

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, CHAVAKKAD**Present: Smt. Saarika Sathyan V., Judicial First Class Magistrate,****Dated this, Tuesday the 9th day of June, 2026/ 19th Jyeshtha, 1948.****Calendar Case No. 352/2019**

Complainant : State Rep. by the Sub Inspector of Police, Chavakkad Police Station
in Crime No.631/2018 of that police station.

(By APP- Chavakkad)

Accused : 1. Hassan Mubarak, 22/18, S/o. Hyder Ali, Pallath House, Puthan
Kadappuram, Baby Road Desom, Manathala Village.

2. Savad, 32/18, S/o. Hamsa, Kerantakath House, Thiruvathra
Desom, Manathala Village.

3. Jabir, 21/18, S/o. Ummar, Kerantakath House, Kottappuram,
Thiruvathra Desom, Manathala Village.

4. Rasheed, 30/18, S/o. Abdulla, Kerantakath House, Thiruvathra
Desom, Manathala Village.

5. Anas, 29/18, S/o. Moitheenkunju, Theruvath Ramlan House,
Kottappuram, Thiruvathra Desom, Manathala Village.

6. Vijeesh, 30/18, S/o. Aromunni, Madambi House, Kottappuram
Desom, Manathala Village.

7. Muneer, 35/18, S/o. Shahu, Pela House, Kottappuram Desom,
Manathala Village.

8. Shefeeq, 33/18, S/o. Moithu, Thondanpiri House, Chenkotta
Desom, Thiruvathra, Manathala Village.

9. Shemeer, 35/18, S/o. Kunjimoithu, Aravassery House,
Kottappuram Desom, Manathala Village.

(Rep. By Adv. C. Subhashkumar)

Offence : U/s. 143, 147, 148, 341, 323, 324, 326 r/w 149 IPC.

Plea : Not guilty.

Finding : Accused are found not guilty of the offences punishable under
sections 143, 147, 148, 341, 323, 324, 326 r/w 149 IPC.

Sentence or Order : Accused are acquitted u/s. 271(1) of BNSS, 2023.

Description of the Accused:

Sl. No.	Name	Father's Name	Occupation	Residence	Age
1	Hasan Mubarak	Hyder Ali	-	Manathala	22/18
2	Savad	Hamsa	-	Manathala	31/18
3	Jabir	Ummar	-	Manathala	21/18
4	Rasheed	Abdulla	-	Manathala	30/18
5	Anas	Moitheenkunju	-	Manathala	29/18
6	Vijeesh	Aromunni	-	Manathala	30/18
7	Muneer	Shahu	-	Manathala	35/18
8	Shafeeq	Moithu	-	Manathala	33/18
9	Shemeer	Kunjimoithu	-	Manathala	35/18

Dates on which

Occurrence	Complaint	Apprehension/ Appearance	Release on bail	Commencement of trial	Commencement of evidence	Close of trial	Sentence or Order	Period of Detention undergone during investigation, inquiry or trial for the purpose of section 428 of Cr.P.C.
11/11/18	05/03/19	A1, 2, 3, 5-8-19/04/23 A4&A9-10/11/23		07/03/24	24/10/25	21/05/26	09/06/26	-

This case having been heard finally on the 9th day of June, 2026 the court on the same day delivered the following:-

J U D G M E N T

1. Accused are put on trial upon a final report filed by the Sub Inspector of Police, Chavakkad Police Station in Crime No.631/2018 of that police station, alleging commission of offences punishable under sections 143, 147, 148, 341, 323, 324, 326 r/w 149 IPC.
2. Prosecution case in brief is that: on 11/11/2018 at 20.15 hours at Puthan Kadappuram, due to political enmity, accused unlawfully assembled in furtherance of their common object, 1st and 3rd accused wrongfully restrained CW1 and pulled him by catching on his neck and 5th accused hit on his face with hand. 2nd accused beat CW2 with hand and with iron

pipe and he sustained fracture on his right little finger and his left elbow was dislocated. Accused nos. 3 to 9 beat CW2 and kicked him. When CW1 was going to his house, accused nos. 2 & 7 beat him with hand and kicked him and 1st accused brandished a sword towards him and he sustained injury on the left side of his forehead. Accused are thereby alleged to have committed offences punishable under sections 143, 147, 148, 341, 323, 324, 326 r/w 149 IPC.

