

**IN THE COURT OF JUDICIAL MAGISTRATE OF THE FIRST CLASS
MANNARKKAD**

**Present: Lilly Krishnan,
Judicial Magistrate of the First Class
Monday, the 30th day of March, 2026**

(9th day of Chaitra 1947,S.E)

ST No.1134/2019

(Mannarkkad Police Station Crime No.717/2018)

Complainant : State represented by the Sub Inspector of Police,
Mannarkkad Police Station.
(By Abdul Vahab.V, Assitant Public Prosecutor Gr.I)

Accused : Unnikrishnan, aged 40/18 years,
S/o Narayanankutty Gupthan,Muthampara veedu,
Kulapadam,Kumaramputhur,Mannarkkad
(Rep.By Sri.P.M.Jayakumar, Advocate.)

Offences : U/Ss. 143,147,283 r/w 149 and Section 6 of Kerala
Public Ways (Restriction of Assemblies and procession
Act) 2011

Plea : Not guilty

Finding : Not guilty

Order : The Accused is found not guilty of offences punishable
U/Ss 143,147,283 r/w 149 and Section 6 of Kerala
Public Ways (Restriction of Assemblies and procession
Act) 2011 and accordingly the accused is acquitted of
the said offences U/S. 255(1) of Cr.PC. His bail bonds
stand cancelled and he is set at liberty.

DESCRIPTION OF ACCUSED

1	Name of accused	Father's Name	Age	Village	Taluk
	Unnikrishnan	Narayanankutty Gupthan	40/2018	Kumaramputhur	Mannarkkad

DATES OF

Occurrence	Complaint	Apprehension	Release on bail	Commence ment of trial	Close of trial	Sentence or Order
21.10.2018	21.10.2018	--	26.03.2024	28.01.2025	25.03.2026	30.03.2026

This case coming on for today's proceedings, the court delivered the following:-

J U D G M E N T

Accused stands trial for the offences punishable U/Ss. 143,147,283 r/w 149 and Section 6 of Kerala Public Ways (Restriction of Assemblies and procession Act) 2011.

2. Prosecution case in brief is as follows:-On 21.10.2018 at 11.00 hours between 11.00 and 11.45 hours, accused no. 1 to 4 formed themselves into an unlawful assembly and knowing that each of them are members of unlawful assembly obstructed the public way of Palakkad-Kozhikode National Highway. With respect to Sabarimala temple women entry and thereby committed and obstructed the public pathway and conducted procession and thereby committed offence punishable under sections 143,147,283 r/w 149 and Section 6 of Kerala Public Ways (Restriction of Assemblies and procession Act) 2011.

3. This case was charge sheeted by Sub Inspector of police Mannarkkad as Crime No. 717 of 2018 under Section 143,147,283 r/w 149 and Section 6 of Kerala Public Ways (Restriction of Assemblies and procession Act) 2011 as ST 2184 of 2018. Case was taken on file. This case was disposed on 09.11.2019 where accused no. 1 to 10, 12 to 23 and 25 to 28 pleaded guilty and were fined ₹ 800 each. Case against accused no. 11

and accused no. 24 were split up and refiled as a ST 1128/2019 and accused no. 11 pleaded guilty and was fined for ₹ 800/- on 19.11.2019 and the case against accused no. 24 was split-up and refiled as ST No. 1134 of 2019 the present case, against accused no.24, the present accused who did not appear before this court and non bailable warrant was issued and case against accused no.24 as refiled as ST 1139/19, the present case. That accused was produced before this court and was enlarged on bail. The copies of prosecution records were furnished to the accused and thus complied with section 207 of CrPC. Particulars of offences under section 143,147,283 r/w 149 and Section 6 of Kerala Public Ways (Restriction of Assemblies and procession Act) 2011 were read over and explained to the accused to which he pleaded not guilty. The accused was defended by a counsel.

4. CW1 to CW5 were cited as prosecution witnesses. From them CW2 ,CW1,CW5 were examined as PW1 to PW3 respectively. CW1 and CW2 are police officials on duty at the place of incident and CW5 is the investigation officer. Ext.P1 to P4 were marked. After closure of prosecution evidence accused was questioned u/s. 313(1)(b) of CrPC and they denied the incriminating circumstances appeared in evidence and pleaded innocence. No oral evidence was adduced from the defence side.
5. Heard the learned APP for prosecution as well as the learned counsel for the accused.
6. Following points arise for consideration:-

1. Whether prosecution has succeeded in proving that the

accused, in prosecution of their common object with other accused have committed the offence of being member of unlawful assembly and thereby committed an offence punishable under section 143 r/w 149 of the IPC?

2. Whether prosecution has succeeded in proving that the accused has committed rioting in prosecution of their common object with other accused and thereby committed offence punishable under section 147 r/w 149 of the IPC?

3. Whether prosecution has succeeded in proving that the accused has obstructed PW1 in public way with other accused in prosecution of their common object and thereby committed an offence punishable under section 283 r/w 149 of IPC?

4. Whether the accused has caused obstruction on public way otherwise than permitted under a licence and thereby committed an offence punishable under Section 6 of Kerala Public Ways Restriction of Assemblies and procession Act 2011

5. What is the sentence, if any, to be awarded to the accused persons?

7. Point No.1 to 4 :- For the sake of convenience and brevity, these points can be considered together for discussions. Altogether 3 witnesses were examined and 4 exhibits were marked from the side of prosecution to prove the alleged occurrence and guilt of the accused charged therein. Before analyzing as to whether the prosecution succeeded in proving the ingredients of the offences alleged against accused, a brief survey of the evidence adduced in the case is attempted.

