

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

Present: Sri. Ashique Shajahan, Judicial First-Class Magistrate

Dated this the 30th day of April 2026 / 10th Vaisakha 1947.

CC 494/2018

Complainant	S H O Mankada Police Station, in Crime No. 7/2018. (Represented by APP, Perinthalmanna)
Accused	1. Abdul Nasar, aged 36/2018, S/o Saithalavi, Palakkoli House, Vadakkangara, Vadakkekulamba. 2. Thajudheen, aged 20/2018, S/o Usman, Urundiyan House, Thadathilkundu, Vadakkangara. 3. Rasal, aged 34/2017, S/o Abdul Rasheed, Vattakkoli House, Nechikkuthparamba, Vataloor Post. 4. Muhammad Suhail, aged 26/2018, Muhammadali, Vellangara House, Pazhamallur Post, Kodoor, Malappuram District. 5. Jalaludheen, aged 32/2017, Kunhunneen, Cherussola House, Kachinikkad, Makkaraparamba Post, Malappuram. 6. Thajudheen, aged 32/2018, S/o Mammu, Theramban House, Makkaraparamba Post. 7. Shahanas Babu, aged 38/2018, S/o C.K.Abu, Chelakkad House, Kadungapuram Post, Puzhakkattiri. 8. Mayin, aged 40/2018, Moosakkutty, Cholakkal House, Makkaraparamba Post. 9. Jiji Mohan, aged 30/2018, S/o Mohan, Pulikkal House, Padinhattumuri Post, Koottilangadi, Malappuram. 10. Jamsheer, aged 35/2018, S/o Abu, Pallipparamban House, Vataloor Post, Kuruva. 11. Shyjesh, aged 34/2018, S/o Mohandas, Mullakkara House, Thattakam, Angadippuram Post.

Offence	U/ss. 143, 147, 148, 332 and 353 read with section 149 of the IPC and section 3(1) of PDPP Act.
Plea	Not guilty
Finding	Accused Nos.1, 3, 4, 6, 7, 10 and 11 are not guilty.
Sentence or order	Accused Nos. 1, 3, 4, 6, 7, 10 and 11 are acquitted u/s. 248 (1) of Cr.P.C of the offences punishable under sections 143, 147, 148, 332 and 353 read with section 149 of the IPC and section 3(1) of PDPP Act. Case against accused Nos. 2, 5 and 9 is split up and refiled as CC 694/2018.

DATE OF		
1	Occurrence	23.01.2018
2	Complaint	23.01.2018
3	Filing	28.09.2018
4	Apprehension of accused	24.01.2018 (A1, A3,A4), 03.02.2018 (A2), 10.01.2022 (A5) 28.01.2018 (A7, A8), 30.01.2020 (A9) 20.11.2023(A10, A11)
5	Release on bail	09.02.2018 (A1, A3, A4), 09.02.2018(A2), 10.01.2022 (A5) 09.02.2018(A7, A8),30.01.2020 (A9) 20.11.2023(A10, A11)
6	Commencement of trial	04.04.2022 (A2), 05.01.2023(A3) 26.07.2023 (A1,A4,A5,A6,A

		7), 20.11.2023 (A10, A11)
7	Close of trial	29.04.2026
8	Sentence or order	30.04.2026

The case coming on the 29th day of April, 2025 for the final hearing before me in the presence of **Sri. Ali Nihas**, Assistant Public Prosecutor (for short 'APP'), Perinthalmanna and **Sri. Sulffikkerali and K.Asgar Ali**, Advocates for the accused having stood over to this day for consideration, the court delivered the following;

JUDGMENT

This case arises from the Final Report submitted by the Sub-Inspector of Police, Mankada Police Station, under Section 173(2) of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.PC') in Crime No. 7/2018 against the accused, alleging the commission of offences punishable under Sections 143, 147, 148, 332 and 353 read with section 149 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC') and section 3(1) of Prevention of Damage to Public Property, 1984 (for short 'PDPP Act').

2. The prosecution's case, succinctly stated, is as follows: On 23.01.2018 at about 18:00 hours, at Vadakkangara Amsom, Makkarapparamba, accused Nos.1 to 11, in furtherance of their common object in connection with a hartal called by UDF, unlawfully assembled and, being armed with deadly weapons, attacked the police officials, voluntarily caused hurt to a public servant, pelted

stones at a jeep belonging to the Police Department causing a loss of Rs.3,700/- to the Government, and obstructed the discharge of official duties. Accordingly, the accused are alleged to have committed offences punishable under Sections 143, 147, 148, 332 and 353 read with Section 149 of the IPC, as well as Section 3(1) of the PDPP Act.

