

IN THE COURT OF THE ASST. SESSIONS JUDGE OF PAYYANNURPresent:- **Smt.Alshari.A**, Asst. Sessions JudgeMonday, the 30th day of March, 2026(9th Chaithra, 1947)**SESSIONS CASE No: 138 OF 2014**

Committed by Sri.K.Vidyadharan, Judicial First Class Magistrate, Payyannur, in
C.P. No.78/2013 in Crime No.269/1995 of Pazhayangadi Police Station

Complainant	: The Station House Officer, Pazhayangadi Police Station. (Prosecution conducted by P.V.Madhu, Additional Public Prosecutor)
Accused	: Suresh, S/o.Kunhappa, Aged 39 years, Odamvalappil House, Kanhirngad P.O, Panniyoor amsom, Taliparamba Taluk.
Defended by	: Adv. T.V.Vineesh
Charge	: U/s.143,147,148,353,332,307 r/w 149 of IPC
Plea of the Accused	: Not guilty.
Finding of the Judge	: Not guilty.
Sentence/Order	: The accused is acquitted of the offences punishable under Sections 143,147,148,332,353 and 307 r/w 149 of IPC, 1860 u/s 235 of the Cr.P.C. The bail bonds of the accused is cancelled and he is set at liberty. Mos shall be disposed as per rules.

J U D G M E N T

Accused are put on trial by the Sub Inspector of police,
Pazhayangadi Police Station for the offences punishable under Sections
143,147,148,332,353 and 307 r/w 149 of IPC, 1860.

2. Prosecution case in brief is that on 18.10.1995 at 12.00 hours, at Pariyaram, Kadannappalli amsom, in the main gate of Medical College Hospital, accused herein along with 3 identified others, formed themselves into an unlawful assembly, armed with deadly weapons, committed rioting, tried to make illegal entry into the hospital, attempted to kill CW1 to CW20 by beating them with dangerous weapons and also by throwing stones. The accused also prevented the prosecution witness CW1 to CW20 from discharging their official duty and thereby accused committed the offences punishable under Sections 143,147,148,332,353 and 307 r/w 149 of IPC, 1860.

3. Upon receiving the final report, the Judicial First Class Magistrate Court, Payyannur has taken the case on file as C.P. No.78/2013, as the offences alleged against the accused were exclusively triable by the Court of Session. The accused appeared and released on bail, and copies of all records on which the prosecution relied on was given to him in compliance of Sec.207 Cr.P.C. and counsel was also appointed to defend them. Thereafter the learned Magistrate committed the case against the accused to the Hon'ble Court of Session, Thalassery as per Sec.209(a) Cr.P.C which was taken on file and made over to this court for disposal.

4. Pursuant to the process, Additional Public Prosecutor opened the case in accordance with Sec.226 Cr.P.C and briefly stated about the evidence proposed to adduce in support of the case against the accused. Thereafter, I

perused the records and heard both sides in order to determine whether it was a fit case in which the accused has to be discharged U/s.227 Cr.P.C or to be proceeded against him in accordance with Sec. 228 Cr.P.C. From the facts highlighted by both side and on perusal of the case records, I was of the opinion that there were sufficient grounds for presuming that the accused committed the offence, hence charge was framed for the offences punishable under Sections 143,147,148,332,353 and 307 r/w 149 of IPC, 1860 and it was read over and explained to the accused to which he pleaded not guilty and claimed to be tried. The case was then adjourned in terms of Sec.230 Cr.P.C to enable the prosecution to adduce evidence in support of the case.

5. In order to prove the prosecution case, the prosecution examined PW1 to PW18 and documents Ext.P1 to Ext.P7 and material objects MO1 to MO2 series were marked. After closing the prosecution evidence, the accused was examine u/s 313(1)(b) of Cr.P.C to explain the incriminating circumstances brought out in prosecution evidence. he denied all incriminating circumstances and maintained the plea of innocence.

6. Heard the counsel for the accused and prosecutor under Sec. 232 of Cr.P.C. There were no circumstances to acquit the accused under Section 232 of Cr.P.C. Hence the accused was called upon to enter into defence. No evidence was adduced on the defence side.

7. Heard the prosecutor and the defence counsel.

8. Points that arose for consideration are:-

1. Whether the accused persons constituted an unlawful assembly on 18.10.1995, at 12.00 hours, at Pariyaram, Kadannappally thereby accused committed an offence punishable under Sec.143 r/w 149 of IPC,1860?

2. Whether in the prosecution of the common object of the unlawful assembly committed rioting on 18.10.1995, at 12.00 hours, at Pariyaram, Kadannappally thereby accused committed an offence punishable under Sec, thereby accused committed an offence punishable under Sec.147 r/w 149 of IPC,1860?

3. Whether in the prosecution of the common object of the unlawful assembly committed rioting and used deadly weapons 18.10.1995, at 12.00 hours, at Pariyaram, Kadannappally thereby accused committed an offence punishable under Sec.148 r/w 149 of IPC,1860 ?

4. Whether the accused persons in prosecution of the common object voluntarily causing hurt to deter public servants from their duty and thereby committed the offence punishable under Sec.332 r/w 149 of IPC,1860 ?

5. Whether the accused persons in prosecution of the common object voluntarily causing hurt to deter public servants from their official duty by using criminal force and thereby committed the offence punishable under Sec.353 r/w 149 of IPC,1860 ?

6. Whether the accused persons in prosecution of the common object

attempted to commit murder of police officials and thereby committed the offence punishable under Sec.307 of IPC,1860 ?

