

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-I,
CHANGANACHERRY**

Present:- Sri.Anil Kumar. T.S, Judicial I Class Magistrate.

Dated this the, 30th day of May, 2026
09th day of Jyaishta, 1948

CC No. 2374/2018

- Complainant : State - represented by the Sub Inspector of Police,
Changanacherry Police Station in Crime
No.532/2018.
(Rep.by Smt.Rishna Rahim, APP Changanacherry)
- Accused
- A1 K.S. Rajeevkumar, S/o Sreedhara Pillai, Aged 47/18,
Kunnumpurathu House, Veroor P.O., Vadakkekara,
Changanacherry.
- A2 Prassannakumar, Aged 54/18, S/o Gopala Pillai,
Kunnumpurathu House, Veroor P.O., Vadakkekara,
Changanacherry.
- A3 Vijumon V T, Aged 32/18, S/o Sukumaran
Nair, Vadakedathu House, Veroor P.O., Vadakkekara,
Changanacherry.
- A4 Satheesh, Aged 30/18, S/o Uthaman Nair,
Arikathilthazhe House, Veroor P.O., Purakadave
Bhagom, Vadakkekara, Changanacherry.
- A5 Sureshkumar A.G., Aged 43/18, S/o Gopinathan
Nair, Thazhathethil House, Veroor P.O., Vadakkekara,
Changanacherry.
- A6 Jayakumar, Aged 45/18, S/o Rajappan Nair,
Mallattuthazhe House, Veroor P.O., Vadakkekara,
Changanacherry.
- A7 Reji Prasad, Aged 48/18, S/o Ramakrishna
Pillai, Kakkanad House, Veroor P.O., Vadakkekara,

Changanacherry.

(Rep.by Adv.Arun P.S.)

Charge : Offence punishable U/s.143, 147, 148, 447 and 427 r/w 149 of IPC.

Plea : Not guilty

Finding : Not guilty

Sentence or order : Accused are acquitted u/s.248(1) of Cr.P.C. Their bail bonds stand discharged and they are set at liberty.

Date of:-

Offence	Report of complaint	Apprehension /Appearance of accused	Release on bail	Commencement of trial	Close of trial	Sentence of order	Explanation for delay and remarks
04.03.18	04.03.18	A1,A2,A3, A5,A6-09.03.18 A4,A7-19.03.18	A1,A2,A3, A5,A6-09.03.18 A4,A7-19.03.18	12.03.19	26.05.26	30.05.26	---

Description of Accused

Name of accused	Age	Father's Name	Calling	Residence	Taluk
K.S.Rajeevkumar	47/18	Sreedhara Pillai	---	Kunnumpurathu	Changanacherry.
Prassannakumar	54/18	Gopala Pillai	---	Kunnumpurathu	Changanacherry.
Vijumon V T	32/18	Sukumaran Nair	---	Vadakedathu	Changanacherry.

Name of accused	Age	Father's Name	Calling	Residence	Taluk
Satheesh	30/18	Uthaman Nair	---	Arikathilthazhe	Changanacherry.
Sureshkumar A.G	43/18	Gopinathan Nair	---	Thazhathethil	Changanacherry.
Jayakumar	45/18	Rajappan Nair	---	Mallattuthazhe	Changanacherry.
Reji Prasad	48/18	Ramakrishna Pillai	---	Kakkanad	Changanacherry.

This case coming up for hearing before me on 26.05.2026 and posted for judgment to 30.05.2026 and the court on the same day delivered the following:-

J U D G M E N T

This case is instituted on a final report filed by the Sub Inspector of Police Changanacherry Police Station in Crime No.532/2018 alleging offence punishable U/s.143, 147, 148, 447 and 427 r/w 149 of IPC.

2) Prosecution case in brief is as follows:- The accused are committee members of the Sree Dharma Sastha Temple, Vadakkekara. On account of previous enmity, they formed themselves into an unlawful assembly on 04.03.2018 at 5.00 a.m and criminally trespassed into the house of the de facto complainant. They destroyed the window glasses, light fittings and electric meter box of the house and also smashed the front glass of an autorickshaw parked in the courtyard of the house, causing a loss of one lakh rupees to the de

facto complainant. Thus, the accused have committed the offences punishable under Sections 143, 147, 148, 447 and 427 r/w 149 of the IPC

3) On filing the final report, summons was issued to accused. The accused appeared and copies of prosecution records were furnished to them. After hearing both sides and after considering the prosecution records, charges under above offences were framed and read over and explained to the accused to which they pleaded not guilty and claimed to tried.

