

**IN THE COURT OF THE ADDL. DISTRICT AND SESSIONS
JUDGE-I**

PATHANAMTHITTA.

**Present:- Sri. JAYAKRISHNAN.G.P., ADDITIONAL SESSIONS
JUDGE-1**

Tuesday the 31st day of March, 2026/ 10th day of Chaithram 1948 S.E.

SESSIONS CASE NO: 206/2022

Complainant

: State of Kerala represented by the
Sub Inspector of Police, Koipuram
Police Station (Crime No. 108/2011 of
Koipuram Police Station).

(By Adv. Harisankar Prasad,
Addl. Govt. Pleader and
Public Prosecutor, Pathanamthitta.)

Accused

- :A1 Aniyam,
S/o. Mathai, Ottaplackal Veedu,
Mambemon, Thelliyoar Muri,
Thelliyoar Village.
- A2 Biju,
S/o. Pappan, Poovanvazhayil Veedu,
Mambemon, Thelliyoar Muri,
Thelliyoar Village.
- A3 Thampi,
S/o. Podiyam, Poovanvazhayil Veedu,
Mambemon, Thelliyoar Muri,
Thelliyoar Village.
- A4 Aneesh,
S/o. Thampi, Poovanvazhayil Veedu,
Mambemon, Thelliyoar Muri,
Thelliyoar Village.
- A5 Babu,
S/o. Mathai, Ottaplackal Veedu,
Mambemon, Thelliyoar Muri,
Thelliyoar Village.

- A6 Bindhu,
W/o. Biju, Ottaplackal Veedu,
Mambemon, Thelliyoar Muri,
Thelliyoar Village.(Split Up)
- A7 Lillykutty,
W/o. Biju, Poovanvazhayil Veedu,
Mambemon, Thelliyoar Muri,
Thelliyoar Village.
- A8 Kunjoonjamma,
W/o. Soman, Ottaplackal Veedu,
Mambemon, Thelliyoar Muri,
Thelliyoar Village.

(By Adv. Abhilash Gopan)

Charge	:	U/s 294(b),323 and 324 r/w 34 of IPC
Plea of the accused	:	Not guilty.
Finding of the Court	:	Found not guilty
Sentence or order of the Court	:	The accused 1 to 5 ,7 and 8 are acquitted u/s 258 (1) of BNSS for the offences punishable u/s 323,324, and 294 (b) of IPC. Their bail bonds are cancelled and set them liberty. Address to the Hon'ble Principal District Judge to refile the case against the sixth accused.
Dates of trial	:	24.03.2025, 27.09.2025, 03.03.2026, 09.03.2026, 19.03.2026
Date of hearing	:	30.03.2026, 31.03.2026.

This sessions case having been finally heard on 30.03.2026 and on 31.03.2026 the court delivered the following.

JUDGMENT

The case is charge sheeted by the Inspector of Koipram Police Station in Crime No.108/2011 of Koipram Police Station for the offences punishable under Sections 294(b), 323, 324 r/w 34 of IPC.

2. The prosecution case in brief is as follows;-

On 06.03.2011 at about 4pm, the seventh accused and PW1 have quarreled each other over the washing of dog belongs to PW1 nearby the panchayath well of Manakuzhy . After that around 4.15 PM, by sharing the common intention to attack PW1, the first accused has slapped PW1 using an iron rod and inflicted injury on his right forehead. The second and seventh accused have inflicted painful slaps and kicks on PW1 and the other accused have beaten him. By involving in the issue PW2 has tried to save PW1, however accused 6 to 8 have beaten down PW2 and called him obscene words. Thereafter the accused together have inflicted painful slaps to PWs 4 to 9. Hence the prosecution.

3. The FI Statement was recorded by PW10, the Civil Police Officer of Koipram Police Station on the day immediate to the date of assault. The FIR was registered in Cr.No.108/2011 of Koipram Police Station by PW11, the Sub Inspector. He has conducted investigation and in the course of investigation the accused were arrested and subsequently they were released on station bail. The investigation has completed by PW11 and on 06.04.2011 the final report was laid against the accused before the learned Judicial First class Magistrate, Thiruvalla. The learned Magistrate has initially taken the

case on file as CC.114/2011. Since a minor victim is involved the case has committed before the Hon'ble Sessions Court .

