

IN THE COURT OF SESSION, THRISSUR DIVISION

Present:- Smt.Reman.R.K., Principal Assistant Sessions Judge, Irinjalakuda.

Wednesday the 11th day of March, 2026/20th day of Phalgunam, 1947

Sessions Case No.830/2021

(C.P.8/2021 of the Judicial First Class Magistrate Court, Chalakudy)

Complainant State of Kerala – Represented by
Inspector of Police,
Koratty police station.
(Cr.No.1447/2020).

By Addl. Public Prosecutor Sri. Jogy George

Accused:

1. Thankachan, S/o.Joseph,
Poonjakkaran House,
Meloora Desom,
Meloora Village.
2. Rajeev, S/o.Padmanabhan,
Kaithavalappil House,
Nadathuruth Desom,
Meloora Village.
3. Biju, S/o.Thankappan,
Mukkil House,
Palamuri Desom,
Meloora Village.
4. Saneesh, S/o.Balan,
Ezhupurath House,
Nadathuruth Desom,
Meloora Village.
5. Vijeesh, S/o.Vijayan,
Kallela House,
Koovakkattukunnu Desom,
Meloora Village.

By Adv. Jerry Mathew

Offence : U/Ss. 143, 147, 148, 341, 342, 452, 323, 324, 308, 363, 294(b) & 506(ii) r/w. Sec.149 of IPC and Sec.27 of Arms Act.

Plea of accused : Not guilty.

Finding of the Court : Not guilty

Sentence or Order : *Accused are found not guilty of the offences punishable under Sections 143, 147, 148, 341, 342, 452, 323, 324, 308, 363, 294(b) & 506(ii) r/w. Sec.149 of IPC and Sec.27 of Arms Act and they are acquitted under S.232 Cr.P.C of the said offences. The bail bond executed by them stands cancelled and they are set at liberty.*

This Sessions case having been come up for final hearing before me on 24.02.2026 in the presence of the Additional Public Prosecutor and counsel for accused and having stood over for consideration till this day, the court delivered the following:-

JUDGMENT

The accused stand trial for the offences punishable under sections 143, 147, 148, 341, 342, 452, 323, 324, 308, 363, 294(b) & 506(ii) r/w. Sec.149 of IPC and Sec.27 of Arms Act in Crime No.1447/2020 of Koratty Police Station.

2. The prosecution case in brief is that on 30.10.2020 at about 7.30 p.m., the accused due to their previous enmity, armed with deadly weapons like sword stick, knife etc. and in prosecution of their common object unlawfully assembled in a car bearing No.KL-64-H-6203 and motorcycle bearing Reg.KL-64-J-1904 and

criminally trespassed into the house bearing No.12/389 of Meloor Grama Panchayath searching for the defacto complainant's brother Febin. Since, they did not get Febin, they took defacto complainant, Jithin in their car forcibly and wrongfully confined him in a farm at Pindani. The accused persons used obscene words, criminally intimidated him beat and stabbed him. They attempted to cause death and thereby committed the offences punishable u/Ss.143, 147, 148, 341, 342, 452, 323, 324, 308, 363, 294(b) & 506(ii) r/w. Sec.149 of IPC.

3. After completing the investigation, the final report was laid before the Judicial First Class Magistrate Court, Chalakudy(hereinafter referred to as the committal Court). The case was taken on the file of the committal Court as CP.8/2021.

4. On appearance of the accused before the committal Court and after complying with all the legal formalities, copies of the relevant records were furnished to the accused under S. 207 of Cr.P.C. Thereafter, the case was committed to the Hon'ble Court of Sessions, Thrissur under Sec. 209 of Cr.P.C as per order dated 04.08.2021. The Hon'ble Sessions Court took cognizance of the offence and the case is taken on file as SC.830/2021 and made over to this court for trial and disposal.

5. The accused entered appearance before this Court and they are permitted to continue on the bail bonds executed by them during the committal proceedings stage. The learned Additional Public Prosecutor opened the case by

giving a brief description of the case and the evidence which he proposes to adduce in order to prove the guilt of the accused.

6. After hearing both sides, my learned predecessor in office framed charge against the accused under S.143, 147, 148, 341, 342, 452, 323, 324, 308, 363, 294(b) & 506(ii) r/w. Sec.149 of IPC. The charge was read, translated and explained to the accused in Malayalam to which they pleaded not guilty and claimed to be tried.

7. On the side of the prosecution, PW1 to 3 were examined and Ext.P1 to P12 were also marked. The remaining witnesses were given up by the learned Public Prosecutor. Since, no incriminating circumstances appeared against the accused in the prosecution evidence, the examination of accused under S.313(1) (b) of Cr.P.C. has been dispensed with.

8. Heard both sides. The learned counsel appearing for the accused has submitted that there is no evidence against the accused for the commission of the aforesaid offence and hence they are entitled for an acquittal under S.232 of Cr.P.C.

9. After hearing both sides and perusing the records available in this case, the following points arose for consideration:-

1. *On 30.10.2020 at 7.30 p.m., at the house of PW1, did the accused who came by a car and motorcycle in prosecution of their common object, trespass into the house of PW1?*
2. *In the same transaction, did the accused in prosecution of the common object, abduct PW1 and confined him at a farm at*

Pindani?