4) In evidence, PW1 to PW7 were examined and Exts.P1 and P8 and MO1 to MO6 were marked from the side of the prosecution. On closing the prosecution evidence, the accused were examined under Section 313(1) (b) of the Code of Criminal Procedure, 1973. The accused denied all the incriminating circumstances appearing in evidence. Exts. D1 to D3 were also marked from the side of the accused.

5) Heard both sides.

6) The points for consideration are

- i. Whether the accused formed themselves in to an unlawful assembly at Vadakaekkara on 04.03.2018 at 5.00 a.m and thereby committed the offence punishable under Section 143 of IPC?
- ii. Whether the accused, in furtherance of their common object, committed rioting at Vadakaekkara on 04.03.2018 at 5.00 a.m and thereby committed the offence punishable under Section 147 of IPC?
- iii. Whether the accused, in furtherance of their common object, committed rioting armed with deadly weapons at Vadakaekkara on 04.03.2018 at

5.00 a.m and thereby committed the offence punishable under Section 148 of IPC?

- iv. Whether the accused, in furtherance of their common object trespassed into the house compound of the de facto complainant on 04.03.2018 at 5.00 a.m and thereby committed the offence punishable under Section 447 of IPC?
- v. Whether the accused, in furtherance of their common object, caused loss of Rs.1,00,000/- to the de facto complainant by destroying the window glasses, light fittings, and electric meter box of the house and also smashed the front glass of an autorickshaw parked in the courtyard of the house and there by committed the offence punishable under Section 427 of IPC?
- vi. Sentence or order, if any ?

7) **Point nos. 1 to 5:-** For the sake of convenience point nos.1 to 5 are considered together. To prove the case the prosecution examined altogether seven witnesses. PW1 is the de facto complainant. He deposed that the incident happened on 04.03.2018 at 5.00 a.m. It was the temple festival day. According to him, the accused trespassed into his house compound and destroyed the windows, electrical fittings, meter box and vessels using iron bars and sticks. He identified the accused in the dock. According to him, there is a dispute regarding ownership of the temple and that led to the attack. He identified MO1 iron bar, MO2 rafter, MO3 stone, MO4 and MO5 glass pieces. Ext.P1 is the FIS given by him.

8) In the cross-examination, PW1 deposed that he had filed a case

regarding ownership of the temple. He filed another civil suit claiming right of administration of the temple. His brother also had filed a case in the matter. All these cases and the appeal filed by PW1 were dismissed. From the above facts it is clear that he is not on good terms with the accused, who are administrative committee members of the temple. Though he denied having any enmity with the accused, given the fact that he could not taste success in the litigation against the accused, the chance of their false implication in this case cannot be ruled out. In order to avoid that risk, the evidence of PW1 and other witnesses requires a closer scrutiny. In *State of U.P. v. Kishanpal* (2008) 16 SCC 73]. Honourable Supreme Court of India held that *“where there is previous enmity between the witness and the accused, the evidence of the witness has to be carefully scrutinized by the Court before it is accepted, but only on account of such enmity the Court cannot discard the evidence of the witness altogether. Where it is shown that there is enmity and the witnesses are near relatives too, the Court has a duty to scrutinize their evidence with great care, caution and circumspection and be very careful too in weighing such evidence”*. The above principle is applicable in this case.

9) Ext.P1 is the FIS given by PW1. As per Ext.P1, while he was taking bath in the bathroom in his house, he heard a sound and when he looked from upstairs in the house, he saw the accused armed with sticks smashing the windows. The accused also smashed the front glass of an autorickshaw parked in his courtyard. But while deposing before the court, he considerably improved

his version. He claimed that he identified MO1 to MO3 in court. But he has not stated in his FIS that the accused used any of the above weapons. Contrary to his version in Ext.P1 FIS that he was taking bath, he deposed before the court that he was sitting in the sit-out when the accused barged into his courtyard. Immediately he withdrew into the house. During cross-examination, he deposed that he had given a statement that he had been taking a bath at the time of the alleged incident and claimed that the front gate of his house can be seen through the window of the bathroom. As per Ext.P2 scene mahazer, the bathroom in the house is between two rooms on the south side of the house and there is no possibility of seeing the gate through the window of that bathroom. PW7 investigating officer deposed that he has not verified whether the gate can be viewed from the bathroom. Considering the above inconsistencies in the evidence of PW1, his oral testimony can not be believed.

10) PW2 is the niece of PW1. She narrated a different story. According to her, the accused destroyed the board of NSS and the autorickshaw. She deposed that the accused pelted stones at the house and she even identified the stones used by the accused. But PW1 has no case that the accused pelted stones on the house. She further deposed that a written complaint was given in the matter. But no such complaint is produced in this case. Further, she deposed that police came there after half an hour, but Ext.P1 FIS was given only at 12.50 p.m on the same day. Her evidence that the police came there even before registering Ext.P1 FIS is not believable.

