was no external injury on PW9 and in such a circumstance, there is no purpose in sending MO1 for any scientific examination. Relying on decision in **State of U.P v. Naresh and Others (2011 (4) SCC 324)** it is argued that testimony of an injured witness has a special status and it cannot be discarded for minor discrepancies in their testimony. It is pointed out that the defence side has not made out any contradictions in the testimony of PWs 8 and 9 and law does not insist for plurality of witnesses and legal mandate is to address on reliable evidence. It is argued that non examination of CW3 is not material and evidence of PW9 is corroborated by the testimony of PW8. Availability of light at the place of occurrence is deposed by PWs 8 and 9 and nothing was brought out to disbelieve their testimony. It is submitted that delay in system registration of the case cannot be considered as a deliberate one as it was explained by PW8 that CC

TNS was in its initiation period during 2015 and hence the system registration was slow. In Ext.P5 FIR, it is seen that it was uploaded only on 04.11.2015 at 13:27 hrs and it reached court at 6.50 pm even though PW8 registered FIR on 04.11.2015 at 00:40 hrs. Considering the explanation given by PW8, delay in uploading Ext.P5 FIR is not at all fatal to the prosecution case. The Addl. Public Prosecutor submitted that prosecution had succeeded in proving the case beyond reasonable doubt and prayed for conviction of the accused persons.

42. The prosecution relied upon the recovery of MO1 iron rod to corroborate the testimony of PWs 8 and 9 that A3 beat PW9 with MO1 causing grievous hurt. The defence contention is that PW18 failed to identify the accused who gave the confession and in the circumstance, the alleged recovery of MO1 by PW18 at the instance of A3 cannot be relied on by prosecution.

43. PW1 and PW2 are attestors to Ext.P1 scene mahazar and Ext.P2 seizure mahazar respectively. Both of them admitted their signature in the mahazars. But PW1 turned hostile to the prosecution and deposed that police had not recovered anything from the place of occurrence and that he had not given a statement before police. PW2 deposed that he witnessed the police bringing Chinjilu to the place of occurrence and Chinjilu handing over MO1 iron pipe taken by him from the front side of a house situated on the right side of a shop at Kinattintavida. He identified A3 Nijil in the dock as Chinjilu and further deposed that Rahul had also signed in the document along with him and MO1 was taken from a bushy area from the side of the road a little to the left on the opposite side of the shop of Mukundan. However, there is no independent witness to the confession statement alleged to have been made by A3 to PW18. In that circumstance, on the basis of the decision of the Apex court in **Subramanya v. State of Karnataka (2022 KHC 7088)**, the recovery based on the confession of A3 u/s.27 of the Evidence Act is not admissible in evidence so as to corroborate the evidence of PWs 2 and 18 regarding the recovery of MO1.

44. The prosecution case is that on 03.11.2015 at 9.15pm, the accused persons and 8 others formed into an unlawful assembly and A3 among the accused persons beat PW9 with MO1 iron rod. Defence counsel also argued that prosecution has no case that sufficient light was available at the place of occurrence and in the absence of such an evidence, identification of the accused persons in court is not sufficient to prove the identity of the persons who were present at the place of occurrence. Testimony of PW9 that there was light at the place of occurrence at the time of the incident is not challenged in cross examination. According to PW9, light from a street lamp and that of the jeep was available at the time of the incident. Though DW1 testified that he could not identify the persons who gathered there as street light was not there, going through the testimony of DW1 it can be gathered that DW1 has purposefully avoided deposing the actual facts that occurred at the place of occurrence and had feigned ignorance about some of the facts. Moreover, Ext.P7 site plan clearly shows the presence of a street lamp about 11 m away from the place of occurrence. Nothing is brought out from cross examination of PW9 to discredit his testimony. Even the testimony of DW1 corroborates the testimony of PW9 that PW9 was at Kinattintevada at 9.15pm and there was a crowd when they reached there and PW9 used grenade to disburse the crowd. According to PW8, they used the grenade to disburse the crowd as the strength of police party was poor at the time. A1 to A3 have no case that PW9 has any illwill, grudge or enmity to depose falsely against them. Testimony of PW9 clearly prove the involvement of A1 to A3 in the crime and I find no reason to disbelieve his testimony which is corroborated by PW8 and to some extent by DW1. However, PW9 failed to identify the other accused involved in the crime. So uncorroborated testimony of PW8 is not sufficient to prove the involvement of the other accused persons in the crime. In the circumstance, it can only be found that prosecution has succeeded in proving the offence u/ss.143, 147,

148 and 333 r/w 149 IPC against A1 to A3 only. Hence, point Nos.(i), (ii), (iv) & (v) are found accordingly.

