

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

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

Saturday the 21st day of March, 2026/ 30th day of Phalguna 1947 S.E.**CC 846/2017.**

Complainant : State represented by the Sub Inspector of Police, Keezhvaipur as per Crime No. 418/2011.
[By Smt. Devi M G, Assistant Public Prosecutor, Grade – I, Thiruvalla]

Accused : Vipin, Aged 24/11
[Original A1 in CC 650/2011]
S/o Somini
Nedumannil House, Anicadu – Pulloli,
Anicadu Village.
(By Adv. Shaji Cherian)

Offences : Under sections 143, 147, 148, 323 and 324 r/w section 149 of the Indian Penal Code.

Plea : Not Guilty.

Finding : Not Guilty.

Sentence/Order : Accused is acquitted under section 271(1) of the BNSS.

DESCRIPTION OF THE ACCUSED

| <i>Name</i> | <i>Father's name</i> | <i>Occupation</i> | <i>Residence</i> | <i>Age</i> |
|-------------|----------------------|-------------------|------------------|------------|
| Vipin | Somini | Not Applicable | Anicadu | 24/11 |

RELEVANT DATES

| Offence | Complaint | Apprehension | Release on bail | Commencement of Trial |
|----------------|------------|----------------------|-----------------------|--------------------------|
| 10/09/2011 | 14/10/2011 | 20/03/2025 | 20/03/2025 | 20/03/2025 |
| Close of trial | | Sentence of order | Explanation for delay | |
| 17/03/2026 | | 21/03/2026 | No delay | |

This case having been finally heard on 17/03/2026, 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, 294(b), 323 and 324 r/w section 149 of the Indian Penal Code (hereinafter as IPC) as per Crime No. 418/2011 of Keezhvaipur Police Station.***
- 2. The prosecution case as unraveled from the final report is as follows :-*** On 10/09/2011 at 9.30 A.M., the accused Nos.1 to 5 had formed themselves into an unlawful assembly in prosecution of their common object to cause bodily injury to CW1 and armed with deadly weapons such as iron rod, the 1st accused had hurled abuses at him and had beaten on his left cheek with his hands and also hit on his head and abdomen with the iron rod. When CW2 had intervened

in between, the 2nd accused had hit on his hip and right wrist with the iron rod and accused Nos.1 to 4 had beaten CW5 with their hands and the 3rd accused had beaten CW3 with iron rod on his right leg and hip. When CW2 had come to the scene, the accused Nos.4 and 5 had kicked him. Accused had thus committed the aforesaid offences.

3. On the basis of the Ext.P1 First Information Statement given by CW1, CW12, Sub Inspector of Police, Keezhvaipur Police Station registered the case as Crime No. 418/2011 and had conducted the investigation and 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 650/2011. Accused Nos.2 to 5 had appeared before the court in the said case and they were acquitted vide Judgment dated 06/05/2017. As the presence of the accused No.1 could not be obtained inspite of repeated coercive steps the case against him was split up and refiled as CC 846/2017.
4. On appearance of the accused, copies of all the prosecution records were furnished to him as envisaged under section 207 of the Code. He was enlarged on bail. Accused was defended by lawyer of his choice. After hearing both sides and on perusal of entire prosecution records, particulars of the offences were read over and explained to the accused under **sections 143, 147, 148, 323 and 324 r/w section 149 of the Indian Penal Code** to which he pleaded not guilty and claimed to be tried. The offence under section 294(b) of IPC was deleted since ingredients of the offence was not attracted in this case.
5. To bring home the guilt of the accused, prosecution examined **PW1 to PW4** and marked **Ext.P1**. PW1 to PW4 had turned hostile to the prosecution. 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 351(1)(b) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023., 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 had on 10/09/2011 at 9.30 A.M., formed themselves into an unlawful assembly in prosecution of their common object to cause bodily injury to CW1 and thereby committed the offence punishable u/s.143 of IPC ?*
2. *Whether the accused had on 10/09/2011 at 9.30 A.M., in prosecution of their common object is guilty of rioting and thereby committed the offence punishable u/s. 147 of IPC?*
3. *Whether the accused had on 10/09/2011 at 9.30 A.M., in prosecution of their common object is guilty of rioting armed with deadly weapon and thereby committed the offence punishable u/s 148 of IPC?*
4. *Whethr the accused in prosecution of their common object had on 10/09/2011 at 9.30 A.M., voluntarily caused hurt to the CW1, CW3 and CW5 and thereby committed the offence punishable u/s. 323 IPC?*

5. *Whether the accused in prosecution of their common object had on 10/09/2011 at 9.30 A.M., voluntarily caused hurt to CW1 and CW3 by beating them with an iron rod and thereby committed the offence punishable u/s. 324 IPC?*
 6. *Is 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 5:-**

These points can be considered jointly for the sake of convenience. The case of the prosecution is that accused had committed the offences punishable under sections 143, 147, 148, 323 and 324 r/w section 149 of the Indian Penal Code.

CW1 was examined as PW1. He deposed that he had sustained injury in the incident and had lodged Ext.P1 FIS. He had identified his signature in Ext.P1. He also stated that he does not know who had assaulted him. He further deposed that he had settled the dispute with the accused and does not intend to proceed with the case.

CW2 was examined as PW2, CW3 was examined as PW3 and CW4 was examined as PW4. They had turned hostile by deposing that they had not witnessed the incident in this case and had not given any statement before police about the incident.

In this case, all the material witnesses had 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 stands not proved. Hence point Nos. 1 to 5 stand not proved and are found against the prosecution.

9. Point No. 6:-

On the basis of the findings on Point Nos.1 to 5, the question of sentence is out of consideration and this point is also found against prosecution.

In the result accused is found not guilty of the offences punishable under sections 143, 147, 148, 323 and 324 r/w section 149 of the Indian Penal Code and he is acquitted of the above offences under section 271(1) of BNSS. The bail bond of the accused stands cancelled and he is set at liberty.

Dictated to the Confidential Asst., typed by her, corrected and pronounced by me in open Court on this the 21st day of March, 2026.

Sd/-

Judicial Magistrate of the First Class

Thiruvalla

A P P E N D I X

Witnesses for the prosecution:

- PW1 : Jobin Cherian examined on 10/02/2026.
 PW2 : Liju Isac examined on 10/02/2026
 PW3 : Vishnu Vijayan examined on 10/02/2026.
 PW4 : Manu Prasad examined on 23/02/2026.

Exhibits for the prosecution:

- P1 : FIS through PW1 12/09/2011.

Witnesses for the defence:

Nil

Exhibits for the defence:

Nil

Material Objects marked:

Nil

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Judicial Magistrate of the First Class

Thiruvalla