4. Meantime the accused have appeared before the learned Magistrate. The copies of the prosecution records were furnished to the accused under Section 207 of the Code of Criminal Procedure. The learned Magistrate has committed the case for trial to the learned Court of Sessions, Pathanamthitta under Section 209 of the Code of Criminal Procedure. The learned Sessions Judge has made over the case for trial to this court.

5. On summons the accused Nos. 1 to 5 , 7 and 8 have appeared. The sixth accused has absconded. Both sides have addressed their arguments on the question of framing the charges. Accordingly the charges against the accused Nos. 1 to 5, 7 and 8 have framed under Sections 323, 324,294 (b) r/w 34 of IPC. The written charges read over and explained, to which these accused have pleaded not guilty and demanded for trial.

6. There are 14 witnesses in the prosecution witness list. From among them PWs 1 to 11 have examined and Exts.P1 to P13 documents were marked.

7. On completion of the evidence from prosecution, the accused 1 to 5 , 7 and 8 were questioned under Section 351(1) of the Bhratiya Nagarik Suraksha Sanhita,2023 and elicited their explanations what are all about the incriminating circumstances. As per Section 255 of Bhratiya Nagarik Suraksha Sanhita, both sides have addressed their arguments. Since the case cannot be disposed under Section 255, it was adjourned for defence evidence. There is no evidence from the side of the accused, either testamentary or

documentary. But Ext.D1 to D5 contradictions have marked through the prosecution witnesses.

8. The points arise for consideration are following;

1. *Whether by sharing the common intention, the accused 1 to 5 , 7 and 8 have voluntarily committed assault with dangerous weapons on PW1 ?*
2. *Whether accused 1 to 5, 7 and 8 have voluntarily caused to injuries on PWs 1 to 9 without using weapons ?*
3. *Whether accused 1 to 5, 7 and 8 have abused PW1 to 9 with filthy words?*
4. *Whether accused No. 1 to 5 , 7 and 8 have committed the offence u/s 323 IPC?*
5. *Whether accused No. 1 to 5 , 7 and 8 have committed the offence punishable u/s 324 of IPC?*
6. *Whether accused No. 1 to 5 , 7 and 8 have committed the offence punishable u/s 294(b) of IPC?*
7. *If so, the proper punishments deserve to be imposed on the accused Nos 1 to 5, 7 and 8.*

9. Heard both sides.

Point Nos.1 to 6:-

Brief Narration of Evidence.

10. The informer has furnished evidence of PW1. According to PW1 on 06.03.2011 at about 4 PM there were exchange of words in between

himself and accused Nos. 6 and 7 nearby the panchayath well. Around 4.15 PM, the accused have assembled with some iron rods and wooden sticks. Without any provocation the first accused has inflicted a painful slap on PW1 using an iron rod causing injury on the forehead. Meanwhile the second accused has slapped on his back with an iron pipe. According to PW1, despite of the resistance offered by his relatives all of them have been brutally battered by the accused. The FI statement lodged by PW1 which bears his signature is marked as Ext.P1.

11. PW2 is the wife of PW1 . According to PW2 the immediate cause of this assault is the preceding altercation between her husband and accused 6 and 7. According to PW2 her husband was abused by accused 6 and 7. Mean while the other accused came and the first accused among them has slapped PW1 with an iron rod inflicting injury on the forehead. All other accused have attacked them with iron rods and sticks inflicting painful slap to herself and other prosecution witnesses.

12. PW3 is a relative of PW1. He has resisted the attack on PW1. However according to PW3 a mob, comprised of 10 to 14 assailants have attacked them inflicting injury on Lalu and painful slap to others including himself.

13. PW4 is a relative of PW1. According to PW4 he has tried to stop the the accused, who attacked PW1. The second accused has slapped PW1 using iron rod has inflicted injury on the forehead. According to PW4 every one of them have sustained injuries. His right shoulder was forcibly twisted by some of the accused.

14. PW5 is also a relative of PW1 . According to PW5 the incident took place at the courtyard of the residence of PW1. According to her on 06.03.2011 around 5.00 PM the accused have slapped PW1 using an iron rod. Though they have tried to resist all of them have painful slaps from the accused.