3. Upon the appearance of all the accused, except accused No.8 and 9, copies of the prosecution records were furnished to them in compliance with Section 207 of the Code of Criminal Procedure, 1973 (hereinafter referred to as “Cr.P.C.”). Prior to the framing of charges, both the prosecution and the accused were heard. Upon consideration of the police report and the submissions on either side, this Court found sufficient grounds to presume that the accused had committed the alleged offences, and accordingly framed charges under Sections 143, 147, 148, 332 and 353 read with Section 149 of the IPC, as well as Section 3(1) of the PDPP Act. The charges were read over and explained to all the accused, except accused No.8, and they pleaded not guilty and claimed to be tried. The case against accused No.8 was subsequently split up and refiled as C.C. No.1251/2024, as he had absconded earlier and surrendered only after the examination of material witnesses. After the framing of charges, accused Nos. 2 and 5 also absconded.

4. Though accused No.9 had entered appearance and contested the proceedings along with the remaining accused, charges were inadvertently not

framed against him by the learned predecessor, and the case proceeded under the mistaken assumption that charges had already been framed. The omission was also not brought to the notice of the Court by the counsel for accused No.9. Though accused No.9 was directed to be present at the time of pronouncement of judgment, he has not appeared. In the normal course, upon framing charges, an opportunity ought to be granted to both the prosecution and accused No.9 to adduce further evidence, if any. However, since the case against the remaining contesting accused is now posted for judgment, the case against accused No.9 is liable to be split up and proceeded with separately.

5. On the side of the prosecution, PW1 to PW10 were examined, Exts.P1 to P12 and material objects MO1 to MO3 were marked. Upon closure of the evidence for the prosecution, the accused were examined under Section 313(1) (b) of the Cr.PC. They denied all the incriminating circumstances appearing in the evidence against them. Thereafter, the case was posted for the evidence of the accused, but no evidence was adduced on the defence side.

6. Heard the learned APP and the counsel for the accused.

7. Now the points that arise for consideration are as follows;

1. *Did the accused persons, on 23.01.2018 at 18.00 hours, at Vadakkangara Amsom, Makkarapparamba, in furtherance of their common intention to commit an offence in connection with the harthal summoning by UDF, unlawfully assembled, armed with deadly weapons, attacked them and thereby voluntarily caused hurt to the public servant, pelted stones against the Jeep belonged to*

police department and thereby caused loss of Rs.3,700/- to the government and obstructed the official duty of police officials, thereby committing offences punishable under Sections 143, 147, 148, 332 and 353 read with section 149 of the IPC and section 3(1) of PDPP Act?

2. *What shall be the sentence if the accused are found guilty?*

8. **Point Nos. (1) to (5)**: The prosecution alleges that on 23.01.2018 at about 18:00 hours, at Vadakkangara Amsom, Makkarapparamba, accused Nos.1 to 11, in furtherance of their common object in connection with a hartal called by UDF, unlawfully assembled, armed with deadly weapons, attacked police personnel, voluntarily caused hurt to a public servant, pelted stones at a jeep belonging to the Police Department causing a loss of Rs.3,700/- to the Government, and obstructed the discharge of official duties. On the basis of these allegations, the accused were charged with the aforesaid offences.

9. To substantiate the prosecution case, PW1 to PW12 were examined, and Exts.P1 to P10, along with material objects MO1 to MO3, were marked. The incident allegedly occurred on 23.01.2018 at 18:00 hours. Ext.P8 is the First Information Statement recorded by PW10, the then Sub-Inspector of Police, Mankada Police Station, on the same day, based on which Ext.P9 FIR was registered suo motu. Upon completion of the investigation, PW9 submitted the final report on 10.03.2018. Among the witnesses, PW2 to PW4 were cited as injured witnesses.

10. PW1, who was working as a Civil Police Officer at Mankada Police Station during the relevant time, deposed that on 23.01.2018, in connection with the hartal called by UDF, a procession was conducted by CPI(M) workers, and a scuffle ensued between UDF and LDF workers. According to him, party workers armed with stones and sticks attacked the police personnel, resulting in injuries and damage to the windshield of a police jeep. However, he categorically stated that he could not identify the persons involved in the incident. He identified MO1 iron pipe, MO2 series wooden sticks, and MO3 series stones allegedly seized from the scene, but clarified that he could not state whether the accused persons were involved in the occurrence.

11. PW2, who was serving as a Civil Police Officer in the Rapid Response and Rescue Force and was an injured witness, deposed that the incident occurred at Makkarapparamba where they were on duty. However, he too was unable to identify the persons who allegedly attacked the police personnel.

12. PW3, who was also an injured witness and serving as a Civil Police Officer in the Rapid Response and Rescue Force, deposed in tune with the deposition of PW2.

13. PW4, another injured witness, was working as a driver at Nilambur Police Station. He deposed that he could not identify the assailants.

