

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE - I
PERINTHALMANNA**

Present: Smt. Asha K.N., Judicial First Class Magistrate – I,

Dated this the 02nd day of May, 2026.

(The 12th day of Vaishakha 1948 of Saka Era)

CALENDAR CASE NO. 114 OF 2017

State Rep. By the Sub Inspector, Perinthalmanna Police Station. Cr. No: 170/2010 (By Sri. Navabkhan E, APP. Perinthalmanna)	:	Complainant
A1- Jaleel, S/o. Koya, Kizhakkethalakkal House, Amminikkadu. A2- Noushad, S/o. Muhammed Haji, Kizhakkethalakkal House, Amminikkadu	:	Accused
Offences	:	u/ss 143, 147, 148, 447, 341, 323, 324 r/w 149 IPC
Plea	:	Not guilty
Finding	:	Not guilty
Order	Accused 1 is acquitted u/s.248(1) Cr.P.C. Case against A2 split up and refiled as CC 174/2026.	

Description of the accused

Sl.No	Name	Father's Name	Occupation	Residence	Age
1	Jaleel	Koya	-	Kizhakkethalakkal	30/10
2	Noushad	Muhammed Haji	-		32/10

Date of

Occurrence	Complaint	Appearance or apprehension	Release on bail	Comment - cement of trial	Close of trial	Explanation for delay	Sentence or order
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15.02.10	16.02.10	18.02.10	18.02.10	09.03.23	20.4.26	-	02.05.26
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This case having been finally heard on 20.04.26, this day the court delivered the following:

J U D G M E N T

This case is taken file on the final report submitted by the Inspector of Police, Perinthalmanna Police Station, against the accused No. 1 and 2 in crime no.170/2010 alleging commission of the offences punishable under sections 143, 147, 148, 447, 341, 323, 324 r/w 149 IPC.

2. The case of the prosecution in brief is that:- On 15.02.2010 at about 02.00 p.m. due to the boundary disputes, the accused no. 1 to 6 in the final report, formed themselves into an unlawful assembly fully knowing that, they are members of that assembly, and possessing dangerous weapons like iron rod, granite stones etc. trespassed into the residential compound of PW1. Accused no. 3 wrongfully restrained PW1 and thereafter accused no. 1 & 2 voluntarily caused hurt to PW1 and PW2 using dangerous weapons. Second accused hurled granite stone at the head of PW1. It is also alleged that accused no. 1 and 2 grabbed on the hair of PW5 and slapped on her face. Accused no. 4 and 5 beat PW2 with bear hands and kicked on . Thus, the accused are alleged to have committed the aforesaid offences.

3. On the basis of FIS given by PW2, CW10 registered the crime and PW6 filed final report after completing investigation.

4. On receipt of final report the case was originally taken on as CC 384/2010 against 6 people as accused No. 1 to 6. Accused No. 4 and 6 (in the final report) disposed off and accused No. 2 and 3 in the final report split up and refiled as CC 638/17. They are remained absconding. The against A2 and A3 in the final report

was transferred to LPR as LP 42/19. Case against A1 and A5 in the final report (accused herein) already split up and refiled as this case as 114/2017.

5. Copies of the relevant records were furnished to the accused No. 1 and 2 and they were released on bail. Accused No. 1 was defended by a counsel of his choice. After hearing both, charge for the offences under section 4143, 147, 148, 447, 341, 323, 324 r/w 149 IPC. were framed read over and explained to the accused No.1 in Malayalam. He pleaded not guilty and claimed to be tried. Accused No. 2 remained absconding.

5. From the side of the prosecution, PWs1 to 6 were examined and Exts.P1 to P3 were marked. After closure of the evidence, the accused were questioned u/s 313 (1)(b) CR.P.C. as to the incriminating evidence brought out against them. They denied all such evidence and maintained to be innocent.

6. Accused called upon to enter into their defence. No evidence has been adduced from the side of accused.

7. Heard both sides.

8. The following points arise for consideration:-

1. Whether accused No.1 formed themselves into an unlawful assembly as alleged by the prosecution?
2. Whether the accused 1 committed rioting as alleged by the prosecution?.
3. Whether the 1st accused committed rioting armed with deadly weapon as alleged?
4. *Whether the accused criminally trespassed into the residential compound of PW1?*
5. Whether the accused 1 wrongfully restrained PW1 as alleged?
6. Whether accused 1 voluntarily caused hurt to PW1 and 2 as alleged?
7. What are the offences if any, proved to have committed by the accused 1?

8. If the accused 1 is found guilty, what should be the proper sentence?

9. **Points 1 to 7:-** The specific case of the prosecution is that on 15.02.2010 at about 02.00 p.m. due to the boundary disputes, the accused no. 1 to 6 in the final report, formed themselves into an unlawful assembly fully knowing that, they are members of that assembly, and possessing dangerous weapons like iron rod, granite stones etc. trespassed into the residential compound of PW1. Accused no. 3 wrongfully restrained PW1 and thereafter accused no. 1 & 2 voluntarily caused hurt to PW1 and PW2 using dangerous weapons. Second accused hurled granite stone at the head of PW1. It is also alleged that accused no. 1 and 2 grabbed on the hair of PW5 and slapped on her face. Accused no. 4 and 5 beat PW2 with bare hands and kicked on .