15. PW6 is also a relative of PW1. According to PW6 on 06.03.2011 by around 4.15 PM, she rushed to the crime scene to know what is happening. However she has attacked by a mob and she was treated at the hospital.

16. PW7 is a relative of PW1. According to PW7 the incident took place by about 5.00 PM on 06.03.2011. She testified that PW1 has sustained on the forehead. The scene mahazar bears her signature is marked as Ext.P2.

17. PW8 is the Causality Medical Officer of District Hospital , Kozhencherry. She has examined PW4 and CW6 on 07.03.2011 by about 8.30 am and 9.30 am respectively. The accident cum wound certificates of these witnesses, which bear her signature and seal of the hospital are marked as Exts.P3 and P4. She has noticed pain on the left shoulder area and back of chest below the neck with a mild swelling above these areas. of PW4. With respect of CW6 she has noticed abrasions on the left and right fore arms with congestion of the upper lips. According to PW8 the injuries to PW4 and CW6 are possible in assault.

18. PW 9 is also a Casualty Medical Officer of District Hospital, Kozhencherry . He has examined PW1 ,CW5, CW7, PW5, PW6, PW8 and PW3 on 06.03.2011 from 7.00 PM till 8.30 PM. The accident cum wound

certificates issued by PW9 on their examination are marked as Exts.P5 to P11. PW1 has a lacerated wound on the right side of the forehead. Whereas injuries to other victims are only pain. According to PW9 all these injuries are possible in assault.

19. PW 10, is the Senior Civil Police Officer of Koipram Police Station . He went to the District Hospital , Kozhencherry on 07.03.2011 and recorded Ext.P1 FI statement from PW1 . He has taken down the injuries sustained to the prosecution witnesses and the body notes are marked as Exts. P1(a) to P1(h).

20. PW11 is the Sub Inspector of the Koipram Police station. He has registered the FIR as per Ext.P1 FI statement . He has inspected the crime scene and prepared Ext.P2 scene mahazar. He has arrested the accused and released them on station bail. He has questioned the witnesses and recorded their statements. He has completed the investigation and laid the final report against the accused.

Evaluation of the evidence

21. As per the prosecution case nine person have sustained injuries in the assault. From among them seven victims were available and they have been examined as PWs 1 to 7. Except PWs1 and 4 none of the other victims have any external injuries. They have only complaint of pain and they got discharge from the hospital on the day immediate after admission. The injury to PW1 is a lacerated wound on the right side of the forehead and the injury to PW4 is an abrasion. According to PW1 the first accused has slapped him using an iron rod, whereby he has sustained injury on the forehead. This version has support from the evidence given by PW2. Though five more

witnesses have been examined, from their evidence, what the court realised is that there was a mob feud involving around 40 person. According to them PW1 has sustained injury in this mob feud. All of them are the relatives of PW1 and they are loyal to the prosecution. So their evidence has to be given equal weight to that of the evidence PW1. Moreover on the scene of occurrence also, there is major contradiction in the evidence of the prosecution witnesses. Some of them including PW1 have testified that the crime scene is the premises of the pachayath well. Whereas the other version is that the scene of crime is the courtyard of the residence of PW1.

22. The date of incident is on 06.03.2011 at about 4.15 PM. However the information was given to the police nearly after one day on 07.03.2011 at 1.00 PM . There is no explanation for condonation of delay. Even then at the time of arguments, the learned Additional Public Prosecutor has offered an explanation that every victims have been admitted in the hospital, that is why the delay occurred. There are wound certificates also to see that every victims have been admitted in District Hospital, Kozhencherry. But prominently the court shall see the nature of the injuries sustained to the victims. Other than PWs 1 and 4, the other victims have not sustained even any external injury and they have only complaint of pain. Even the injuries of PWs 1 and 4 are minor in nature. This is very well stated by doctors treated them. So it is clear that the injuries are minor for which no immediate medical attention was necessary. Rather to say any one of these victim can very well inform the incident on the date of incident itself to police and then go for medical attention. So court finds that the explanation offered belatedly by the learned additional public prosecutor is not all satisfactory to