45. **Point Nos. (iii) and (vi):** The defence counsel argued that there is no evidence before court to come to a conclusion that the accused had the intention to murder PW9 and hence the offence u/s.307 is not made out against the accused persons. The alleged unlawful assembly consisted of about 25 members. If A3 had intention to murder PW9, he would have beaten PW9 again to inflict fatal injuries. Going through the testimony of PW9 it can be seen that PW9 has no case that A3 attacked him with MO1 with an intention to kill him. So in the absence of evidence, it is found that prosecution has not succeeded in proving the charge against accused persons u/s.307 IPC. PW9 during cross examination admitted that neither he nor PW8 was wrongfully restrained by the accused persons. So the prosecution has failed to prove the charge u/s.341 IPC also. Hence point Nos.(iii) and (vi) are found against the prosecution.

46. **Point No.(vii):** The specific allegation of prosecution is that A4 and A7 pelted stones on the police vehicle causing damage to the vehicle and loss of ₹9,500/-. Prosecution relied on testimony of PWs 8, 9 and PWs 3 and 17 to prove offence alleged against the accused persons under S.3(1) of the PDPP Act. PW3 testified that while working as CPO attached to the office of Kuthuparamba Circle Inspector, on 04.11.2015 at 16:00 hours, Kuthuparamba Circle Inspector prepared Ext.P3 body mahazar of the TATA Sumo vehicle bearing No.KL 01 BS 351 and he had signed in it as a witness.

47. PW17, AMVI Thalassery deposed that on 17.11.2015 at 3.14pm, he inspected KL 01 BS 351 TATA Sumo at his office premises and prepared Ext.P10 vehicle inspection report and assessed ₹9,500/- as the loss sustained. He also deposed that on inspection scratches were seen on the driver door and a dent on the back side dicky door. In cross-examination he deposed that the damages were found to be fresh and may have occurred within a week or month.

48. Going through the evidence on record, it can be seen that PW9 failed to identify A4 and A7 who were accused of pelting stones at his official vehicle. Though PW8 testified that stones were pelted by A4 and 7, it is not corroborated by the evidence adduced by PW9. Moreover, PW9 had admitted that blasting grenades caused emission of smoke. In such a circumstance, the witnesses may not be able to pinpoint the persons who threw the stones at the vehicle. So in the absence of convincing evidence against A4 and A7, they are entitled to get the benefit of doubt. Point No.(vii) is found against the prosecution.

49. On a careful analysis of the entire evidence, it can only be found that the prosecution has not succeeded in proving the case beyond reasonable doubt against A4 to A17. However, the prosecution has succeeded in proving the charges u/ss.143, 147,148, 333 r/w Sec.149 of IPC against A1 to A3 beyond reasonable doubt. Point Nos.(i) to (vii) are found accordingly.

50. **Point No.(viii):-** In the light of findings on point Nos.(i) to (vii), A4 to A17 are found not guilty of offence u/ss.143, 147, 148, 341, 333 and 307 r/w Sec.149 of IPC and S.3(1) of PDPP Act and they are acquitted of those offences. Bail bonds of A4 to A17 stand cancelled and they are set at liberty.

51. Based on the findings on Point Nos.(iii) (vi) & (vii), A1 to A3 are found not guilty of offence u/ss.341 and 307 r/w Sec.149 of IPC and S.3(1) of PDPP Act and are acquitted of those offences. In the light of findings on Point Nos.(i), (ii), (iv) and (v), A1 to A3 are found guilty of offence u/ss.143, 147, 148, 333 r/w Sec.149 of IPC and are convicted thereunder.

(Prepared and pronounced by me in open Court this the 27th day of April, 2026).