11) PW3 is the wife of PW1. She also deposed that PW2 sustained injuries in the stone pelting. But PW1 has no case that PW3 sustained injuries in the incident. She deposed that at the time of the incident all of them had been inside the room, which is contrary to the evidence of PW1 that her wife and other witnesses were sleeping at the time of the incident. She further deposed that she had given OS 80/2019 seeking compensation from the accused for the loss caused by them. In that case, admittedly, she claimed that the accused had destroyed their TV and fridge. But while deposing before the court, she deposed that the accused had not entered into the house. When her attention was drawn to her claim in OS 80/2019 that the accused had destroyed her TV and fridge, PW3 had no answers to offer. The fact that she gave a suit on false grounds significantly eroded her credibility as a witness.

12) PW4 is the daughter of PW1. According to her, the accused committed the atrocities using firewood, which is contrary to the prosecution's version that the accused used sticks and iron bars. She deposed that she has not seen the accused holding iron bars. She claimed she had mentioned the names of the accused to the police, but she had not mentioned their names in her previous statement. Further, she denied having given civil case claiming that the accused destroyed their TV and fridge. According to her, around 20 people participated in the attack, which is also contrary to the prosecution's version. So, her evidence is also not believable.

13) PW6 is the only independent witness examined by the

prosecution. He claims to have arrived at the scene after hearing the commotion, however, this is difficult to believe given that his house is approximately half a kilometre away from PW1's residence. Moreover, he did not actually witness the alleged incident. Therefore, his testimony cannot be considered credible.

14) PW5 is the attester of Ext.P2, the scene mahazer. He claims to have signed Ext.P2 at 5.30 a.m and seen the police collecting materials from the scene. However, Ext.P2 was prepared at 2.30 p.m on 04.03.2018. Therefore, PW5's assertion that he signed Ext.P2 hours before it was actually prepared is not believable. PW7, Sub-Inspector at Changanacherry Police Station, conducted the investigation in this case. He has not conducted an effective investigation in this case. The alleged incident happened at a festival where the area was flooded with people. But PW7 has not cited any of them or even the neighbours as witnesses in this case. All the witnesses examined by the prosecution are interested witnesses and their evidence is already found to be defective. PW7 produced MO1 to MO3 before the court despite the fact that PW1 has no case that the accused used stones or iron bars. He has not subjected the material objects to scientific examination to lift fingerprints of the accused. In short, no proper investigation is carried out. In the above circumstances, it can only be concluded that the prosecution miserably failed to prove the charges against the accused. They deserve acquittal.

In the result, the accused are found not guilty of the offence punishable under section U/s.143, 147, 148, 447 and 427 r/w 149 of the Indian

Penal Code, 1860 and they are acquitted under section 248(1) of the Code of Criminal Procedure, 1973. Their bail bonds stand discharged and they are set at liberty.

MO1 in the property list (iron rod) No.T.160/2018 dated 04.03.2018 shall be confiscated after the period of appeal and MO2 to MO6, being valueless, shall be destroyed after the period of appeal.

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

Judicial First Class Magistrate – I
Changanacherry

APPENDIX:

Witness for the prosecution:

PW1/CW1	- Sri.Balakrishnan Namboothiri	- 08.08.2024
PW2/CW4	- Smt.Gargy D R	- 05.11.2024
PW3/CW2	- Smt.Lathika Balakrishnan	- 14.03.2025
PW4/CW3	- Smt.Sreekala	- 14.03.2025
PW5/CW5	- Sri.Shivaraman Pillai	- 21.11.2025
PW6/CW6	- Sri.Pradeepkumar	- 16.12.2025
PW7/CW7	- Sri.Manu V Nair	- 26.03.26

Exhibits for the prosecution:

P1	- FIS marked through PW1	08.08.2025
P2	- Scene mahazer marked through PW5	21.11.2025
P3	- FIR marked through PW7	26.03.2026
P4	- Property list marked through PW7	26.03.2026
P5	- Address report marked through PW7	26.03.2026

P6 series	- Bail bond marked through PW7	26.03.2026
P7	- Section addition report marked through PW7	26.03.2026
P8	- Accused deletion report marked through PW7	26.03.2026

Witness examined for the defence :-

Nil

Exhibits marked for the defence :-

D1	- Order in O.S. No. 80/2019 dated 28.02.2023	16.04.2026
D2	- Order in O.S. No. 80/2019 dated 28.02.2023	16.04.2026
D3	- Copy of plaint	25.05.2020

Material Objects Marked:-

MO1	- Iron Rod
MO2	- Rafter
MO3	- Stone
MO4	- Broken pieces of window glass
MO5	- Broken pieces of window glass
MO6	- Light fittings

Judicial First Class Magistrate -I
Changanacherry

