

IN THE COURT OF THE JUDICIAL MAGISTRATE OF FIRST CLASS,
PATTAMBI

Present:- Smt. Neema Noor Mohamed, Judicial Magistrate of First Class.

Tuesday, this the 12th day of May, 2026/ 22nd day of Vaisakha, 1948 S.E.

Calendar Case No. 321/2024.

State represented by the Sub Inspector of Police, Pattambi Police Station in crime No. 149/2024. (By Smt. Resmi.V.S, A.P.P. Gr.II)		Complainant
1. Varun Vijay, aged 21/24 years, S/o. Vijayakumar, Thekkeettil House, Kalladipatta, Ongallur, Pattambi Taluk, Palakkad. 2. Nithin.C.M, aged 20/24 years, S/o. Rathi, Oliyanappurath House, Thozhukkad, Peringode, Koottanad, Pattambi Taluk, Palakkad. 3. Muhammed Anas, aged 19/24 years, S/o. Abdul Tahir, Puthenthodi House, Koottanad, Pattambi Taluk, Palakkad. 4. Krishnadas, aged 21/24 years, S/o. Sathidevi, Vembalassery House, Kulathur, Malappuram. 5. Augus, aged 19/24 years, S/o. Manikandan, Pulamanthole Valappil House, Cholakund, Thrithala, Pattambi Taluk, Palakkad. 6. Nismal, aged 19/24 years, S/o. Abdul Nasar, Parakkadavan House, Kuttil Mankada, Perinthalmanna, Malappuram. 7. Prasob, aged 19/24 years, S/o. Unnikrishnan, Kariyanthodi House, Kulukkallur, Mulayankavu, Pattambi Taluk, Palakkad. 8. Visakh, aged 19/24 years, S/o. Chandran, Paramparambath House, Poovakkode, Maruthur, Pattambi Taluk, Palakkad. 9. Aswin, aged 20/24 years, S/o. Mohandas, Manazhithodi House, Kunnakavu, Elamkulam, Perinthalmanna, Malappuram. (By Advocate P. Divya Lakshmi.)		Accused
Offence	Punishable under sections 143, 147, 148, 341, 323 and 324 r/w 149 IPC.	
Plea	Not guilty	
Finding	Not guilty	
Sentence or order	The 2 nd to 9 th accused are found not guilty for the offences punishable under sections 143, 147, 148, 341, 323 and 324 r/w 149 IPC and are acquitted of these offences under section 248(1) Cr.P.C. The bail bond executed by these accused stand cancelled and they are set at liberty forthwith. The 1 st accused no more. Case against him stands abated.	

DATE OF

Offence	Complaint	Apprehension	Release on Bail	Comment - cement of Trial	Close of Trial	Order	Explanation for delay
28/02/24	02/03/24	25/04/25	25/04/25	22/04/26	08/05/26	12/05/26	No delay

DESCRIPTION OF ACCUSED

	Name	Parent's Name	Age	Residence
1.	Varun Vijay	Vijayakumar	21/24	Kalladipatta
2.	Nithin.C.M	Rathi	20/24	Peringode
3.	Muhammed Anas	Abdul Tahir	19/24	Koottanad
4.	Krishnadas	Sathidevi	21/24	Kulathur
5.	Augus	Manikandan	19/24	Thrithala
6.	Nismal	Abdul Nasar	19/24	Perinthalmanna
7.	Prasob	Unnikrishnan	19/24	Mulayankavu
8.	Visakh	Chandran	19/24	Poovakkode
9.	Aswin	Mohandas	20/24	Elamkulam

J U D G M E N T

This is a case instituted upon the final report submitted by the Sub Inspector of Police, Pattambi Police Station in crime No. 149/2024 against the accused alleging the commission of offences punishable under Sections 143, 147, 148, 341, 323 and 324 r/w 149 IPC.

2. The summary of the prosecution case is as follows: On 28/02/2024 at about 23:45 hours, due to prior enmity arising from the election of the CW1, an MSF Secretary and a first-year B.A. Malayalam student of Pattambi Sanskrit College, as the College Secretary, all the accused formed themselves into an unlawful assembly, fully knowing that they are the members of that assembly, armed with deadly

weapons such as wooden logs. The 4th to 8th accused wrongfully restrained PW1 in front of the Milma parlour of science block of the college. The 9th accused caught hold of the PW1 by his neck, while 2nd and 3rd accused assaulted him with their hands. The 1st accused questioned him, saying, “Which college chairman are you?”, and struck him with a wooden stick in his hand. As a result of the assault, PW1 fell to the ground, whereupon 2nd to 9th accused further assaulted him by kicking him while he was lying on the ground. When PW2 attempted to intervene upon witnessing the incident, the 1st accused assaulted him, causing an injury near his left eye. Thus, all the accused allegedly committed the aforesaid offences in prosecution of their common object.

3. On receipt of First Information Statement from PW1, CW11 registered the First Information Report and after completing investigation, he filed the final report before the court.

