

IN THE COURT OF SESSION, PATHANAMTHITTA DIVISION

Present: Smt. Minimol. F, Additional District & Sessions Judge -III
Thursday the 30th day of April, 2026/ 10th day of Vysakha, 1948 S.E.

SESSIONS CASE No. 1129/2022

(C.P. No.86/2017 of the Judicial First Class Magistrate, Thiruvalla)

Complainant	:	State of Kerala represented by the Inspector of Police, Thiruvalla Police Station in Crime No.1564/2015 of Thiruvalla Police Station. (By Adv. Binny. B, Addl. Public Prosecutor).
Accused	:	Vidhukrishnan @ Vidhu, aged 23/17 years, S/o.Krishnankutty, Vallathuvadakkethil House, Mannamkarachira Muri, Kavumbhagom Village (Adv. B.Gopakumar)
Charge	:	Offence U/s. 143, 147, 148, 149, 286, 436, 427, 324, 326 and 307 of Indian Penal Code.
Plea of the Accused	:	Not guilty.
Finding of the Court	:	Not guilty.
Sentence or order of the court	:	The 7 th accused is acquitted under Section 235(1) Cr.PC for the offences punishable under Sections 143, 147, 148, 286, 436, 324, 427, 326 and 307 r/w 149 of Indian Penal Code. The bail bond executed by him stand cancelled and he is set at liberty. The case against the 9 th accused split up. Address before the Hon'ble Sessions Court, Pathanamthitta for allotting a new case number against 9 th accused.
Date of trial	:	23.04.2026, 29.04.2026
Date of hearing	:	30.04.2026

This Sessions Case having been finally heard on 30.04.2026 and the Court on the same day delivered the following:-

JUDGMENT

The 7th accused stand trial in pursuance of the final report submitted by the Inspector of Police, Thiruvalla in Crime No.37/2017 against him and other accused alleging the offences punishable under Sections 143, 147, 148, 149, 286, 436, 427, 324, 326 and 307 of Indian Penal Code.

2. The case in the final report is that the 7th accused in prosecution of his common object with the accused 1 to 6 and 8 to 13 with intent to commit the murder of PW1 and CW2 to CW4 formed themselves into an unlawful assembly knowing that all of them are members of such assembly armed with deadly weapons and petrol in bottles came in front of the house in which PW1 and CW2 to CW4 are residing for rent owned by CW7 at Peringara Village near Thamaral CSI Church. Then the accused 12 and 13 set fire to the petrol contained in the bottles and thrown towards the said house. While so the 7th accused along with the accused 1 to 6 and 8 to 11 pelted stone into the house and destroyed the glasses of window and break open the doors of front and back of said house and trespassed into it. Then

the accused 1 to 6 and 8 to 11 destroyed the glasses of window and set fire to the TV, mattress and other utensils by pouring petrol causing loss of ₹ 1,25,000/-. Thereafter the 1st accused beat on the head of PW1 with an iron rod causing injury. Then the 7th accused along with accused 1 to 6 and 8 to 13, beat repeatedly on the head, both hands and both legs of PW1 with iron rods, causing fracture on both hands, both legs and the scalp. It is alleged that the 7th accused along with the accused 1 to 6, 8 to 13 attacked PW1 with an attempt to commit his murder. Thus, all the accused are alleged to have committed the aforesaid offences.

3. CW12, the Senior Civil Police Officer of Thiruvalla Police Station recorded Exhibit P1 First Information Statement and Exhibit P1(a) body note of PW1. As per Exhibit P1, CW13, the Sub Inspector of Thiruvalla Police Station on 08.07.2015 registered the case and Exhibit P3 is the First Information Report. CW14, the Circle Inspector of Thiruvalla on 08.07.2015 conducted preliminary investigation in this case and prepared Exhibit P4 scene mahazar. He arrested the accused 1, 2, 3, 5, 7 and 10. He recovered the iron rods, Axe, chopper and the jeans worn by PW1 at the time of the incident and produced the same before court as per Exhibits P5 and P6. PW2, the Circle Inspector of Thiruvalla on 27.06.2017 conducted further investigation

