

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE -II KANNUR	
Present: Sri.Raphael.E.V, Judicial First Class Magistrate-II, Kannur	
Dated this the Tuesday, the 30th day of April, 2026/ (30th day of Vaisakha, 1948 S.E)	
<u>C.C.197/21</u>	
Complainant	: State rep. by Sub Inspector of Police, Valapattanam Police Station (in Cr. No.35/21 (By APP, Gr-II, Kannur)
Accused	: 1. Sujith Kumar.T, S/o.Rajan, Age 47/21, Thekken (H), Kunnumkai, Chirakkal, Baliapattanam. 2. Soomjith.T, S/o.Rajan, 34/21, Thekken (H), Kunnumkai, Chirakkal, Baliapattanam.(no more) 3. Loujith.A, S/o.Soman, Age 30/21, Aramban (H), Kunnumkai, Chirakkal, Baliapattanam. 4. Shamal.K, S/o.Dineshan, Age 34/21, Kallen (H), Kunnumkai, Chirakkal, Baliapattanam. 5. Biju.T, S/o.Kunhappan, Age 39/21, Thekkan (H), Kunnumkai, Chirakkal, Baliapattanam. (By Adv: Sri.P.Manoj)
Offence	: u/s 143, 147, 447, 341, 323, 506 r/w 149 of IPC.
Pleading	: Not Guilty.
Finding	: Not Guilty.
Sentence or Order	: The accused 1,3 to 5 are found not guilty of the offences punishable u/s 143, 147, 447, 341, 323, 506 r/w 149 IPC and they are acquitted u/s 255 (1) of Cr. P.C. They are set at liberty and their bail bonds stand cancelled. A2 no more. Charge against him abated.

Description of Accused

Sl.	Name	Father's Name	Occupation	Residence	Age
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No					
1	Sujith Kumar.T	S/o.Rajan	Chirakkal	47/21
2	Soomjith.T	S/o.Rajan	Chirakkal	34/21
3	Loujith.A	S/o.Soman	Chirakkal	30/21
4	Shamal.K	S/o.Dineshan	Chirakkal	34/21
5	Biju.T	S/o.Kunhappan	Chirakkal	39/21

Date of:-	
Offence	: 25/01/2025
Complaint	: 25/01/2025
Apprehension	: 28/6/2024
Released on bail	: 28/6/2024
Commencement of trial	: 29/5/2025
Close of trial	: 29/4/2026
Sentence/Order	: 28/04/2026
Service copy of judgment	:

J U D G M E N T

The case is charge sheeted by the Sub Inspector of Police Valapattanam in Crime No. 35/21 for the offences punishable u/s 143, 147, 447, 341, 323, 506 r/w 149 IPC.

2. **Case of prosecution in brief is as follows:** On 25/01/2025 at 19.00 hours at Arayambeth in Chirakkal amsom, the accused No.1 to 5, in prosecution of their common object, formed an unlawful assembly and committed riot, trespassed in to the house of CW1, wrongfully restrained CW2, 1st and 2nd accused beat with hands, 3rd accused stabbed him, pulled him, kicked and threatened to him and inflicted injury to him. When the CW1 tried to prevent the attack accused persons beat on her face, pulled her and assaulted her. Therefore the accused are alleged to have committed the aforementioned offences.

3. The accused appeared before the Court on receiving summons. They were enlarged on bail. Copies of relevant prosecution records were furnished to them. After hearing both sides and after perusing the materials available before the Court, it is found

that there is ground for presuming that the accused had committed the offence. Hence, plea read over u/s 143, 147, 447, 341, 323, 506 r/w 149 of the IPC against the accused. When charge was read over to the accused in Malayalam, they pleaded not guilty and claimed to be tried. Case was posted for evidence.

4. On the side of the prosecution, PW1 and 2 were examined and Ext.P1 was marked. Since material witnesses not supported the prosecution, the remaining witnesses were given up by the learned APP. Since there is no incriminating evidence against the accused, their examination u/s. 313(1) (b) of Cr.P.C is dispensed with. No evidence has been adduced from the side of the accused.

5. Both sides were heard.

6. Now the points that arise for consideration are:-

1. Whether the accused in prosecution of their common object formed an unlawful assembly and thereby committed an offence punishable u/s.143 r/w 149 IPC ?

2. Whether the accused in prosecution of their common object committed riot and thereby committed an offence punishable u/s.147 r/w 149 IPC ?

3. Whether the accused trespassed in to the house of PW1 and thereby committed an offence punishable u/s.447 r/w 149 IPC ?

4. Whether the accused in prosecution of their common object wrongfully restrained PW1 and 2 thereby committed an offence punishable u/s.341 r/w 149 IPC ?

5. Whether the accused in prosecution of their common object voluntarily caused hurt to PW1 and 2 by beating them and thereby committed an offence punishable u/s.323 r/w 149 IPC ?

6. Whether the accused in prosecution of their common object threatened to PW1 and 2 and thereby committed an offence punishable u/s.506 r/w 149 IPC ?

7. If the offences are proved, what is the order or sentence ?

7. Point No.1 to 6 : PW1 is the defacto complainant. She deposed that the incident was happened, some persons attacked him on 25/1/2021 at 7.00 hours. He preferred FIS, which is marked as Ext.P1. Shee had sustained injury in this incident. However, she could not identify the assailants. She categorically deposed that the accused persons did not attack him. She turned hostile to the prosecution. PW2 is the other injured in this case. He deposed that they could not identify the assailants. The learned APP is permitted to put questions to PW1 and PW2 as contemplated U/s 154 of Evidence Act. But nothing could be brought out to discredit the evidence of PW1 and PW2 before this court. Since PW1 and PW2 turned hostile to the prosecution, the examination of remaining witness will be a futile exercise and APP rightly given up remaining witnesses. The prosecution had not adduced any evidence to bring home the guilt of the accused and therefore these points answered against the prosecution.

8. Point No.7: In view of finding on point No.1 to 6, accused are found not guilty of the offences punishable u/s. 143, 147, 447, 341, 323, 506 r/w 149 of the IPC. Hence this point does not arise for consideration.

In the result,

The accused No.1,3 to 5 are acquitted u/s 255 (1) of Cr.P.C for the offences punishable u/ss. 143, 147, 447, 341, 323, 506 r/w 149 of the IPC and they are set at liberty. Their bail bonds stand cancelled. A2 no more charge against him abated.

Property shall be destroyed after appeal period.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court, this the 30 day of April, 2026).

sd/

Judicial First Class Magistrate-II
Kannur

APPENDIX**List of Prosecution/Defence/Court Witnesses****A. Prosecution Witnesses**

Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, Other witness
PW1	Seetha	Eye witness
PW2	Praveesh.T	Eye witness

B. Defence Witnesses

Nil

C. Court Witnesses

Nil

List of Prosecution/Defence/Court Exhibits**A. Prosecution Exhibits**

Sl.No.	Exhibit number	Description
1.	Ext.P1/PW1	FIS

B. Defence Exhibits

Nil

C. Court Exhibits

Nil

D. Material Objects

Nil

sd/-

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