

**IN THE COURT OF THE JUDGE
SPECIAL COURT FOR SC/ST (POA) ACT/
ADDITIONAL SESSIONS COURT MANNARKKAD.**

Present : Sri. Jomon John, Judge.
Friday the 10th day of April, 2026.
20th day of Chaithra, 1948 S.E

Sessions Case No. 598/2016

Complainant	:	State of Kerala represented by the Inspector of Police, Mannarkkad. (Rep.by Additional Public Prosecutor).
Name of Accused	:	1. Muhammed Haris S/o Muhammadali, aged 21/15, Vellancheri Veedu, Changaleeri (PO), Mannarkkad. 2. Sinan @ Hydros S/o Subair, aged 22/15, Pacheeri Veedu, Thenkara, Mannarkkad. 3. Mubasheer S/o Muhammed, aged 20/15, Parambil Peedika Veedu, Thenkara, Mannarkkad. 4. Noufal S/o Abdul Latheef, aged 21/15, Pothuvachola Veedu, Chirakkalpadi, Mannarkkad. 5. Manoj S/o Mani, aged 22/15, Kuttikkattil Veedu, Kottiyode, Mannarkkad.
Charge	:	Offences Punishable under sections 395, 201, 120(B) r/w 149 of the Indian Penal Code.
Plea of the accused	:	Not guilty.
Finding of the judge	:	All accused are found not guilty of the offences punishable U/Ss.395, 201, 120(B) r/w 149 of the Indian Penal Code.
Sentence or order	:	All accused are acquitted U/s.232 of Cr.PC. The bail bonds executed by these accused shall be in force for a period of six months from this date as per section 437A Cr.P.C.
Name of committing Magistrate : and No. of the case on his file	:	Sri. M. Ramesan, The Judicial Magistrate of the First Class, Mannarkkad in C.P. No.36/2016.
Name of Police Station and Crime No. of the offences	:	Kalladikode Police Station. Cr.No. 320/2015.
Prosecution conducted by	:	Rep. by Additional Public Prosecutor.

Accused defended by	:	Adv. Sri. Madhusoodanan.
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JUDGMENT

This is a case charge sheeted by the Inspector of Police, Mannarkkad alleging the offences punishable U/Ss. 395, 201, 120(B) r/w 149 of the Indian Penal Code.

2. The prosecution case is, in brief, as follows:- All the accused got an information that CW1-Moitheenkutty was an agent for distributing black money. Therefore, all the accused hatched up a criminal conspiracy to grab the money from CW1. Therefore, on 22-06-2015, all the accused chased CW1 while he was moving Chirakkalppadi towards Palakkad on a bus. When CW1 alighted from the bus at Karimba Panayampadam, all accused arrived there. Subsequently, at 3.15 pm on 22-06-2015, while CW1 was walking along a public road at Vettam, they forcibly grabbed the bag of CW1 containing an amount of ₹.8,42,000/- and a mobile phone. Hence, all accused are booked for the offences punishable U/Ss. 395, 201, 120(B) r/w 149 of the Indian Penal Code.

3. Upon filing final report, the Judicial First Class Magistrate, Mannarkkad took cognizance for the above said offences and issued process against all accused. On appearance of all accused, the copies of all relevant prosecution records were furnished to them. They were enlarged on bail. As the case is found to be exclusively triable by Court of Sessions, the Judicial First Class Magistrate, Mannarkkad committed the case to the Sessions Court, Palakkad, after complying with all formalities under section 207 Cr. P.C. Subsequently, the case was made over to this Court for disposal in accordance with law. Thereafter, the learned Additional Public Prosecutor opened this case by describing the charge brought against all accused and stating by what evidence he proposed to prove their guilt. Upon consideration of the records of the case and documents submitted therein and after hearing the submissions of all accused and the prosecution, a charge was framed against all accused for the offences punishable U/Ss. 395, 201, 120(B) r/w 149 of the Indian Penal Code. When it was read over and explained to all accused, they pleaded not guilty.

4. To prove its case, the prosecution examined PW1 to PW7 and Ext.P1 to Ext.P8 documents were marked. Since all the material witnesses, including the victim, did not support the prosecution as the entire matter had been amicably settled out of court, the

examination of remaining witnesses was given up by the learned Additional Public Prosecutor. As there is no incriminating circumstances brought out in evidence against all accused, their questioning U/s. 313 of Cr.P.C was dispensed with.

