

**IN THE COURT OF THE SESSION, THRISSUR SESSIONS
DIVISION**

Present:-

Sri. V. Vinod, Asst. Sessions Judge, Chavakkad.

Saturday, the 27th day of July, 2024.

(5th Sravana, 1946 S.E.)

SESSIONS CASE NO. 118/2021

- Complainant : State rep. by : S.H.O., Pavaratty police station.
(Cr.No. 119/2018 of Pavaratty police station)
- Accused : 1. Akhilvas, S/o. Sreenivasan, Poovanthara House, Pullur Desom, Peruvallur , Mullassery Village.
2. Shibin, S/o. Sivaji, Kuriyakkott House, Pullur Desom, Peruvallur, Mullassery Village.
3. Vivek, S/o. Vasu, Vennekottu House, Pullur Desom, Peruvallur, Mullassery Village.
4. Nikhil Vas, S/o. Sreenivasan, Poovanthara House, Pullur Desom, Peruvallur, Mullassery Village.
5. Manikandan, S/o. Soman, Kallettukuzhiyil House, Pullur Desom, Peruvallur, Mullassery Village, Thrissur.
6. Sooraj, S/o. Karthikeyan, Odanpully Parambil House, Pullur Desom, Peruvallur, Mullassery Village.
- Charge : Under Sections 341, 324, 326, 307, 506(ii), 110, 118, 201, 202, 212, 120(b)r/w 34 of IPC

The Sessions Court delivered the following:-

ORDER

The accused in the above case are facing trial for the offence punishable u/s. 341, 324, 326, 307, 506 (ii), 110, 118, 201, 202, 212 ,120B r/w 34 of IPC based on the final report submitted by the Circle Inspector of Police, Pavaratty.

2. The case of the prosecution as seen in the FIS launched by Rajesh, S/o. Raman from the West Fort Hospital at 1.30 am of 7.2.2018 in brief is as follows: In that it is stated that on 6.2.2018 at 8.45 pm he and his friend Abdul Razak went to Solar Bar in the Scooter of Abdul Razak to consume beer. Thereafter, in the same scooter they came back. At around 10.15 pm when they reached near Sree Durga Kuries a Lancer car came purposefully to the wrong side and hit on the scooter. Both of them fell down. Three persons came out from the car. One of them was Akhil Vas another was Nikhil Vas. The third person that had half covered his face. Akhil Vas and Nikhil Vas were having iron pipes in their hands. Akhil Vas attacked him on his head with iron pipe. That was blocked by him using his right hand. At that time Nikhil were attacked him on his left and right leg with iron pipe. The third person by asking him "Are you the main person in the locality" attacked him with a sword on his left heel. By hearing the sound he could understand that it was Appu @ Sooraj. Razak ran away. The victim cried for help. On hearing the sound one Vishnu came. At that time from the car a person told others that it is enough and asked them to enter the car. It was Manikandan. The accused went away in the car. His brother was called and he was taken to the hospital. From there his statement was recorded and a case was registered against the accused u/s. 341, 324, 326, 307, 506(ii) r/w 34 of IPC and 27 of Arms Act.

3. The investigation was taken up by the Circle Inspector of Police,

Guruvayoor. During the course of the investigation, the investigating agency come to the conclusion that the assault was done by the accused Nos. 1 to 3 who are Akhil Vas, Sibin and Vivek and the other accused conspired with accused Nos. 1 to 3. It is further alleged by the investigating agency prosecution that accused Nos. 4 Nikhil Vas aided accused Nos. 1 to 3 in the commission of the offence and accused Nos. 5 and 6 who are Manikandan and Sooraj have arranged hiding place for the accused Nos. 1 to 3 and thereby committed the aforesaid offences.

4. Heard both sides.

5. On going through the records of the case, I am of the view that the investigation agency have not properly conducted the investigation. In the FIS it is the statement of the victim that he was assaulted by 1st accused Akhil Vas 4th accused Nikhil Vas and 6th accused Sooraj. 5th accused Manikandan was in the car in which the accused came. However, when it came to the final report it is the case of the investigation agency that it was accused No. 1 Akhil Vas , 2nd accused Sibin and 3rd accused Vivek, who committed the offence and the same is clear from the Call Detailed Record (CDR). However no such call records are produced by the investigation agency. Further what is the basis on which the investigation agency has come to the conclusion that it was accused Nos. 2 and 3 who aided the 1st accused is also not clear. There is only one statement of the victim under Sec. 161 of Cr.P.C. and in that what is stated by him is that

Sibin and Vivek were also involved in the offence. The witness has not stated anything about the role of the Subin and Vivek. Further in that Sec. 161 Cr.P.C. statement it is stated by him that 5th accused Manikandan told one Prajith that he will do away with the victim. But this Prajith is not cited as a witness.

6. This is a case wherein the victim has sustained five fractures on his body and a very serious offence has been committed against the victim. However, the investigation agency has not risen to the occasion and had not conducted a proper investigation. The entire energy of the investigation agency was focused on the Lanzer car which was used by the accused in the commission of the offence. The CDR has not been seized and 161 statement of the victim has not been properly recorded. So, I am of the view that the investigation agency should be directed to conduct a proper investigation. Hence, the SHO, Pavaratty is directed to conduct a further investigation and file an additional final report u/s. 173(8) Cr.P.C. within three months.

(Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in open court, on this the 27th day of July, 2024).

Sd/-

V. VINOD,
ASSISTANT SESSIONS JUDGE.

/True copy/

ASSISTANT SESSIONS JUDGE.