4. All the accused, appeared before the court and they were released on bail. The accused were represented by a counsel of their choice. Copies of all relevant prosecution records were furnished to them under section 207 of Cr.P.C. After hearing both parties and perusing the records, charge was framed for the offences punishable under sections 143, 147, 148, 341, 323 and 324 r/w 149 IPC and was read over and explained to the 2nd to 9th accused to which they pleaded not guilty and claimed to be tried. The 1st accused reported no more.

5. From the side of prosecution, PW1 to PW3 were examined. Remaining witnesses were given up by the learned APP.

6. In the absence of any incriminating evidence, examination of accused under Sec. 313(1)(b) Cr.P.C for enabling the accused personally to explain any circumstances appearing in the evidence against them was dispensed with. Accused were then called upon to enter upon their defence and produce their evidence. They did not adduce any oral or documentary evidence.

7. After hearing both sides the following points arise for consideration;

1. *Whether the accused formed themselves into an unlawful assembly as alleged by the prosecution ?*
2. *Whether the accused committed rioting as alleged by the prosecution?*
3. *Whether the accused committed rioting armed with deadly weapons as alleged by the prosecution*
4. *Whether all the accused wrongfully restrained PW1 as alleged by the prosecution ?*
5. *Whether all the accused voluntarily caused hurt to PW1 and PW2 as alleged by the prosecution ?*
6. *Whether the accused voluntarily caused hurt to PW1 with any dangerous weapon as alleged by the prosecution ?*
7. *Whether the accused committed any of the above offences in prosecution of the common object of the unlawful assembly ?*
8. *If the accused are found guilty, what should be the proper sentence or order?*

8. **Point Nos. 1 to 7:-** For the sake of convenience these points can be considered together. Evidence in this case consists of oral testimony of PW1 to PW3. PW1 and PW2 are the injured in the incident. PW3 is the witness to the incident. PW1, the defacto complainant, deposed that the incident in question occurred in the year 2024 when he was a student at SNGS College, Pattambi. According to him, there was only a verbal altercation between some students which was settled then and there. He admitted having given a statement to the police and identified his signature in the same, which was marked as Ext.P1. However, he deposed that he did not sustain any injuries in the alleged incident. As PW1 resiled from his previous statement, the learned APP was permitted to cross-examine him under Section 154 of the Evidence Act. During such cross-examination, PW1 denied having stated before the police that the accused, along with deceased Varun, had assaulted him or caused injuries. He further stated that he has no complaint against the accused and that he does not wish to proceed with the case. He also denied the suggestion that he was deposing falsely to help the accused.

9. PW2 deposed on similar lines as PW1. He stated that during the relevant

period he was also a student at SNGS College, Pattambi, and that there was only a verbal dispute among students which was resolved at the spot. He stated that he had not sustained any injury in connection with the incident. Though he admitted having given a statement before the police, he denied having stated that the accused or deceased Varun had assaulted him. As he turned hostile, the learned APP was permitted to cross-examine him under Section 154 of the Evidence Act. However, nothing material could be elicited to support the prosecution case. He further stated that he has no complaint against the accused and does not wish to proceed with the case.

10. PW3 stated that though he was a student at SNGS College, Pattambi during the relevant period, he had not witnessed the alleged incident. As he did not support the prosecution case, the learned APP was permitted to cross-examine him under Section 154 of the Evidence Act. However, nothing material could be brought out in his cross-examination. He denied the suggestion that he was deposing falsely to help the accused.

11. It is clear that the evidence of PW1 to PW3 will not prove the prosecution case. Moreover the remaining witnesses were given up by learned Asst. Public Prosecutor. I am also satisfied that examination of those witnesses will not serve any purpose. So from the materials on records, I am of the view that prosecution has not succeeded in proving the guilt of the accused. As such the points under consideration are only to be answered against the prosecution. Points are answered accordingly.

12. **Point No.8:-** In view of the findings in on foregoing points, this point did not require adjudication.

In the result

- 1. The 2nd to 9th accused are found not guilty for the offences punishable under sections 143, 147, 148, 341, 323 and 324 r/w 149 IPC and are acquitted of these offences under section 248(1) Cr.P.C.***
- 2. The bail bond executed by these accused stand cancelled and they are set at liberty forthwith.***

3. The 1st accused no more. Case against him stands abated.

Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in open court, this the 12th day of May, 2026.

Sd/-
Judicial Magistrate of First Class,
Pattambi.

APPENDIX

Witnesses examined for the Prosecution:-

PW1:	Ramsheed, aged 22 years, S/o. Malik Abdul Rasheed, Pattambi Village and Taluk.	First informant CW1
PW2:	Muhammed Safaan, aged 21 years, S/o. Syed Muhammed, Kumaramputhur, Ottapalam.	Injured CW2
PW3:	Sudheesh.C.V, aged 23 years, S/o. Sivasankaran, Nagalassery, Pattambi.	Eye witness CW3

Witnesses examined for the Defence:- NIL

Exhibits marked for Prosecution:-

P1: 02/03/2024 First Information Statement (PW1)

Exhibits marked for Defence:- NIL

Sd/-
Judicial Magistrate of First Class,
Pattambi.

// True Copy //

Judicial Magistrate of First Class,
Pattambi.