14. PW5 is an attesting witness to Ext.P1 scene mahazar.

15. PW6 was the Medical Officer at Taluk Hospital, Malappuram, who examined PW2 to PW4 on 23.01.2018 and deposed regarding the injuries sustained by them. The history recorded was that of stone pelting by protesters. He identified Exts.P2 to P4 wound certificates issued in this regard.

16. PW7 was the Assistant Motor Vehicles Inspector at the RTO Office, Perinthalmanna, who inspected the vehicle bearing registration No. KL 1 BW 6082 involved in the incident and identified Ext.P5 inspection certificate.

17. PW8, the Inspector of Police, Nilambur Police Station, deposed that he was on duty on 23.01.2018 as per the direction of the Dy.S.P., Perinthalmanna. He deposed about the injuries sustained by the police personnel and the damage caused to the official vehicle bearing registration No. KL 1 BW 6082.

18. PW9, the then Grade Sub-Inspector of Police, Mankada Police Station, submitted the final report. He prepared Ext.P1 scene mahazar and Ext.P6 property list, and the material objects were produced before the court. The vehicle involved was seized as per Ext.P7 body mahazar.

19. PW10, the then Sub-Inspector of Police, Mankada Police Station, registered Ext.P9 FIR suo motu based on Ext.P8 report. He deposed that the official duties of the police were obstructed due to the acts of the accused and

that he had arrested five persons allegedly involved in the incident. He also identified Ext.P12 report submitted for adding the names and addresses of the accused.

20. On the basis of the evidence adduced, the learned APP sought a conviction of the accused, contending that the prosecution had established the use of force and obstruction of official duty. On the other hand, the learned counsel for the accused vehemently disputed the prosecution's case, contending that none of the witnesses identified the accused as the assailants, no independent witnesses were examined, and there was neither spot arrest nor prompt seizure. It was further contended that there was an unexplained delay in arrest and seizure, and though about 350 persons were allegedly involved as per Ext.P9 FIR, only a few were arrayed as accused. Hence, acquittal was sought.

21. The prosecution case is that the accused were part of a mob engaged in mutual aggression by pelting stones in connection with political rivalry, during which the police personnel were attacked when they intervened. However, PW1 to PW4, who are the injured police officials, have categorically stated that they could not identify any of the assailants due to the presence of a large mob of about 350 persons. They also specifically deposed that they do not know whether the accused before the court were involved in the incident. Thus, the identity of the accused has not been established. None

of the injured witnesses have implicated any of the accused. Further, none of the accused were arrested from the scene of occurrence, and the manner in which they were subsequently identified and arrayed as accused, in the absence of identification by the material witnesses, creates serious doubt. In such circumstances, the prosecution has failed to establish the guilt of the accused beyond reasonable doubt. In view of the above findings, accused Nos. 1, 3, 4, 6, 7, 10 and 11 are entitled to acquittal.

In the result,

- 1. Accused Nos.1, 3, 4, 6, 7, 10 and 11 are acquitted under section 248(1) of the Cr.P.C for the offences punishable under sections 143, 147, 148, 332 and 353 read with section 149 of the IPC and section 3(1) of PDPP Act. Their bail bonds are cancelled and sureties are discharged.***
- 2. Case against accused Nos.2, 5 and 9 is split up and refiled as CC 694/2018.***

(Pronounced by me in open Court on this the 30th day of April 2025)

Judicial First Class Magistrate II,
Perinthalmanna.

APPENDIX IN CC 494/2018

SPECIMEN CHART FOR WITNESSES EXAMINED

Prosecution Witness No.	Name of Witness	Description
1	Rakesh Chandran	Attesting witness
2	Santhosh Mathew	Injured witness
3	Abin Thomas	Injured witness

4	John Varghese	The driver of official vehicle and injured witness
5	Muhammad Ali	Attesting witness to scene mahazar
6	Dr.Harshad Mohammed	The doctor who treated the injured
7	Easter Yashika	MVI who issued the certificate
8	K.M Biju	Eyewitness
9	Abdul Azeez	Investigating officer
10	K.Satheesh	Investigating officer

SPECIMEN CHART FOR EXHIBITED DOCUMENTS

Exhibit No.	Description of the Exhibit	Proved by/ Attested by
P1	Scene Mahazar	PW5
P2	Wound certificate	PW6
P3	Wound certificate	PW6
P4	Wound certificate	PW6
P5	AMVI Report	PW7
P6	Property list	PW9
P7	Body mahazar	PW9
P8	FIS	PW10
P9	FIR	PW10
P10 series	Arrest memo P10(a) to P10(g)	PW10
P11 series	Arrest intimation P10(a) to P10(g)	PW10

P12	Name and address added report	PW10
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SPECIMEN CHART FOR MATERIAL OBJECTS

Material Object No.	Description of the Exhibit
MO1	Iron pipe
MO2	Wooden sticks
MO3	Stones (4 nos)

Witnesses examined for court

Nil

Exhibits marked for defence

Nil

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