3. *In the same transaction, did the accused with their common object, abuse PW1 with obscene words criminally intimidated and voluntarily cause hurt to him?*
4. *In the same transaction, did the accused with their common object, voluntarily cause hurt to PW1 by stabbing with a knife which is a dangerous weapon?*
5. *In the same transaction, did the accused with their common object, attempt to commit culpable homicide not amounting murder of PW1 by using knife?*
6. *What is the sentence or order?*

10. **Points No.1 to 5:-** On 30.10.2020 at about 7.30 p.m., the accused due to their previous enmity, armed with deadly weapons like sword stick, knife etc. and in prosecution of their common object unlawfully assembled in a car bearing No.KL-64-H-6203 and motorcycle bearing Reg.KL-64-J-1904 and criminally trespassed into the house bearing No.12/389 of Meloor Grama Panchayath searching for the defacto complainant's brother Febin. Since, they did not get Febin, they took PW1, Jithin in their car forcibly and wrongfully confined him in a farm at Pindani. The accused persons used obscene words, criminally intimidated him beat and stabbed him.

11. PW1 is the injured and the first informant in this case. He deposed that on 30.10.2020 somebody trespassed into his house at about 7.30 p.m., and assaulted him. They also abducted him by a car. He further deposed that he sustained injuries

in the incident. However, PW1 deposed that he doesn't know who are the assailants. The learned Public Prosecutor was permitted to ask questions in the nature of cross-examination. PW1 disowned his statement he had given against the accused before the police. He categorically deposed that the matter is settled and he has no complaint against the accused. PW2 is the mother of the injured and she also did not support the prosecution case. PW3 is the Investigating Officer. He deposed that he registered Ext.P2, the FIR. He prepared 2 scene mahazars which are Ext.P4 and P5. Ext.P9 is the ownership certificate of the house. Ext.P10 and P11 are the seizure mahazars. Ext.P12 series are property lists. PW3 deposed that he filed final report on completion of the investigation.

12. On analysing the entire evidence, nothing is brought out to connect the accused with the alleged crime. It is clear that the matter is settled between the parties out of court. Since the material witnesses turned hostile to the prosecution case, the learned Additional Public Prosecutor has rightly given up the examination of the remaining witnesses. Even otherwise, their examination would not have served any useful purpose. Hence, it can be held that the prosecution could not prove the alleged offences against the accused and they are entitled for an acquittal. These points are answered accordingly.

13. **Point No.3:-**

In the result,

1. Accused are found not guilty of the offences punishable under Sections 143, 147, 148, 341, 342, 452, 323, 324, 308, 363, 294(b) & 506(ii) r/w. Sec.149 of IPC and Sec.27 of Arms Act and they acquitted under S.232 Cr.P.C of the said offences.
2. The bail bond executed by them stands cancelled and they are set at liberty.
3. MO1 shall be confiscated and MO2 & MO3 shall be destroyed after the appeal period if appeal is not preferred and if appeal is filed, after the disposal of the appeal.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in the open court on this the 11th day of March, 2026.)

Sd/-

Rema.R.K

Principal Assistant Sessions Judge.

APPENDIX:

PROSECUTION WITNESSES:

PW1 : 09.10.2025 : Jithin

PW2 : 09.10.2025 : Shiny

PW3 : 16.02.2016 : Shaju

DEFENCE WITNESSES: Nil

EXHIBITS MARKED ON THE SIDE OF PROSECUTION:

| | | |
|----|------------|-------------------------------|
| P1 | 31.10.2020 | F.I.S |
| P2 | 31.10.2020 | FIR |
| P3 | 31.10.2020 | Scene mahazar |
| P4 | 31.10.2020 | 2 nd Scene mahazar |
| P5 | 31.10.2020 | Arrest memo |
| P6 | 19.11.2020 | Sketch |

| | | |
|------------|------------|-----------------------|
| P7 | 19.11.2020 | Sketch |
| P8 | 30.10.2020 | Wound certificate |
| P9 | 16.11.2020 | Ownership certificate |
| P10 | 02.12.2020 | Seizure mahazar |
| P11 series | 02.12.2020 | Seizure mahazar |
| P12 series | 02.12.2020 | Property list |

DEFENCE EXHIBITS: Nil

MATERIAL OBJECTS MARKED: Nil

FOOT NOTE:

Name of Police Station :Koratty Police Station

Crime No. :1447/2020

Description of Accused

| Sl. No. | Name of Accused | Father's Name | Sex | Occupation | Residence | Age |
|---------|-----------------|---------------|------|------------|-----------|-----|
| 1 | Thankachan | Joseph | Male | Business | Meloor | 49 |
| 2 | Rajeev | Padmanabhan | Male | Driver | Meloor | 39 |
| 3 | Biju | Thankappan | Male | -- | Koratty | 40 |
| 4 | Saneesh | Balan | Male | -- | Meloor | 30 |
| 5 | Vijeesh | Vijayan | Male | -- | Meloor | 40 |

DATE OF:

| | | | |
|---|-----------------------|---|------------|
| 1 | Occurrence | : | 30.10.2020 |
| 2 | Complaint | : | 31.10.2020 |
| 3 | Apprehension | : | 02.12.2020 |
| 4 | Release on bail | : | 02.12.2020 |
| 5 | Commitment | : | 04.08.2021 |
| 6 | Commencement of trial | : | 05.06.2024 |
| 7 | Close of trial | : | 24.02.2026 |
| 8 | Judgment Pronounced | : | 11.03.2026 |

| | | | |
|----|-----------------------|---|------------|
| 9 | Sentence/Order | : | 11.03.2026 |
| 10 | Copy given to accused | : | Nil |
| 11 | Explanation of delay | : | No delay |

Id/-
Principal Assistant Sessions Judge.

//True copy//

(By Order),

Sheristadar.

Judgment in S.C.830/2021
Date:11.03.2026