8. The prosecution had examined CW2 as PW1, CW1 as PW2 and CW5 as PW3. PW1 had deposed that on 21.10.2018 about 30 persons had conducted a procession at Mannarkkad hospital Junction at Mannarkkad at Kozhikkode-Palakkad National Highway they obstructed the vehicle and also passage of people through the road. He along with the Sub Inspector and PW2 were on duty at that time and he deposed that he could identify some of the person included in procession. According to him, a person like the accused was present in the procession. In cross-examination, he deposed that he had not produced any document to show that he was on duty on the date of incident. He further deposed that he only knew the name and address of about 10 persons. There were 30 persons involved in this case. He further deposed that no statement was recorded after showing the accused persons to the witnesses. He deposed that he saw the accused in the video taken in mobile. But he had not examined the video along with investigation officer. He did not know whether video is produced in court.
9. PW2 deposed that on 21.10.2018 he was on duty and he had seen a procession related to Sabarimala woman entry and case was registered against about 40 persons who had obstructed the road. In cross-examination, he deposed that he had not produced any document to show that he was on duty.
10. The investigation officer was examined and he deposed that they had taken case against 50 persons under Section 143, 147, 283 r/w 149 under Section 6 of Kerala Public Ways Restriction of Assemblies and

Procession Act, 2011 and Crime No. 717 of 2018 was registered and the FIR is marked as Exhibit P1. The scene mahazar is marked as Exhibit P2. The report to add the name of accused no. 1 to 28 is Exhibit P3. The report to delete the name of the accused was marked as Exhibit P4 and he had laid the final report. In cross-examination, he deposed that he had recorded in the FIS the name of the persons who is known to him. There is no statement to the effect that the accused persons were identified by the witnesses.

11. Heard both sides in detail. During arguments, the learned APP submitted that prosecution has proved its case beyond reasonable doubt by the oral testimony of prosecution witnesses and not marked any discrepancies or contradictions in their evidence which are material, by the defence side. According to learned A.P.P, their testimony stood unshaken in the cross examination and there is nothing to disbelieve their version.
12. The learned defence counsel submitted that the case is totally fabricated. The evidence of prosecution witnesses suffers from several inconsistencies and contradictions which would go to show the fakeness of the prosecution case. According to defence counsel the evidence tendered by prosecution witnesses does not inspire the confidence of court. Hence accused is entitled for an acquittal.
13. From the available evidences, the identity of the accused is not revealed by the prosecution witnesses. PW2 had deposed that he had identified the accused from the video taken in mobile. No video was produced before this court. Nor the investigation officer and PW2 had

watched the video together to identify the accused. No witnesses identified the accused and had given the statement. According to the prosecution witnesses itself, they were not shown the accused before their statement was recorded. So, it is not clear how the witnesses had identified the accused from a crowd of more than 30 persons and moreover the name of those accused persons known to police were recorded in the FIR. The name of accused is not seen in FIR. The prosecution witnesses had not produced any records to show that they were on duty on the date of incident. So prosecution failed to prove the presence of prosecution witnesses at the place of incident and also the accused was not named in FIR. So, the prosecution failed to prove beyond reasonable doubt that the accused was involved in this procession as alleged by them. So accused is entitled for an acquittal.

14. Thus on an analysis of entire prosecution evidence there is no evidence to rope these accused persons to this case. Hence this court finds that the prosecution had failed to prove the case beyond reasonable doubt and so he is acquitted. Thus point No.1 to 4 are found against the prosecution.

15. **Point No. 5:-** In view of finding on point No. 1 to 4, this court finds that the accused is not guilty of the offence punishable U/Ss. 143,147,283 r/w 149 and Section 6 of Kerala Public Ways (Restriction of Assemblies and procession Act) 2011 and are entitled to be acquitted of the said offences.

In the result, the accused is found not guilty of offences punishable U/Ss 143,147,283 r/w 149 and Section 6 of Kerala Public Ways

(Restriction of Assemblies and procession Act) 2011 and accordingly the accused is acquitted of the said offences U/S. 255(1) of Cr.PC. His bail bonds stand cancelled and he is set at liberty.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me, in open court, on this the 30th day of March, 2026.

Lilly Krishnan
Judicial Magistrate of the First Class,
Mannarkkad

APPENDIX

Witnesses for Prosecution:

Prosecution witness No.	Name of witness	Description
P.W.1	Vinu Joseph, CPO 5363, Mannarkkad Police Station	Police witness
P.W.2	Ramees, CPO 6633, Mannarkkad Police Station	Police witness
P.W.3	Arun Kumar J.P., Sub Inspector of Police Mannarkkad	Investigation Officer

Exhibits for Prosecution:

Exhibits No.	Description of the Exhibits	Proved by/Attested by
P1	FIR	PW3
P2	Scene Mahazer	PW3
P3	Name and address adding report	PW3

P4	Report to delete the name of the accused	PW3
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Witness and Exhibit for Defence:

Court witness and Exhibits : Nil

Material objects marked : Nil

Lilly Krishnan
Judicial Magistrate of the First Class,
Mannarkkad

Fair/Copy of Judgment

CC No.1134/2019

Dated:.30.03.2026