3. The case was taken on file as CC 352/2019. On appearance of the accused, copies of all relevant prosecution records were furnished to them under section 207 of the Code of Criminal Procedure, 1973. Accused were released on bail. Upon perusal of the prosecution records and after hearing both sides, charge was framed for offences punishable under sections 143, 147, 148, 341, 323, 324, 326 r/w 149 IPC and was read over and explained to the accused, to which they pleaded not guilty and claimed to be tried.
4. On the side of the prosecution, PW1 to PW4 were examined and Ext.P1 was marked. As the material witness failed to support the prosecution case, the learned Assistant Public Prosecutor gave up the remaining witnesses. In the absence of any incriminating evidence against the accused, questioning of the accused under section 351 of BNSS was dispensed with.
5. No evidence was let in by the defence.
6. Heard both sides. Perused records.
7. Points that arose for consideration are :-
 - I. Did the prosecution prove that the accused were members of unlawful assembly?
 - II. Did the accused wrongfully restrain CW1 as alleged?
 - III. Did the accused cause hurt to CW1 and CW2 as alleged?
 - IV. Did the accused cause grievous hurt to CW1 and CW2 by beating them with an iron pipe as alleged?
 - V. Did the accused voluntarily cause grievous hurt to CW1 and CW2 by beating them with an iron pipe and brandishing sword as alleged?
 - VI. Were the offences committed in furtherance of the common intention of all

accused?

VII. If accused are found guilty, what is the order as to sentence?

8. **Point Nos. I to VI**:- Prosecution case is that accused had committed offences punishable under sections 143, 147, 148, 341, 323, 324, 326 r/w 149 IPC. PW1 is the defacto complainant in this case. He deposed that, he had sustained injury in the alleged incident. He had filed Ext.P1 complaint before the police. He further deposed that, he did not know who assaulted him. PW2 deposed that, he had sustained injury in the alleged incident. But, he did not know who assaulted him. PW3 and PW4 are the eyewitnesses in this case. They deposed that, they did not see the alleged incident. Nothing incriminating against accused was brought through PW1 to PW4. PW1 to PW4 failed to support the prosecution case and turned hostile to the prosecution.

9. The witnesses examined by the prosecution failed to establish the prosecution case. There is nothing on record to disclose that the accused had committed the offence alleged by the prosecution. Having considered the evidence on record, I am of the view that the prosecution has failed to prove the guilt of the accused. For the said reason, these points are found against the prosecution.

10. **Point No. VII**:- As I have already found that the prosecution has failed to prove the involvement of the accused in the alleged offences, there is no question of passing any sentence against them.

In the result, accused are found not guilty of offences punishable under sections 143, 147, 148, 341, 323, 324, 326 r/w 149 IPC. Accused are acquitted under section 271(1) of BNSS, 2023. Their bail bonds stand cancelled and they are set at liberty.

(Dictated to the Confidential Assistant, taken down and transcribed by her corrected and pronounced by me in open court on this, the 9th day of June, 2026)

Sd/-
Judicial First Class Magistrate, Chavakkad.

APPENDIX**Prosecution witnesses**

PW1	Haneefa	Defacto complainant (CW1)
PW2	Riyas	Eyewitness (CW2)
PW3	Shafi	Eyewitness (CW3)
PW4	Rasheed	Eyewitness (CW5)

Defence witnesses:

Nil

Court witnesses:

Nil

Prosecution Exhibits:

1	Ext.P1/PW1	First Information Statement, dated 11/11/2018.
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Defence exhibits:

Nil

Court exhibits:

Nil

Material objects:

Nil

Sd/-

Judicial First Class Magistrate, Chavakkad.

/True Copy /

Judicial First Class Magistrate, Chavakkad.