

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

Present: Smt. Arundhathi Dileep, Judicial Magistrate of the First Class

Thursday the 12th day of March, 2026/ 21st day of Phalguna 1947 S.E.

CC 58/2017

- Complainant : State of Kerala represented by the Sub Inspector of Police, Pulikeezhu as per Crime No. 464/2011 of Pulikeezhu Police Station.
[Sm.t Devi M G, Assistant Public Prosecutor, Grade – I, Thiruvalla].
- Accused : 1. Geetha, Aged 39/11
W/o Mohanan
Valiyaparambil House, Niranam Vadakkum
Bhagom Muri, Kadapra Village.
2. Suja, Aged 44/11
W/o Sasi
Valuparambil House,
Niranam Vadakkum
Bhagom Muri, Kadapra Village.
3. Sarojini, Aged 58/11
W/o Chakrapani Valiyaparambil House, Niranam
Vadakkum Bhagom Muri, Kadapra Village.
4. Reji, Aged 40/11
S/o Kunjachan Kochandi Parambil House,
Niranam Vadakkum Bhagom Muri,
Kadapra Village.

5. Suma Reji, Aged 39/11
W/o Reji
Kochandi Parambil House, Niranam Vadakkum
Bhagom Muri, Kadapra Village.
6. Manikuttan,
S/o Chakrapani
Valiyaparambil House, Niranam Vadakkum
Bhagom Muri, Kadapra Village.
7. Sasi, S/o Vasu
Valiyaparambil House, Niranam Vadakkum
Bhagom Muri, Kadapra Village.
8. Mohanan, S/o Vasu
Valiyaparambil House, Niranam Vadakkum
Bhagom Muri, Kadapra Village.
(By Adv. R Sathish Kumar)

Offences : Under sections 143, 147, 148, 447, 427 and 188
r/w section 149 of the Indian Penal Code.

Plea : Not Guilty.

Finding : Not Guilty.

Sentence/Order : Accused Nos.1 to 8 are acquitted under section
248(1) of Code.

DESCRIPTION OF THE ACCUSED

<i>Name</i>	<i>Father's name</i>	<i>Occupation</i>	<i>Residence</i>	<i>Age</i>
Geetha	W/o Mohanan	Not Applicable	Kadapra	39/11
Suja	W/o Sasi	Not Applicable	Kadapra	44/11
Sarojini	W/o Chakrapani	Not Applicable	Kadapra	58/11

Reji	Kunjachan	Not Applicable	Kadapra	40/11
Suma Reji	W/o Reji	Not Applicable	Kadapra	39/11
Manikuttan	S/o Chakrapani	Not Applicable	Kadapra	Not Applicable
Sasi	Vasu	Not Applicable	Kadapra	Not Applicable
Mohanan	Vasu	Not Applicable	Kadapra	Not Applicable

RELEVANT DATES

Offence	Complaint	Apprehension	Release on bail	Commencement of Trial
14/09/2011	07/01/2017	12/02/2024	12/02/2024	12/02/2024
Close of trial		Sentence of order	Explanation for delay	
28/02/2026		12/03/2026	No delay	

This case having been finally heard on 28/02/2026, the court on this day delivered the following:-

J U D G M E N T

1. *The accused faces indictment for the offences punishable under sections 143, 147, 148, 447, 427 and 188 r/w section 149 of the Indian Penal Code (hereinafter as IPC) as per Crime No. 464/2011 of Pulikeezhu Police Station.*
2. *The prosecution case as unfolded from the final report is that:-* Accused Nos.1 to 8 had formed themselves into an unlawful assembly in prosecution of their

common object to cause disobedience to the order of the Munsiff Court, Thiruvalla, had on 14/09/2011 at 12.00 P.M., had criminally trespassed into the property of CW1 with dangerous weapons such as chopper and Axe and had cut down the trees standing in the western boundary of the said property and caused a loss of Rs.3 lakhs to CW1. The accused had thus committed the aforesaid offences.

