

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

Present:- Smt. Neema Noor Mohamed, Judicial Magistrate of First Class.
Saturday, this the 28th day of March, 2026/ 7th day of Chaithra, 1948 S.E.

Calendar Case No. 677/2017.

State represented by the Sub Inspector of Police, Thrithala Police Station in crime No. 443/2017. (By Smt. Resmi.V.S, A.P.P. Gr.II)		Complainant
1. Manikandan @ Sudhakaran, aged 47/17 years, S/o. Balakrishnan, Mandanmakkayil House, Koodallur, Pattambi Taluk, Palakkad. 2. Rajesh @ Kuttan, aged 33/17 years, S/o. Balakrishnan, Mandanmakkayil House, Koodallur, Pattambi Taluk, Palakkad. 3. Akbar Babu, aged 54/17 years, S/o. Ahammed, Kuttiparambil House, Kumbidi, Pattambi Taluk, Palakkad. 4. Faisal, aged 33/17 years, S/o. Muhammed, Puthenveetil House, Maniyamperumbalam, Pattambi Taluk, Palakkad. 5. Shafi, aged 27/17 years, S/o. Abdul Khader, Kumbalath Valappil House, Pooleri, Pattithara P.O, Pattambi Taluk, Palakkad. (By Advocate Smt. Sajimole.A.R.)		Accused
Offence	Punishable under sections 143, 147, 148, 341, 323, 506(i) 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, 506(i) 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 property produced before the court as item No. 451/17 shall be confiscated after the period of appeal.	

DATE OF

Offence	Complaint	Apprehension	Release on Bail	Comment - cement of Trial	Close of Trial	Order	Explanation for delay
14/10/17	15/10/17	17/09/19	17/09/19	23/01/26	26/03/26	28/03/26	No delay

DESCRIPTION OF ACCUSED

	Name	Father's Name	Age	Residence
1.	Manikandan @ Sudhakaran	Balakrishnan	47/17	Koodallur
2.	Rajesh @ Kuttan	Balakrishnan	33/17	Koodallur
3.	Akbar Babu	Ahammed	54/17	Kumbidi
4.	Faisal	Muhammed	33/17	Maniyamperumbalam
5.	Shafi	Abdul Khader	27/17	Pattithara

J U D G M E N T

This is a case instituted upon the final report submitted by the Sub Inspector of Police, Thrithala Police Station in crime No. 443/2017 against accused alleging the commission of offences punishable under Sections 143, 147, 148, 341, 323, 506(i) and 324 r/w 149 IPC.

2. The summary of the prosecution case is as follows: On 14/10/2017 at 17.30 hours, due to enmity arising from the fact that PW1 had allegedly spoken in an improper manner over the phone to the wife of the brother of 1st and 2nd accused, 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 iron rod by 3rd accused went to Maniyamperumbalam centre. All the accused wrongfully restrained PW1 and hit and kicked him. The 3rd accused hit on the chest and ribs of PW1 using the iron rod. The 1st and 2nd accused threatened to kill him. When PW3 tried to prevent the accused, all the accused wrongfully restrained PW3, hit and kicked him and 3rd accused hit on his chest using the iron rod. Thereby all the accused

committed the above mentioned offences in prosecution of their common object.

3. On receipt of First Information Statement from PW1, CW8 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, 506(i) 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 to PW3 were examined and Ext. P1 was marked. 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 and PW3 as alleged by the prosecution ?*
5. *Whether all the accused voluntarily caused hurt to PW1 and PW3 as alleged by the prosecution ?*
6. *Whether the 3rd accused voluntarily caused hurt to PW1 and PW3 with any dangerous weapon as alleged by the prosecution ?*
7. *Whether the 1st and 2nd accused threatened to kill PW1 as alleged by the prosecution ?*
8. *Whether the accused committed any of the above offences in prosecution of the common object of the unlawful assembly ?*
9. *If the accused are found guilty, what should be the proper sentence or order?*

8. **Point Nos. 1 to 8:-** For the sake of convenience these points can be considered together. Evidence in this case consists of oral testimony of PW1 to PW3 and Ext. P1. PW1 and PW3 are the the injured in the incident and PW1 is the the first informant. PW2 is the eye witness to the incident. PW1 deposed that the incident occurred in the year 2017 at about 5:30 p.m. at a place called Manniyamperumbalam. He deposed that it was a group assault case, wherein a group of persons came and attacked, and he sustained injuries. He further deposed that he had given a statement to the police in connection with the incident, and identified his signature in the same, which was marked as Ext.P1. He stated that he had only informed the police that some identifiable persons had attacked him, but had not mentioned any names. At the request of the learned APP, PW1 was declared hostile and was cross-examined under

Section 154 of the Indian Evidence Act. During such cross-examination, PW1 deposed that the accused did not stab him and that he had not given any such statement to the police. He further deposed that the accused are his neighbours and that none of them had assaulted him. He stated that the matter has been amicably settled, that he has no complaint against the accused, and that he is not interested in proceeding with the case. During cross-examination, PW1 further deposed that the accused had not caused any harm to his father, who is cited as CW2 in this case.

9. PW3 deposed that PW1 Shibu is his son. He stated that he does not remember the exact date of the incident, but it occurred at Manniyamperumbalam at about 5:00 - 5:30 p.m. He deposed that he came to know about the incident only when he was informed by someone that his son was being assaulted. By the time he reached the scene, people had already gathered there, and he has no direct knowledge about the occurrence. He further stated that he had not sustained any injuries in the incident. At the request of the learned APP, PW2 was declared hostile and was cross-examined under Section 154 of the Indian Evidence Act. During such cross-examination, PW2 denied having given any statement to the police that Sudhakaran and Rajesh had caught hold of him and that Babu had stabbed him on the chest with an iron rod. He further deposed that the matter has been amicably settled with the accused, that he has no complaint against them, and that he is not interested in proceeding with the case. He also stated that he would not be able to identify the accused.

10. PW2 deposed that he has no direct knowledge about the alleged incident and did not give statement before the police. PW2 added that he did not know the accused

persons.

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.9:-** 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, 506(i) 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 property produced before the court as item No. 451/17 shall be confiscated after the period of appeal.***

Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in open court, this the 28th day of March, 2026.

Sd/-
Judicial Magistrate of First Class,
Pattambi.

APPENDIX

Witnesses examined for the Prosecution:-

PW1:	Shibumon.P, aged 39 years, S/o. Subramanian.P, Anakkara, Pattambi.	First informant CW1
PW2:	Rajesh, aged 36 years, S/o. Vijayakumar, Anakkara, Pattambi.	Eye witness CW3
PW3:	Subramanian, aged 62 years, S/o. Krishnan @ Appunni, Anakkara, Pattambi.	Injured CW2

Witnesses examined for the Defence:- NIL

Exhibits marked for Prosecution:- NIL

P1: 15/10/2017 First Information Statement (PW1)

Exhibits marked for Defence:- NIL

// True Copy //

Sd/-
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Pattambi.

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