in this case. He submitted Exhibit P2 report stating the name and address of accused 8 and 9 and the incorporation of Section 326 of Indian Penal Code. He completed the investigation and submitted the final report before the Judicial First Class Magistrate Court, Thiruvalla. The learned Magistrate took cognizance of the offences punishable sections 143, 147, 148, 149, 286, 436, 324, 427, 326 and 307 of Indian Penal Code and filed as CP No.86/2017 and issued summons to all the accused. The accused 1 to 4, 6, 7, 9, 10, 12 and 13 are on bail in the crime stage. On appearance of the above accused before that court, the copy of all relevant records were furnished to them under Section 207 Cr.PC. Thereafter, the case was committed to the sessions court Pathanamthitta under Section 209(a) of Cr.PC after refiling the case against accused 5, 8 and 11 as CP No.15/2021. The Sessions Court took the case into file as SC No.94/2022. Thereafter, the case was made over to this court for disposal. Later the case against A5 as SC No.542/2023 and the case against the accused 8 and 11 as SC No.649/2024 were made over to this court for disposal. Thereafter the accused 5, 8 and 11 were consolidated in SC No.94/2022 and the proceedings in SC No. 542/2023 and SC No. 649/2024 was closed. The accused 1 to 6, 8 and 10 to 13 were acquitted under section 235(1) Cr.PC on 02.12.2026 and the case

against A7 and A9 were split up as SC No.1129/2022 since they were absconding.

4. Later the 7th accused was surrendered before court and enlarged on bail. Thereafter on appearance of the accused before court the learned Additional Public Prosecutor opened his case under Section 226 Cr.PC by describing the charge brought against the said accused and stating by what evidence, he proposes to prove the guilt of the accused. Upon consideration of the records of the case and the documents submitted therewith and after hearing the submissions of the accused and the prosecution in this behalf, the court considers that there is no ground to discharge the 7th accused under section 227 of Cr.PC. After such consideration and hearing as aforesaid the court is of the opinion that there is ground to presume that the said accused committed the offences punishable under sections 143, 147, 148, 286, 436, 324, 427, 326, 307, 149 of Indian Penal Code. Hence charge framed for the said offences after hearing both sides and perusing the prosecution records under Section 228(1)(b) of Cr.PC. The charge read over and explained to the said accused to which, he pleaded not guilty and claimed to be tried by this court. The 9th accused is absconding. The case against him is to be split up.

5. On the side of the prosecution, PW1 and PW2 were examined, Exhibits P1 to P6, were marked. CW2 to CW14 were given up by the prosecution. Therefore, evidence closed.

6. After closing the evidence for the prosecution, the 7th accused was questioned under Section 313(1) (b) of Cr.PC for the purpose of enabling him personally to explain, the incriminating circumstances appeared against him in the evidence. He denied all the allegations levelled against him. His case is that he is innocent in this case.

7. Heard both sides under Section 232 Cr.PC. But there is no sufficient ground to acquit the 7th accused under Section 232 Cr.PC. Thereafter the 7th accused was called upon to enter upon his defence under Section 233 Cr.PC. But no defence was evidence was adduced.

8. Heard both sides.

9. The points that arise for consideration are as follows;

1. Whether the 7th accused in prosecution of common object with accused 1 to 6 and 8 to 13 with intent to commit the murder of PW1 and CW2 to CW4 formed themselves into an unlawful assembly knowing that all of them are

members of such assembly and committed the offence punishable under Section 143 r/w 149 of Indian Penal Code?

2. Whether the 7th accused in prosecution of common object with accused 1 to 6 and 8 to 13 committed rioting in front of the house in which PW1 and CW2 to CW4 are residing for rent and committed the offence punishable under Section 147 r/w 149 of Indian Penal Code?
3. Whether the 7th accused in prosecution of common object with accused 1 to 6 and 8 to 13 committed rioting armed with deadly weapons in front of the house in which PW1 and CW2 to 4 are residing for rent and committed the offence punishable under Section 148 r/w 149 of Indian Penal Code?
4. Whether the accused 12 and 13 in prosecution of common object with the accused 1 to 11 set fire to the petrol contained in the bottles and thrown towards the house in which PW1 and CW2 to CW4 are residing and committed the offence punishable under Section 286 of r/w 149 of Indian Penal Code?

5. Whether the 1st accused in prosecution of common object with accused 2 to 11 voluntarily caused hurt to PW1 with dangerous weapon and committed offence punishable under section 324 r/w 149 of Indian Penal Code?
6. Whether the 7th accused in prosecution of common object with accused 1 to 6 and 8 to 13 pelted stone into the house in which PW1 and CW2 to 4 are residing for rent and destroyed the glasses of window and break open the doors of front and back of said house and set fire to the TV, mattress and other utensils by pouring petrol causing loss of ₹ 1,25,000/- and committed the offence punishable under Section 427 r/w 149 of Indian Penal Code?
7. Whether the 7th accused in prosecution of common object with accused 1 to 6 and 8 to 13 committed mischief by fire and committed the offence punishable under section 436 r/w 149 of Indian Penal Code?
8. Whether the 7th accused in prosecution of common object with accused 1 to 6 and 8 to 13 voluntarily caused grievous hurt to PW1 with dangerous weapon and committed offence punishable under Section 326 r /w 149

of Indian Penal Code?

