

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, TALIPARAMBA	
Present: Smt.Sreeja. J., Judicial First class Magistrate	
Dated this the 30 th day of May, 2026/9 th day of Jyaishta 1948	
<u>C.C.1763/2020</u>	
Complainant	: State:/ Represented by Sub Inspector of Police, Taliparamba Police Station in Cr.No. 868/2020 (Rep. By Abdussatar.V.P., APP Sr.Gr.)
Accused	A1]. Rejimon, S/o Bhuvanachandran, aged 35/20, Kelantharayil (H), Nalumukku, Idukki, A2]. Anil.T.S., S/o Gouri, aged 30/20, Thadathil (H), Mundakayam, Thazhe Chovva.(split up) A3]. Rijo.P., S/o Krishnan.P., aged 33/20, Perunchelli (H), Pothukundu, Naduvil amsom(split up) A4]. Dheeraj.T., S/o Bhaskaran, aged 42/20, Thara (H), Thalap, Kannur. (By Adv.T.M.Phalgunan)
Offence	: U/s. 143,147,148,452,323,324, 326, 427 r/w 149 of IPC.
Pleading	: Not Guilty.
Finding	: Not Guilty.
Sentence or Order	: Accused no.1 and 4 are acquitted u/s. 248 (1) Cr.P.C. : Case against A2 and A3 is split up and refiled as CC 2008/2020.

Description of accused

Sl No .	Name of accused	Father's Name	Occupation	Residence	Age
1	Rejimon	Bhuvanachandran	-----	Kelantharayil (H), Nalumukku, Idukki,	35/20
2	Anil.T.S	Gouri	-----	Thadathil (H), Mundakayam, Thazhe Chovva	30/20
3	Rijo.P	Krishnan.P	-----	Perunchelli (H), Pothukundu, Naduvil amsom.	33/20
4	Dheeraj.T	Bhaskaran	-----	Thara (H), Thalap, Kannur	42/20

Relevant Dates

Occurrence	Complaint	Apprehension of accused	Release on bail	Commencement of trial	Close of trial	Sentence of order
18.07.20	20.07.20	29.08.20	29.08.20	12.02.24 (A1, A4)	29.05.26	30.05.26

This case having been finally heard on 29.05.2026 and the court on 30.05.2026 passed the following

J U D G M E N T

The final report in this case was filed by the Sub Inspector of Police, Taliparamba Police Station in Cr.No. 868/2020 against the accused alleging the offence punishable u/s. 143,147,148,452,323,324, 326, 427 r/w 149 of IPC. Cognizance was taken for the offences u/s. 143,147,148,452,323,324, 326, 427 r/w 149 of IPC.

2. Case of the prosecution is as follows:- On 18.07.2020 at about 23.30 hours at Kodalloor in Anthoor amsom, the accused formed themselves into an unlawful assembly with their common object to commit rioting armed with deadly weapons, trespassed into the house of CW1 to CW3, voluntarily caused hurt to CW1 with iron rod and thereby he sustained grievous injury, damaged the mobile phone of CW1 and CW2, motorcycle of CW2 and attacked CW1 to CW3 with hands and stamped them and also committed mischief and thereby caused loss of Rs. 60,000/-. With the above allegations, accused are alleged to have committed the aforesaid offences.

3. In response to the summons issued from this Court all accused appeared before this Court. Copies of all prosecution records were

furnished to the accused u/s. 207 of Cr.P.C. A2 and A3 were absconding. Charge under sections 143,147,148,452,323,324, 326, 427 r/w 149 of IPC framed read over and explained to A1 and A4 to which they pleaded not guilty. They defended through their counsel.

4. On the side of prosecution, no witnesses were examined and no exhibits were marked. After closing the evidence of prosecution, since there is no incriminating evidence against the accused, examination under Section 313 (1)(b) of Cr.P.C is dispensed with. No evidence adduced from the side of accused.

5. Heard both sides.

6. Points those arose for consideration are:

1. Whether the accused persons formed themselves into an unlawful assembly with their common object as alleged ?
2. Whether the accused persons with their common object committed rioting armed with deadly weapons as alleged?
3. Whether the accused persons with their common object trespassed into the house of CW1 to CW3 as alleged?
4. Whether the accused persons caused hurt to CW1 to CW3 by beating them with hand and stamped them as alleged by

prosecution?

5. Whether the accused persons caused hurt to CW1 by beating with iron rod as alleged by prosecution?
6. Whether the accused persons with their common object voluntarily caused grievous hurt to CW1 using dangerous weapons as alleged?
7. Whether the accused persons with their common object committed mischief to the tune of Rs. 60,000/- by damaging the mobile phone of CW1 and CW2 and motorcycle of CW2 and also damaged the household articles as alleged?
8. If found guilty, what is the proper order as to sentence?

7. Point Nos. 1 to 7 :- For the sake of brevity and convenience these points are discussed together. The presence of CW1 and CW3 to CW5 could not be procured even after taking several coercive steps, including steps under Sec.82 Cr.P.C. The crime is of the year 2020. Hence it was found that there was no meaning in waiting for these witnesses further, which would only protract the matter. Other witnesses were rightly given up. Hence evidence was closed.

8. Considering the available evidence on record, there is no evidence to prove that accused trespassed into the house of CW1, attacked CW1 to

CW3 with hands and iron rod and committed mischief. There is no material to prove that accused are the persons involved in the alleged incident. Prosecution has no other material to prove the allegations against accused persons. So, prosecution failed to prove that A1 and A4 committed any of the alleged offences. So these points are found against prosecution.

10. Point No. 8 :- From point No. 1 to 7, it is found that prosecution has not succeeded in proving the offence u/s. 143,147,148,452,323,324, 326, 427 r/w 149 of IPC against A1 and A4 beyond reasonable doubt. So they are found not guilty to the charges levelled against them and they are entitled for an acquittal.

In the result,

1. Accused no.1 and 4 are acquitted u/s. 248 (1) Cr.P.C of offences punishable u/s. 143,147,148,452,323,324, 326, 427 r/w 149 of IPC
2. Bail bonds of accused no.1 and 4 are cancelled and they are set at liberty.
3. Case against A2 and A3 is split up and refiled as CC 2008/2020.

(Dictated to Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open Court this the 30th day of May, 2026)

Sd/-

Judicial First Class Magistrate,
Taliparamba.

APPENDIX

List of Prosecution/Defence/Court witnesses

- A. Prosecution witnesses : NIL
- B. Defence witness : NIL
- C. Court witness : NIL

List of Prosecution/Defence/Court Exhibits

- A. Prosecution Exhibits : NIL
- B. Defence Exhibits : NIL
- C. Court Exhibits : NIL
- D. Material Objects : NIL

Sd/-

Judicial First Class Magistrate,
Taliparamba

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