

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

Present:- Smt. Neema Noor Mohamed, Judicial Magistrate of First Class.
Wednesday, this the 13th day of May, 2026/ 23rd day of Vaisakha, 1948 S.E.

Calendar Case No. 266/2024.

State represented by the Sub Inspector of Police, Pattambi Police Station in crime No. 146/2024. (By Smt. Resmi.V.S, A.P.P. Gr.II)		Complainant
1. Musthak Abdul Naseer, aged 44/24 years, S/o. Hussain, Madayikolmannil House, Mele Pattambi P.O, Pattambi Taluk, Palakkad. 2. Ramsheed, aged 19/24 years, S/o. Malik Abdul Rasheed, Madayikolmannil House, Keezhayur P.O, Pattambi Taluk, Palakkad. 3. Muhammed Ramees Aslam, aged 25/24 years, S/o. Rasheed.K.P, Koppathparamel House, Maruthur P.O, Pattambi Taluk, Palakkad. 4. Muhammed Rashid, aged 26/24 years, S/o. Abdul Vahab, Irattayil House, Mele Pattambi P.O, Pattambi Taluk, Palakkad. 5. Muhammed Shuhaib, aged 25/24 years, S/o. Moideenkutty, Modayanpulakkal House, Mele Pattambi P.O, Pattambi Taluk, Palakkad. 6. Muhammed Rashid, aged 26/24 years, S/o. Malik Abdul Rasheed, Madayikolmannil House, Keezhayur P.O, Pattambi Taluk, Palakkad. (By Advocate Sri. Anoop.C.)		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	All the 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.	

DATE OF

Offence	Complaint	Apprehension	Release on Bail	Comment - cement of Trial	Close of Trial	Order	Explanation for delay
01/03/24	02/03/24	11/03/26	11/03/24	22/04/26	08/05/26	13/05/26	No delay

DESCRIPTION OF ACCUSED

	Name	Father's Name	Age	Residence
1.	Musthak Abdul Naseer	Hussain	44/24	Mele Pattambi
2.	Ramsheed	Malik Abdul Rasheed	19/24	Keezhayur
3.	Muhammed Ramees Aslam	Rasheed.K.P	25/24	Maruthur
4.	Muhammed Rashid	Abdul Vahab	26/24	Mele Pattambi
5.	Muhammed Shuhaib	Moideenkutty	25/24	Mele Pattambi
6.	Muhammed Rashid	Malik Abdul Rasheed	26/24	Keezhayur

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. 146/2024 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 01/03/2024 at about 1:30 PM, the CW1, a SFI activist and a second-year B.Sc. Physics student of Pattambi Sanskrit College, was wrongfully restrained by the accused near the bus stop in front of the college, due to prior enmity arising from an issue that occurred during the programme titled “Kavithayude Carnival” conducted in the college. The accused, having formed themselves into an unlawful assembly and fully aware of

their membership in the said assembly, were armed with deadly weapons such as a bicycle chain and iron rods. They caught hold of the CW1 by his neck, and the 2nd accused, an MSF activist, struck him on his right elbow and back using a bicycle chain. As a result, the CW1 fell to the ground, whereupon he was further assaulted with an iron rod on his thigh, and the other accused kicked him, thereby causing injuries. Thus, all the accused allegedly committed the aforesaid offences in prosecution of their common object.

3. On receipt of First Information Statement from CW1, CW8 registered the First Information Report and after completing investigation, CW9 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 accused to which they pleaded not guilty and claimed to be tried.

5. From the side of prosecution, PW1 and PW2 were examined. CW1 reported no more and death certificate produced. 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 CW1 as alleged by the prosecution ?*
5. *Whether all the accused voluntarily caused hurt to CW1 as alleged by the prosecution ?*
6. *Whether the accused voluntarily caused hurt to CW1 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 and PW2. PW1 and PW2 are the eye witness to the incident. Both of them deposed on the similar fashion that they knew the deceased Varun, who was their friend, and that they had studied together at SNGS College, Pattambi. However, both of them stated

that they had no knowledge regarding the alleged incident. Though they admitted having given statements before the police, they denied having stated that the accused had assaulted the deceased with a bicycle chain and iron rod, or that they had attempted to intervene in the incident. They also denied the suggestion that they were deposing falsely to help the accused, either on account of the death of the CW1 or due to acquaintance with one of the accused. As both witnesses resiled from their earlier statements, the learned APP was permitted to cross-examine them under Section 154 of the Indian Evidence Act. However, nothing material could be elicited in their cross-examination to support the prosecution case.

9. It is clear that the evidence of PW1 and PW2 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.

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

In the result

1. ***All the 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.

Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in open court, this the 13th day of May, 2026.

Sd/-
Judicial Magistrate of First Class,
Pattambi.

APPENDIX

Witnesses examined for the Prosecution:-

PW1:	Sreehari.K.C, aged 23 years, S/o. Chandran, Pattambi Village and Taluk.	Eye witness CW2
PW2:	Kiranjith.C.R, aged 2 years, S/o. Ramakrishnan.C.C, Vellinezhi, Ottapalam.	Eye witness CW3

Witnesses examined for the Defence:- NIL

Exhibits marked for Prosecution:- NIL

Exhibits marked for Defence:- NIL

Sd/-
Judicial Magistrate of First Class,
Pattambi.

// True Copy //

Judicial Magistrate of First Class,
Pattambi.