9. Whether the 7th accused in prosecution of common object with accused 1 to 6 and 8 to 13 attacked PW1 with an attempt to commit his murder and committed the offence punishable under section 307 r/w 149 of Indian Penal Code?

10. If the accused is found guilty and convicted, what is the order as to sentence?

10. **Point Nos.1 to 9:-** PW1 deposed before court that he sustained injury in the alleged incident and gave Exhibit P1 statement before the police. He stated that some persons attacked him in the night. But he did not know the person who attacked him. He further stated that he did not know the 7th accused in this case. According to him, he did not state before the police that the 7th accused attacked him and turned hostile to the prosecution. The learned Additional Public Prosecutor was granted permission under Section 154 of Indian Evidence Act and proviso to Section 162 of Cr.PC. But nothing was brought out to disbelieve his version before court.

11. PW2 deposed that he conducted further investigation in this

case while he was working as the Circle Inspector of Thiruvalla on 27.06.2017. He stated that he submitted Exhibit P2 report stating the name and address of accused 8 and 9 and incorporation of Section 326 of Indian Penal Code. He completed the investigation and submitted the final report before the court. In the cross examination of PW2, the case of 7th accused is that without conducting proper investigation a false final report is filed against him. He denied the said case of the accused. The version of PW1 before court is not corroborated with Exhibit P1 and the case of the prosecution. No sufficient evidence was adduced from the side of the prosecution to prove the offences punishable under Sections 143, 147, 148, 286, 436, 324, 427, 326 and 307 r/w 149 of Indian Penal Code against the 7th accused beyond reasonable doubt. Hence the 7th accused is found not guilty.

12. **Point No.8:-** In view of the finding on point numbers 1 to 7, this point does not come for consideration.

In the result, the 7th accused is acquitted under Section 235(1) Cr.PC for the offences punishable under Sections 143, 147, 148, 286, 436, 324, 427, 326 and 307 r/w 149 of Indian Penal Code. The bail bond executed by him stands cancelled and he is set at liberty. The

case against the 9th accused split up. Address before the Hon'ble Sessions Court, Pathanamthitta for allotting a new case number against 9th accused.

(Typed and corrected by me and pronounced in the open court on this 30th day of April 2026).

Sd/-
MINIMOL. F
ADDITIONAL DISTRICT & SESSIONS JUDGE-III

APPENDIX

Chart for Witness Examined

Prosecution Witness No.	Name of Witness	Description
PW1	Berilin Das	Complainant (CW1)
PW2	T.Rajappan	Investigating Officer (CW15)

Chart for Exhibited Documents

Exhibit No.	Description of the Exhibit	Proved by/Attested by
P1	First Information statement prepared and submitted by SCPO of Thiruvalla Police Station	PW1
P1(a)	Body note	PW1
P2	Report on the name and address of accused 8 and 9 and the	PW2

	incorporation of Section 326 of Indian Penal Code.	
P3	First Information Report prepared and submitted by Sub Inspector of Police, Thiruvalla.	PW2
P4	Scene Mahazar prepared and submitted by Inspector of police, Thiruvalla.	PW2
P5	Property list bearing TR. No.332/15	PW2
P6	Property list bearing TR. No.332/15	PW2
II. <u>Court Exhibit</u> :- NIL		
III. <u>Defence Exhibits</u> :- NIL		

Chart for Material Objects

Material Objects No.	Description of the Exhibit	Proved by/Attested by
MOs	NIL	NIL

1. Serial No.	-	SC No.1129/2022
2. Name of Police Station and Crime No.	-	Thiruvalla Police Station and Crime No.1564/2015
3. Name of Accused	-	Vidhu Krishnan @ Vidhu
4. Father's/ Spouses Name	-	Krishnankutty
5. Residence	-	Vallathuvadakkethil House, Mannamkarachira Muri, Kavumbhagom Village.

6. Occupation	-	NIL
7. Age	-	23/2017
8. Date of Occurrence	-	08.07.2015
9. Date of Complaint	-	08.07.2015
10. Date of apprehension	-	21.09.2015
11. Date of release on bail	-	20.10.2015
12. Date of Committal	-	24.02.2021
13. Date of commencement of trial	-	23.04.2026
14. Date of close of trial	-	29.04.2026
15. Date of sentence or order	-	30.04.2026
16. Explanation for delay	-	No delay.

Sd/-
 ADDITIONAL DISTRICT & SESSIONS JUDGE-III

Fair/Copy of Judgment in
Sessions Case No. 1129/2022
Dated:30.04.2026