10. The accused denied the entire case of prosecution.

11. PW1, Hamza is the first informant and one of the injured. He deposed that on 17.02.2010 at about 02.00 p.m. he has found the accused namely Jaleel, Saleem and Naushad and their mother voluntarily caused hurt to his son Kareem and wife with weapons. The accused also assaulted him. He identified MO 1 and MO 2 iron rods in court. He also identified MO 3 stone and deposed that by using MO 1 to MO 3, the accused had attacked them. He identified accused no. 1 in the dock. During cross-examination he admitted that a case is pending before this court against himself and others for with allegation of assault against accused no. 1 and his parents. The certified copy of deposition of PW1 in CC No. 384/2010, which is the parent case taken on file on the same crime. No. 170/2010, was marked as Exhibit D1. PW1 was examined as PW1 in aforesaid CC no.384/2010. There was a minor contradiction in Exhibit D1 when compared to the evidence of PW1 herein and it was marked as Exhibit D1(a).

12. PW2 Karim and PW5 Nabeesa are the other injured witnesses examined from the side of prosecution. PW2 Karim deposed that on 15.02.2010 at about 02.00 p.m., some people had attacked him in front of his house using dangerous weapons.

They attacked himself and PW5. He sustained injuries and admitted in the hospital. He identified Exhibit P1 FIS as given by him to the police. However, he denied the identity of the accused and deposed that the accused are not the real assailants. He could not identify the assailants. Though PW5 deposed that he was attacked by some people, he denied the identity and involvement of the accused.

13. PW5 also non-supported the prosecution and deposed that she has not sustained any injuries in the incident. She even deposed that the accused never attacked her and children. Therefore, on considering the evidence of PW2 and PW5, there is nothing to prove the incident as alleged by the prosecution is. PW1 alone deposed loyal to the prosecution and deposed that he had seen the accused attacked his son and wife, who are examined as PW2 and PW5. But, PW2 and PW5 denied the involvement of the accused and therefore the evidence of PW1, PW2 and PW5 are inconsistent and mutually contradictory.

14. PW3 and PW4 are occurrence witnesses who are the other inmates of the house. Both of them also denied of having seen any incident as alleged in the prosecution case.

15. PW6 is the Investigating Officer. PW6 deposed that on 17.02.2010, he undertook investigation while he was working as ASI of Police in Perinthalmanna Police Station. He prepared Exhibit P2 scene mahazar and seized MO1 to MO4 series 3 in numbers. He arrested the accused and released them on bail. He deposed that CW10 Gangadharan has registered the Exhibit P3 FIR. After completing investigation he filed final report before this court.

16. On consideration of the entire evidence on record, it is seen that the injured witnesses and occurrence witnesses examined and deposed against the prosecution case. Considering the circumstances that there cannot be any successful prosecution, the learned A.P.P has given up the examination of the remaining witnesses. I am also satisfied that the examination of them will not serve any purpose. There is absolutely no material before the court to connect the accused with

the occurrence. In the above circumstance, the accused cannot be said to have committed the offence alleged against the accused. In the result, points are found against the prosecution.

17 .**Point No.8:-** This point does not arise for consideration since the point Nos.1 to 7 found against the prosecution.

In the result,

1. The accused No. 1 is found not guilty of the offences 143, 147, 148, 447, 341, 323, 324 r/w 149 IPC and he is acquitted of the same u/s.248 (1) of Cr.P.C.
2. Bail bond stands cancelled and accused is set at liberty.
3. Case against A2 is split up and refiled as CC 174/2026.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open Court this the 02nd day of May, 2026).

Judicial First Class Magistrate-I
Perinthalmanna

APPENDIX

Prosecution witness

PW1	Hamza	Injured witness
PW2	Karim	First informant and Injured witness
PW3	Ayisha	Occurrence Witness
PW4	Khadeeja	Occurrence Witness
PW5	Nabeesa	Injured witness
PW6	Vijayan	Investigating Officer

Defence witness : Nil

Court witness : Nil

Prosecution Exhibits:

1	Ext.P1/PW1	FIS dated 16.02.10
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2	Ext.P2/PW6	Scene Mahazar dated 18.02.10
3	Ext.P3/PW6	FIR dated 15.02.10

Defence Exhibits :

1	Ext.D1	Deposition of PW1
2	Ext.D1(a)	Deposition of PW1

Court Exhibits : Nil

Material Objects :

1	MO1	Iron Rod
2	MO2	Iron Crownbar
3	MO3	Granite Stone
4	MO4	Footwear 3 in Numbers

Judicial First Class Magistrate-I
Perinthalmanna