ADDL. SESSIONS JUDGE – II

52. Heard A1 to A3 on question of sentence. A1 submitted that he has wife and 2 girl children aged 19 years dependent on him and that his wife is unemployed. A2 submitted that he has aged and ailing mother at home and his wife and children who are students are dependent on him. A3 submitted that he is an auto driver and his family consisting of blind wife and girl child aged 9 years are dependent on him. A1 to A3 also pleaded not to send them to prison.

53. The crime committed by A1 to A3 is of a serious nature. In this case, along with A1, A2 and several others, A3 caused grievous hurt to PW9, a Circle Inspector of Police, while he was in the discharge of his official duties. If people like A1 to A3, attack the public servants, especially police personnel, and obstruct them, in the discharge of their official duties, they may become fearful and then they will not be able to perform their official duties, in a fearless, forthright and impartial manner. The persons, who deter the public servants, in the discharge of their official duties, and cause injuries on their person, cannot be dealt with leniently, but, on the other hand, severity of sentence, alone would prove as a deterrent for them and also to others in the society not to repeat such acts, in future. So considering the nature of the offence committed by A1 to A3, I am of the view that this is not a fit case to invoke the benevolent provisions of the Probation of Offenders Act and to release A1 to A3 on probation of good conduct. So the prayer of A1 to A3 to avoid sentence of imprisonment cannot be granted, and the same stands rejected.

54. The punishment for offence u/s.333 IPC is imprisonment of either description for a term which may extend to ten years and shall also be liable to fine. Considering the facts and circumstances of the case, I am of the view that rigorous imprisonment for 4 years and fine of ₹20,000/- and in default to undergo rigorous imprisonment for 6 months u/s.333 IPC will be sufficient to meet the ends of justice. A1 to A3 are also sentenced to undergo rigorous imprisonment for 6 months each and fine of ₹5000/- each in default to undergo rigorous

imprisonment for 1 month each u/ss.143, 147 and 148 IPC. Sentences shall run concurrently. A1 to A3 are entitled for set-off u/s. S.428 Cr.PC also.

In the result,

1. A1 to A3 are sentenced to undergo RI for 4 years and fine of ₹20,000/- each u/s.333 IPC and in default to undergo RI for 6 months. A1 to A3 are also sentenced to undergo rigorous imprisonment for 6 months each and fine of ₹5000/- each u/ss.143, 147 and 148 IPC and in default to undergo RI for 1 month each. Sentences shall run concurrently.
2. Set off is allowed to A1 under S.428 Cr.PC from 13.11.2015 to 07.01.2016. A2 is allowed set off for the period from 16.11.2015 to 07.01.2016. A3 is allowed set off for the period from 16.11.2015 to 07.01.2016.
3. If the fine amount is remitted or realised, ₹30,000/- shall be given to PW9 as compensation under S.357(1)(b) Cr.P.C. Considering the facts of the case, I am of the view that this is not a fit case for recommendation under the Victim Compensation Scheme.
4. MO1 and MO3 shall be confiscated as per Rule 268 of Criminal Rules of Practice after appeal period. MO2 and MO4 being valueless shall be destroyed after the appeal period.

(Prepared and pronounced by me in open Court this the 27th day of April, 2026).

ADDL. SESSIONS JUDGE – II

WITNESSES FOR PROSECUTION:-

Rank	Name	Whether eye witness, police witness, expert witness, Medical witness, other witness.
PW1/CW6	P.V. Sudheer	Other Witness
PW2/CW8	Sujin P	Other Witness
PW3/CW10	Sunil Kumar C.V	Other Witness
PW4/CW11	Gangan N.K	Police witness
PW5/CW13	Dineshan	Police witness
PW6/CW14	Subhash K	Police witness
PW7/CW12	Nijil N	Other witness
PW8/CW1	Sivin Chodoth	Police witness
PW9/CW2	K. Prem Sadhan	Police witness
PW10/CW16	Rajeevan K	Police witness
PW11/CW17	Jinoy K	Police witness
PW12/CW22	Manoharan P	Village assistant
PW13/CW15	Latheesh K	Police witness
PW14/CW18	Sunil Kumar K	Police witness
PW15/CW20	Dr. Premnath P.P	Medical Witness
PW16/CW24	T. Satheesh Babu	Police witness
PW17/CW11	Rijin	Other witness
PW18/CW23	P.K. Rathnakumar	Police witness