5. Heard both sides U/s. 232 of Cr.P.C.

6. Points that arise for consideration:-

1. Whether the prosecution has succeeded in establishing the guilt of all accused for the commission of the offences charged against them?.

2. What is the punishment, if any, to be awarded to all accused?

7. **Point No.1**- PW1-Moitheenkutty was the de facto complainant who lost his money in the alleged occurrence. PW1, in the witness box, unambiguously testified that he had lost his money in the alleged occurrence. PW1 hails from Kottakkal in Malapuram. According to his evidence, on 22-06-2015, he reached at Mannarkkkad with a cash amount of ₹.8,42,000/-. With the above cash, he proceeded to Panayampadam from Mannarkkad on a private bus. When he alighted from the bus at Panayampadam and was waiting for one Hamsa, a group of unknown assailants robbed his money. But PW1 testified that he could not identify any of the perpetrators, since, they are all strangers. It is pertinent to note that at the time of the examination of PW1, all the accused were present in the dock. However, PW1 could not identify them as the perpetrators. It is further deposed by PW1 that subsequent to the alleged occurrence, police recovered the above amount. However, PW1 denied that he had given any previous statement to the police.

8. PW2-Vipinkumar is a native of Karimba. Prosecution attempted to prove the recovery of cash property from the accused persons through the evidence of PW2. However, PW2 could not identify the accused persons and he denied that he had seen recovering any amount from the accused persons. However, he admitted his attestation in Ext.P1 Seizure Mahazar dated 22-06-2015. As per the evidence of PW2, when he reached at the place of occurrence, there was a mob and he attested Ext.P1 Seizure Mahazar on demand of the police.

9. Although PW1 and PW2 were declared hostile to the prosecution and cross examined by the learned Additional Public Prosecutor, nothing was extracted from their mouths in support of the prosecution.

10. PW3 was the then Station House Officer at Kalladikode Police Station.

According to PW3, on 22-06-2015, he got information regarding the alleged robbery. He received further information that three of the perpetrators were caught by the mob at a place called Kottiyode. Therefore, PW3 proceeded to Kottiyode where he could see three persons having been restrained by the mob.

11. It is also crucial to note that although accused were present in the dock, PW3 could not identify any of them as the persons who had been restrained at Kottiyode. It is the further evidence of PW3 that he had seized an amount of ₹.8,42,000/- along with a mobile phone from the persons having been restrained. He took these properties after preparing Ext.P1 Seizure Mahazar. Thereafter, all the three were arrested by PW3. Subsequently, PW3 lodged Ext.P3 FIR. The properties seized were produced by PW3 before the jurisdictional Magistrate.

12. PW4 and PW6 are the Civil Police Officers at Kalladikode Police Station on 22-06-2015. As per their evidence, they accompanied PW3 to Kottiyode and assisted PW3 to recover the properties and to arrest three persons. In the witness box, PW4 and PW6 also could not identify any of the accused persons as the persons who had been arrested on 22-06-2015.

13. From the undisputed evidence of PW3, PW4 and PW6, it is only proved that on 22-06-2015 PW3 seized ₹.8,42,000/- and a mobile phone from three persons who were restrained by the natives of Kottiyode. They were arrested by PW3 and Ext.P3 FIR was lodged against them. However, the evidence of PW3, PW4 and PW6 is insufficient to prove that any of the accused persons are the persons who were arrested by PW3 on 22-06-2015 along with ₹.8,42,000/-. Therefore, there is nothing in the evidence of PW3, PW4 and PW6 to show that the amount seized was the above amount grabbed from the possession of PW1-Moitheenkutty.

14. PW5 testified that on the basis of the information given by PW1-Moitheenkutty, he chased three persons on his motor bike and they were restrained by the mob. However, PW5 could not identify the accused persons as any of the persons who were restrained by the mob.

15. Although PW5 was also declared hostile to the prosecution and cross examined by the learned Additional Public Prosecutor, nothing was extracted from his mouth in support of the prosecution.

16. PW7 is the Investigation Officer in this case. Through him, prosecution marked Ext.P5 to Ext.P8 documents. Since the material witnesses did not support the prosecution, the formal evidence of PW7 lost its significance.