3. On the basis of the Ext.P1 First Information Statement given by CW1, CW6, Senior Civil Police Officer, Pulikeezhu Police Station registered the case as Crime No. 464/2011 and CW7, Sub Inspector of Police, Pulikeezhu Police Station had conducted the investigation, and CW8, Sub Inspector of Police, Pulikeezhu Police Station laid the final report before the Court. Cognizance was taken by the court under section 190(1)(b) of Code of Criminal Procedure (hereinafter as Code) and case was taken on file as CC 58/2017.
4. On appearance of the accused Nos.1 to 8.... before the Court, copies of all the prosecution records were furnished to them as envisaged under section 207 of the Code. They were enlarged on bail. Accused were defended by lawyer of their choice. After hearing both sides and on perusal of entire prosecution records, Charge was framed, read over and explained to the accused under **sections 143, 147, 148, 447, 427 and 188 r/w section 149 of the Indian Penal Code** to which they pleaded not guilty and claimed to be tried.
5. To bring home the guilt of the accused, prosecution had examined **PW1 and PW2** and marked **Ext.P1**. PW1 and PW2 had turned hostile to the prosecution. Therefore, other witnesses were given up by the learned APP as their evidence will not improve the prosecution case. After the closure of the prosecution evidence, the examination of accused under section 313 (1)(b) of the Code was

dispensed with since no incriminating circumstances had surfaced against the accused. No defence evidence was adduced.

6. *Heard both sides. Perused the records.*

7. *From the above facts and the prosecution evidence adduced, the following points arise for consideration :-*

1. *Whether the accused Nos.1 to 8, on 14/09/2011 at 12.00 P.M., formed themselves into an unlawful assembly in prosecution of their common object to cause disobedience to the order of the Munsiff Court, Thiruvalla and thereby committed the offence punishable u/s.143 of IPC ?*
2. *Whether the accused, in prosecution of their common object had on 14/09/2011 at 12.00 P.M., are guilty of rioting and thereby committed the offence punishable u/s. 147 of IPC?*
3. *Whether the accused, in prosecution of their common object, had on 14/09/2011 at 12.00 P.M., is guilty of rioting armed with deadly weapon and thereby committed the offence punishable u/s 148 of IPC?*
4. *Whether the accused had on 14/09/2011 at 12.00 P.M., in prosecution of their common object had criminally trespassed into the property of CW1 and thereby committed the offence punishable u/s. 447 of IPC ?*
5. *Whether the accused, had on 14/09/2011 at 12.00 P.M., in prosecution of their common object to commit mischief by cutting down trees in the property of CW1, causing a loss of Rs. 3,00,000/- and thereby committed the offence punishable u/s. 427 of IPC?*
6. *Whether the accused had on 14/09/2011 at 12.00 P.M., in prosecution of their common object, caused disobedience to the order of the Munsiff Court, Thiruvalla and thereby committed the offence punishable u/s. 188 of IPC?*

7. *Are the accused liable for conviction? If so, what shall be the appropriate sentence to be imposed in the event of conviction?*

8. **Point Nos.1 to 6:-**

These points can be considered jointly for the sake of convenience. The case of the prosecution is that accused had committed the offences under sections 143, 147, 148, 447, 427 and 188 r/w section 149 of the Indian Penal Code.

CW1 was examined as PW1. He deposed that he had lodged the Ext.P1 FIS. However, he further deposed that he does not know who had trespassed into his property. He specifically stated that the accused persons present in the dock did not trespass into his property. He also stated that he had settled the dispute with the accused and does not intend to proceed with the case.

CW2 was examined as PW2. She had turned hostile by deposing that she had not witnessed the incident in this case and had not given any statement before police about the incident.

In this case both the material witnesses have turned hostile to the prosecution. It has come out in evidence that PW1 had settled the dispute with the accused. The prosecution could not prove the charges against the accused. The guilt of the accused stand not proved. Hence point Nos. 1 to 6 stands not proved and are found against the prosecution.

9. **Point No. 7:-**

On the basis of the finding on Point Nos.1 to 6, the question of sentence is out of consideration and this point is also found against prosecution.

In the result accused Nos.1 to 8 are found not guilty of the offences punishable under sections 143, 147, 148, 447, 427 and 188 r/w section 149 of the Indian Penal Code and are acquitted of the above offences under section 248(1) of Code. The bail bonds of the accused stand cancelled and they are set at liberty.

Dictated to the Confidential Asst., typed by her, corrected and pronounced by me in open Court on this the 12th day of March, 2026.

Sd/-

Judicial Magistrate of the First Class

Thiruvalla

APPENDIX

Witnesses for the prosecution:

PW1 : Mathew V P examined on 28/11/2024.

PW2 : Aliyamma Thomas examined on 19/02/2026.

Exhibits for the prosecution:

P1 : FIS through PW1 dated 14/09/2011.

Witnesses for the defence:

Nil

Exhibits for the defence:

Nil

Material Objects marked:

Nil

// True copy //

Judicial Magistrate of the First Class

Thiruvalla