EXHIBITS FOR THE PROSECUTION:-

Sl. No.	Date	Exhibit number	Description
1	04.11.2015	P1/PW1	Scene mahazar
2	24.11.2015	P2, P2(a)/PW2	Seizure mahazar
3	04.11.2015	P3/PW3	Body mahazar
4	23.06.2016	P4/PW5	Seizur mahazar
5	04.11.2015	P5/PW8	FIR

6	20.07.2016	P6/PW11	Seizure mahazar of log book
7	15.12.2015	P7/PW12	Site plan
8	23.06.2016	P8/PW13	Seizure mahazar
9	03.11.2015	P9/PW15	Accident register cum wound certificate
10	17.11.2015	P10/PW17	Inspection report of motor vehicle involved in an incident
11	13.11.2015	P11/PW18	Property list
12	04.11.2015	P12/PW18	Investigation taken report
13	-	P13/PW18	Accused (A7) adding report
14	09.11.2015	P14/PW18	Arrest memo of A4
15	-	P15/PW18	Inspection memo (A4)
16	09.11.2015	P16/PW18	Arrest memo (A7)
17	-	P17/PW18	Inspection memo(A7)
18	10.11.2015	P18/PW18	Arrest memo of A8
19	-	P19/PW18	Inspection memo (A8)
20	10.11.2015	P20/PW18	Name adding report of A8
21	25.11.2015	P21/PW18	Arrest memo of A16
22	25.11.2015	P22/PW18	Inspection memo (A16)
23	25.11.2015	P23/PW18	Arrest memo of A9
24	25.11.2015	P24/PW18	Inspection memo (A9)
25	25.11.2015	P25/PW18	Arrest memo of A10
26	25.11.2015	P26/PW18	Inspection memo (A10)
27	25.11.2015	P27/PW18	Arrest memo of A11
28	25.11.2015	P28/PW18	Inspection memo (A11)
29	25.11.2015	P29/PW18	Arrest memo of A12
30	25.11.2015	P30/PW18	Inspection memo (A12)
31	25.11.2015	P31/PW18	Arrest memo of A13
32	25.11.2015	P32/PW18	Inspection memo (A13)
33	25.11.2015	P33/PW18	Arrest memo of A15
34	25.11.2015	P34/PW18	Inspection memo (A15)
35	25.11.2015	P35/PW18	Arrest memo of A14

36	25.11.2015	P36/PW18	Inspection memo (A14)
37	31.12.2015	P37/PW18	Property list
38	09.11.2015	P38/PW18	Accused adding report
39	-	P39/PW18	Arrest memo of A17
40	-	P40/PW18	Accused (A17) adding report
41	-	P41/PW18	Accused (A5) adding report
42	07.03.2024	P42/PW18	Vehicle diary
43		P43/PW18	Accused (A9 to A16) adding report

WITNESSES FOR DEFENCE:-

Rank	Name	Whether eye witness, police witness, expert witness, Medical witness, other witness.
DW1	Sunil Kumar K.P	Police witness
DW2	Vinoy K.J	Police witness

EXHIBITS FOR THE DEFENCE:-

Sl. No.	Date	Exhibit number	Description
1	06-11-2015	D1	Certified copy of FIR.
2	--	D2	Final report in Crime No.2022/2015 were marked through DW2.

MATERIAL OBJECTS:-

MO1	-	Iron rod
MO2	-	Nokia Mobile
MO3	-	Granite piece
MO4	-	Plastic cap.

Sd/-

ADDITIONAL SESSIONS JUDGE-II

(True copy)

bkm/

IN THE COURT OF SESSION,
THALASSERY
ADDITIONAL SESSIONS JUDGE-II

Fair/Copy of judgment in SC
1150/2017

J U D G M E N T

DATED: 27-04-2026

To,

1. The Registrar, High Court of Kerala,
Ernakulam, Kochi – 682031.
2. The Public Prosecutor, Thalassery.
3. DLSA, Thalassery
4. The Accused (A1 to A3)