17. From the evidence of PW1, it is only understood that he was in possession of ₹.8,42,000/- on 22-06-2015 and he arrived at Panayampadam with the above cash. It is unknown whether the above amount is accounted or unaccounted. However, the evidence of PW1 would suggest that the above cash was grabbed by a group of assailants while PW1 was waiting for Hamsa. From the evidence of PW5, it is gathered that getting information from PW1, PW5 chased three among the perpetrators and they were restrained at a place called Kottiyode. They were found with an amount of ₹.8,42,000/-. Subsequently, they were handed over to the custody of PW3, the Station House Officer, Kalladikode with the amount. Since PW1 to PW6 failed to identify any of the accused persons as the persons who were found with the amount of ₹.8,42,000/- at Kottiyode on 22-06-2015, there is nothing in the prosecution evidence to connect any of the accused with the alleged occurrence. As the casual connection between the accused and the alleged robbery and the conspiracy, it is held that prosecution has failed to prove the guilt of all accused beyond all reasonable doubt. Hence, **Point No. 1** is answered against the prosecution.

18. **Point No. 2:-** In the result, all accused are found not guilty of the offences punishable U/Ss. 395, 201, 120(B) r/w 149 of the Indian Penal Code and they are acquitted for the same U/s.232 of Cr.P.C. The bail bonds executed by these accused shall be in force for a period of six months from this date as per section 437A Cr.P.C.

Dictated to the Confidential Assistant, typed and transcribed by her, corrected and pronounced by me in open court on this the 10th day of April, 2026.

Judge,
Special Court for SC/ST (POA) ACT/
Additional Sessions Court
Mannarkkad.

APPENDIX

Witness examined for the prosecution:

- PW1 : Moitheenkutty S/o Kunjumoitheen, Perumanna, Tirur.
 PW2 : Vipinkumar K S/o Kunja, Karimba, Mannarkkad.
 PW3 : P Sreekumaran, SHO, Kalladikode Police Station.
 PW4 : Sureshkumar O.K, CPO, Kalladikode Police Station.
 PW5 : Muhammed Rahanas S/o Abdul Samad, Karimba, Mannarkkad.
 PW6 : Nousath M, CPO, Kalladikode Police Station.
 PW7 : Muhammed Haneefa, Circle Inspector, Mannarkkad Police Station.

Exhibits marked for prosecution

- Ext.P1 : Seizure mahazar dated 22-06-2015
 Ext.P2 : Arrest memo dated 22-06-2015
 Ext.P3 : FIR dated 22-06-2015
 Ext.P4 : Property list dated 23-06-2015
 Ext.P5 : Scene mahazar dated 23-06-2015
 Ext.P6 : Accused Nos.4 and 5 adding report dated 23-06-2015
 Ext.P7 : Seizure mahazar dated 23-06-2015
 Ext.P8 : Scene plan dated 03-08-2015

Material Objects marked:- : Nil

Witness examined for the defence:- : Nil

Exhibits marked for the defence:- : Nil

Court Exhibits marked:- : Nil

Tabular Statement as per Rule 207 of Cr.P.C. of Kerala

1. Serial No. :
 2. Name of Police Station and : Kalladikode Police Station
 Crime No. of the offences : Cr.No. 320/2015
 3. Description of the accused

Name	Father's Name	Age	Residence
Muhammed Haris	Muhammedali	21/15	Mannarkkad

Sinan @ Hydros	Subair	22/15	Mannarkkad
Mubasheer	Muhammed	20/15	Mannarkkad
Noufal	Abdul Latheef	21/15	Mannarkkad
Manoj	Mani	22/15	Mannarkkad

4. Date of Occurrence : 22-06-2015
- Date of complaint : 22-06-2015
- Date of arrest : A1 to A3: 22-06-2015, A4 and A5: 23-06-2015
- Released on bail : 17-07-2015
- Commencement of trial : 21-06-2025
- Close of trial : 31-03-2026
- Date of judgment : 10-04-2026
- Explanation of delay : No delay.

Judge,
Special Court for SC/ST (POA) ACT/
Additional Sessions Court
Mannarkkad.

**Fair/Copy of Judgment
in SC-598/2016
Dated 10-04-2026**