condone the delay to report the crime. The Hon'ble Supreme Court in *Jai Prakash Singh Vs State of Beehar* (2012(4)SCC 329) has held thus, "Promptness in filing the FIR gives assurance of veracity of information and reflects first hand account of occurrence and persons responsible therefor. It is well settled that FIR is the most immediate and the first version of the incident and has great value in ascertaining the truth as it reduces the chances of improvement in the prosecution story". Leaving PW1 all other victims have the opportunity to directly approach the police and inform the incident before moving to the hospital, the court holds that the explanation belatedly offered by the learned Additional Public Prosecutor is not trustworthy and acceptable.

23. As mentioned earlier there are major contradictions in the evidence of PWs 1 to 7, the occurrence witnesses. From their evidence it is clear that at the scene of crime there was pandemonium like situation involving around 40 person fighting from both ends. The crime scene is a mall congested area. As aforesaid even with respect to the crime scene also the evidence is not consistent. Someone say that it is at the premises of the panchayath well. Whereas some other say that it is at the courtyard of the residence of PW1. So court finds that major contradictions are there in the evidence of the prosecution witnesses. Apart from that from the doctors testimony and wound certificate it is obvious that PW1 has narrated to the doctor that, he has sustained injury on the forehead by slapping with a granite piece. This is the first statement given by PW1 with respect to the incident before a person in authority. With respect to this version, which is

totally contradictory to Ext.P1 FI statement , there is no satisfactory explanation from PW1.

24. Here it is worthy to consider the observations of the Hon'ble Supreme Court in State of Uttarakhand Vs Darshan Singh (2019 KHC 7110) that "in a criminal trial the prosecution can succeed only if the guilt of the accused has brought home. That the accused may have done the crime barely suffices. The case of the prosecution as sought to be made out must be established". Again in State of MP V Belbeer Singh (2025 KHC 6179) the Hon'ble Supreme Court held thus " By appreciating the evidence of the witnesses the approach must be whether the evidence of the witness appears to have a ring of truth". Going by the evidence of the injured eye witnesses, what the court finds is nothing but major contradictions. Not only that there is unexplained delay of one day to report the crime to the police. Apart from that the medical evidence is in conflict with the oral evidence in respect of the weapon used to slap PW1. Considering all these aspects the court holds that the prosecution has failed to establish the allegations against the accused. Therefore the court concludes that accused 1 to 5, 7 and 8 are not guilty of the charges addressed to answer. Points answered against the prosecution

Point No.7

25. After having consideration of the facts, circumstances and evidences the court came to the conclusion that accused 1 to 5,7 and 8 are not guilty of the offences.

In the result , accused 1 to 5 ,7 and 8 are acquitted u/s 258 (1) of BNSS for the offences punishable u/s 323,324, and 294 (b) of IPC . Their bail bonds

are cancelled and set them liberty. Address to the Hon'ble Principal District Judge to refile the case against the sixth accused.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the **31st day of March, 2026.**

Sd/-
JAYAKRISHNAN G P
ADDITIONAL SESSIONS JUDGE-I.

APPENDIX:

Exhibits marked for the prosecution:

Ext.P1	07.03.2011	:	First Information Statement
Ext.P1(a)	07.03.2011	:	Marked portion of Body note
Ext.P1(b)	07.03.2011	:	Marked portion of Body note
Ext.P1(c)	07.03.2011	:	Marked portion of Body note
Ext.P1(d)	07.03.2011	:	Marked portion of Body note
Ext.P1(e)	07.03.2011	:	Marked portion of Body note
Ext.P1(f)	07.03.2011	:	Marked portion of Body note
Ext.P1(g)	07.03.2011	:	Marked portion of Body note
Ext.P1(h)	07.03.2011	:	Marked portion of Body note
Ext.P2	07.03.2011	:	Scene Mahazar
Ext.P3	07.03.2011	:	Wound Certificate of Thankachan
Ext.P4	07.03.2011	:	Wound Certificate of Rajan
Ext.P5	06.03.2011	:	Wound Certificate of Lalu
Ext.P6	06.03.2011	:	Wound Certificate of Ajayan

