

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 Wednesday, the 22 nd day of April, 2026 (1 st day of Vaisakha1948 S.E)	
<u>C.C.283/19</u>	
Complainant	: State rep. by Sub Inspector of Police, Kannur city Police Station (in Cr. No.574/18) (By APP, Gr-II, Kannur)
Accused	: 1. Muhammed Razal.T.P, S/o.Abdul Salam, Age 20/18, T.P.House, Nr.Ragam Theaters, P.O.Thayyil, Kannur amsom. 2. Muhammed Favas.K, S/o.Naseema, Age 19/18, Jaseeras, P.O.Thayyil, Marakkarkandy, Kannur amsom. 3. Munas.K.V, S/o.Muneer, Age 20/18, P.O.Thayyyil, Kannur amsom. (by Adv: Sri.R.Mahesh Varma)
Offence	: u/s 143, 147, 148, 341, 323, 324, 326, r/w 149 IPC.
Pleading	: Not Guilty.
Finding	: Not Guilty.
Sentence or Order	: The accused are found not guilty of the offences punishable u/s 143, 147, 148, 341, 323, 324, 326, r/w 149 IPC and they are acquitted u/s 248 (1) of Cr. P.C. They are set at liberty and their bail bond stands cancelled.

<u>Description of Accused</u>					
Sl. No	Name	Father's Name	Occupation	Residence	Age
1	Muhammed Razal.T.P	S/o.Abdul Salam	Thayyil	20/18
2	Muhammed Favas.K	S/o.Naseema	Thayyil	19/18
3	Munas.K.V	S/o.Muneer	Thayyil	20/18

Date of:-	
Offence	: 22/11/2018
Complaint	: 23/11/2018
Apprehension	: 16/2/2019
Release on bail	: 16/2/2019
Commencement of trial	: 8/7/2019
Close of trial	: 16/4/2026
Sentence/Order	: 22/4/2026
Service copy of judgment	:

J U D G M E N T

The case is charge sheeted by the Sub Inspector of Police Kannur city in Crime No.574/18 for the offences punishable u/s. 143, 147, 148, 341, 323, 324, 326, r/w 149 IPC.

2. **Case of prosecution in brief is as follows:** On 22/11/2018 at 20.30 hours at Vethilapalli in Kannur amsom,while the defacto complainant and his friends were sitting near the shop of Subair, accused formed with unlawful assembly with dangerous

weapon such as wooden stick iron block, committed riot and wrongfully restrained CW1 and beat on his face with an iron block, wooden stick and hand. It is further alleged that the accused bear Rusal, the friend of the defacto complainant and he was dragged to a drainage nearby. Therefore the accused are alleged to have committed the aforementioned offenses.

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, charge was framed u/s 143, 147, 148, 341, 323, 324, 326 r/w 149 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 to PW7 were examined and Ext.P1 to P6 were 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 offence punishable u/s.143 r/w 149 IPC ?
2. Whether the accused in prosecution of their common object committed riot and thereby committed offence punishable u/s.147 r/w 149 IPC ?
3. Whether the accused in prosecution of their common object committed riot armed with deadly weapons and thereby committed offence punishable u/s.148 r/w 149 IPC ?
4. Whether the accused in prosecution of their common object, wrongfully restrained CW1 and thereby committed offence punishable u/s.341 r/w 149 IPC ?
5. Whether the accused in prosecution of their common intention voluntarily caused hurt to CW1 by beating them and thereby committed offence punishable u/s.323 r/w 149 IPC?
6. Whether the accused in prosecution of their common object voluntarily caused hurt to CW1 and 2 by beating with a wooden reaper and sword and thereby committed offence punishable u/s.324 r/w 149 IPC ?
7. Whether the accused in prosecution of their common object voluntarily caused grievous hurt to CW1 by beating caused grievous injury and thereby committed offence punishable u/s.326 r/w 149 IPC ?
8. If the offences are proved, what is the order or sentence?

7. **Point No.1 to 7** : PW1, the injured in this case. He deposed that some persons attacked him on 22/11/2018 at 20.30 hours and he availed treatment from Hospital. He preferred FIS, which is marked as Ext.P1. PW2 deposed that he did not see the incident. PW3 deposed that who treated the CW1 and CW2. PW4 is the Sr CPO of Kannur city police station. He recorded the statement of defacto complainant and marked as Ext P1 FIS. PW5 is the Sr.CPO of Kannur city police station. He registered the crime. PW6 is the doctor who treated the CW1 and 2. PW7 is the defacto complainant in this case. He deposed before the court that some persons attacked him on 22/11/2018 at 20.30 hours and he availed treatment from Koyili Hospital Kannur. The learned APP is permitted to put questions to PW1 to 7 as contemplated U/s 154 of Evidence Act. But nothing could be brought out to discredit the evidence of PW1 to 7 before this court. Since PW1 to PW7 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.8** :- In view of finding on point No.1 to 7, accused are found not guilty of the offences punishable u/s. 143, 147, 148, 341, 323, 324, 326, r/w 149 IPC. Hence this point does not arise for consideration.

In the result,

The accused are acquitted u/s 248 (1) of Cr.P.C for the offences punishable u/ss. 143, 147, 148, 341, 323, 324, 326, r/w 149 IPC and they are set at liberty. Their bail bonds stand cancelled.

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 22nd 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	Muhammed Rasal	Eye witness
PW2	Shahil	Eye witness
PW3	Dr.Pradeep Kumar	Medical witness
PW4	Ragesh C.K	Police witness
PW5	Rajeevan.K.V	Police witness
PW6	Dr.Sharmila	Medical witness
PW7	Muhammed Bilal.	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/PW2	Scene mahazar
2.	Ext.P2/PW3	Treatment certificate
3	Ext.P3/PW4	FIS
4.	Ext.P4/PW5	FIR
5.	Ext.P5/PW6	Wound certificate
6	Ext.P6/PW6	Wound certificate

B. Defence Exhibits

Nil

C. Court Exhibits

Nil

D. Material Objects

Nil

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