7.If found guilty what shall be the order of Sentence?

9. **Point Nos.1 to 6:-** For brevity and convenience, these points can be considered together. As per the case of the prosecution, accused herein, along with other unidentifiable persons formed themselves into unlawful assembly armed with deadly weapons, committed rioting tried to trespass into the hospital attempted to kill CW1 to CW20 by beating them with dangerous weapons and also by throwing stones. The accused persons had also prevented the prosecution witnesses CW1 to CW20 from discharging their official duties. PW1 to PW3, PW8 to PW13 and PW17 had given evidence to the effect that, while they were doing duty on 18.10.1995, there was a march protest against Pariyaram Medical College, conducted by the sympathisers of left student political organization. At that time, when the protesters tried to trespass into the Medical College by pushing these witnesses which was restrained by them and then the protesters had hit them by using the stick and also pelted stones at them. Several Police officers sustained injuries in the incident. These witnesses are not able to identify the accused to be included in the protest against them. PW1 to PW3, PW8 to PW13, PW17 had categorically admitted the incident to be happened as per the prosecution and alleged that the protestors had attacked them and they sustained injuries by which they were treated from Pariyaram Medical College, Hospital. But they could not identify the accused

person to be included in the protest and categorically stated that they are unable to identify the person now.

10. PW4 had deposed in tune with prosecution case and stated that Anil, Pradeep and Vinod were the accused persons who had leaded the protest. He also sustained injury on the assault. Due to the act of the protesters, his official duty was obstructed. Then he stated that, he is unable to identify Vinod who had attacked Sub Inspector of Police. He is unable to depose as to who had pelted stones also. Then he stated that, the accused person who is present before the Court was also present among the protesters. Then in cross examination, he had stated that they were about 200 person in the march conducted by protesters. PW4 was not examined during investigation, by showing the accused person and also he had not given any details of identification of the person to the Investigation Officer. The accused herein is one Suresh. PW4 did not refers the name, Suresh in his evidence the involvement of the accused in the alleged incident. So the evidence of PW4 also is not helpful to see that the accused herein was a participant in the protest and he had also committed assault against the witnesses or obstructed their official duty. So from the evidence above, it can be seen that though the injured in the alleged incident had supported the prosecution regarding the incident, they are unable to identify the accused persons. So as to see the accused person herein had committed the offence alleged as per the prosecution case.

11. PW5, PW6 and PW15 had deposed that they have not seen the incident

in which the Police officers had sustained injuries. Learned Public Prosecutor was permitted to put forward the question like in cross examination, after getting permission from the Court, even after thorough examination, nothing was brought out to prove the involvement of the accused in the alleged incident. So the evidence of PW5, PW6 and PW15 also does not prove the involvement of the accused in the alleged incident.

12. PW14 had identified a signature in Ext.P1 mahazar. PW7 had identified the site plan marked as Ext.P2. PW18 identified the F.I.R marked as Ext.P3. Wound certificate produced were marked as Ext.P4 series. The property list was identified by PW18 and marked as Ext.P5. The report filed the deleting the 15th accused is marked as Ext.P6 . Ext.P7 is report by which accused 4 to 25 were added. PW18 identified the wooden stick and stones seized from the place incident and marked as MO1 and MO2. PW16 conducted the investigation and submitted the charge sheet against the accused persons. So from the evidence discussed above, even though, it can be seen that there is an incident happened 18.10.1995 as alleged by the prosecution, there is absolutely no evidence available to connect the accused to the alleged incident or to show his involvement in the alleged incident happened on 18.10.1995. So, there is no cogent and convincing evidence available to prove the alleged offences against the accused herein beyond reasonable doubt. Therefore, the prosecution has failed to prove the allegations against the accused. So, the accused person is entitled to be found not guilty. These points are found against the

prosecution.

13. **Point No.7:-** In the light of the above discussion, I am of the view that there is no legally admissible evidence to connect the accused herein with the incident. Hence, accused is entitled to be acquitted under Sec. 235 of the Cr. P.C of all offences charged against them.

As a result, the accused is acquitted of the offences punishable under Sections 143,147,148,332,353 and 307 r/w 149 of IPC, 1860 u/s 235 of the Cr.P.C. The bail bonds of the accused is cancelled and he is set at liberty. Mos shall be disposed as per rules.

(Dictated to the Confidential Asst., typed by him, corrected and pronounced by me in open Court, this the 30th day of March 2026).

Sd/-
Asst. Sessions Judge

Prosecution Exhibits:-

P1	----	Scene Mahazar
P2	--	Site Plan
P3	19.10.1995	First Information Report
P4 Series	---	Wound Certificate
P5	---	Property List
P6	---	Accused reducing report
P7	---	Accused adding report

Prosecution Witnesses:-

PW1	Jayachandran.P.K
PW2	Narayanan.K.P
PW3	Thamban.K.K
PW4	Sasi Edamana
PW5	Prabhakaran
PW6	K.V.Venugopalan
PW7	Sajeewan.P
PW8	Sebastian Joseph
PW9	Kanakarajan.A.V
PW10	Raghavan.K.V
PW11	Venugopalan.M
PW12	Haridasan
PW13	Preman
PW14	Sreenivasan
PW15	Jolly Mathew
PW16	Raveendran.P
PW17	Rameshan.T
PW18	Valsan.P.A

Defence Exhibits & Witness :- NIL

Sd/-
Asst. Sessions Judge