Ext.P7	06.03.2011	:	Wound Certificate of Jijo
Ext.P8	06.03.2011	:	Wound Certificate of Suma
Ext.P9	06.03.2011	:	Wound Certificate of Ajitha
Ext.P10	06.03.2011	:	Wound Certificate of Sali
Ext.P11	06.03.2011	:	Wound Certificate of Babukuttan
Ext.P12	06.03.2011	:	FIR
Ext.P13	07.03.2011	:	Report

Exhibits marked for the defense:

Ext.D1	08.03.2011	:	Marked portion of 161 statement
Ext.D2	07.03.2011	:	Marked portion of 161 statement
Ext.D3	07.03.2011	:	Marked portion of 161 statement
Ext.D4	10.03.2011	:	Marked portion of 161 statement
Ext.D5	10.03.2011	:	Marked portion of 161 statement

Court Exhibits : NIL.

Witness examined for the prosecution:

PW 1	23.03.2025	:	Lalu O.M
PW 2	27.09.2025	:	Sali
PW 3	27.09.2025	:	Babukuttan
PW 4	03.03.2026	:	Rajan
PW 5	09.03.2026	:	Suma
PW 6	09.03.2026	:	Ajitha
PW 7	09.03.2026	:	Mariyamma

PW 8	19.03.2026 :	Dr. Salini, Assistant Surgeon, District Hospital Kozhencherry
PW 9	19.03.2026 :	Dr. Giran, Assistant Surgeon, District Hospital Kozhencherry
PW 10	19.03.2026 :	James, SCPO 1642, Koipuram Police Station
PW 11	19.03.2026 :	Vipin Gopinath, Sub Inspector of Police, Koipuram Police Station

Witness examined for the defense : NIL

Court Witness : NIL

Material objects marked : NIL

1.	Serial No.	:	SC. No. 206/2022
2.	Name of police Station	:	Koipuram Police Station
	Crime No.	:	Crime.No. 108/2011 of Koipuram Police Station
3.	Name of accused	:	A1 Aniyan A2 Biju A3 Thampi A4 Aneesh A5 Babu A6 Bindhu(Split Up) A7 Lillykutty A8 Kunjoonjamma
4.	Father's Name	:	Mathai (Father of A1) Pappan (Father of A2)

Podiyan (Father of A3
 Thampi (Father of A4)
 Mathai (Father of A5)
 Split Up
 Biju (Husband of A7)
 Soman (Husband of A8)

- | | | | |
|----|--------------------|-----|--|
| 5. | Residence | :A1 | Ottaplackal Veedu,
Mambemon, Thelliyoor Muri,
Thelliyoor Village. |
| | | A2 | Poovanvazhayil Veedu,
Mambemon, Thelliyoor Muri,
Thelliyoor Village. |
| | | A3 | Poovanvazhayil Veedu,
Mambemon, Thelliyoor Muri,
Thelliyoor Village. |
| | | A4 | Poovanvazhayil Veedu,
Mambemon, Thelliyoor Muri,
Thelliyoor Village. |
| | | A5 | Ottaplackal Veedu,
Mambemon, Thelliyoor Muri,
Thelliyoor Village. |
| | | A6 | Split Up |
| | | A7 | Poovanvazhayil Veedu,
Mambemon, Thelliyoor Muri,
Thelliyoor Village. |
| | | A8 | Ottaplackal Veedu,
Mambemon, Thelliyoor Muri,
Thelliyoor Village.. |
| 6. | Occupation | : | - |
| 7. | Age | : | - |
| 8. | Date of occurrence | : | 06.03.2011 |

9. Date of complaint : 07.03.2011
10. Date of apprehension : 16.03.2011
11. Date of release
on bail : 16.03.2011
12. Date of commitment : 11.08.2014
13. Date of commencement
of trial : 23.03.2025
14. Date of close of trial : 27.03.2026
15. Date of sentence or Order: 31.03.2026
16. Explanation for delay : No delay

Sd/-
ADDITIONAL SESSIONS JUDGE-I

Typed by : Reshma R Nair
Compared by : Anuraj.S.R.

Fair/Copy of Judgment IN
SC. No. 206/2022
Dated : 31.03.2026.