

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, CHAVAKKAD
Present: Smt. Saarika Sathyan V., Judicial First Class Magistrate,
Dated this, Wednesday the 11th day of March, 2026/ 20th Phalguna 1947

ST 809/2018

Complainant : State Rep. by the Sub Inspector of Police, Guruvayoor Police Station in Crime No. 1826/2013 of that police station.
(By APP- Chavakkad)

Accused : Sujin, 28/13, S/o. Unnikrishnan, Vadakkathu House, Nenmini, Guruvayoor.

(By Adv. T. Ramachandran)

Offence : U/s. 143, 147, 341, 323, 427 r/w 149 of IPC.

Plea : Not guilty.

Finding : Accused is found not guilty of offences punishable under sections 143, 147, 341, 323, 427 r/w 149 of the Indian Penal Code.

Sentence or Order : Accused is acquitted under section 255(1) of Cr.P.C.

Description of the Accused:

Sl. No	Name and Rank	Father's Name	Occupation	Residence	Age
1	Sujin	Unnikrishnan	-	Guruvayoor	28/13

Dates on which

Occurrence	Complaint	Apprehension	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.
07/10/13	01/11/13	27/04/18	27/04/18	16/03/22	02/09/24	04/03/26	11/03/26	-

This case having been heard finally on the 11th day of March, 2026 the court on the same day delivered the following:-

J U D G M E N T

1. This is a case in which final report has been filed by the Sub Inspector of Police, Guruvayoor Police Station in Crime No. 1826/2013 of that police station, for offences punishable under sections 143, 147, 341, 323, 427 r/w 149 of IPC.
2. The prosecution case in brief is that, on 17/10/2013 at 18.45 hours at Keeyare Centre, Thaikkad accused persons formed themselves into an unlawful assembly and in prosecution of their common object attacked the defacto complainant and committed rioting. In the course of the same incident, accused wrongfully restrained the defacto complainant voluntarily caused him hurt by slapping on his face and by stamping as well. The accused also committed mischief making a loss of Rs.6550/- by causing damages to the Motor bike bearing No: KL-45-G/587 belonging to CW2 which was ridden by the defacto complainant. Thus, the accused are alleged to have committed offences punishable under sections 143, 147, 341, 323, 427 r/w 149 of IPC.
3. Originally, this case was taken on file of this Court as ST 6625/2013. All the accused except A2 was acquitted and case against A2 was refiled as ST 809/2018, i.e the present case. On appearance of accused, copies of all relevant prosecution records were furnished to him under section 207 of the Code of Criminal Procedure, 1973. The accused was enlarged on bail. The accused is represented by a lawyer of his choice. Upon perusal of the prosecution records and after hearing both sides, particulars for offences punishable under sections 143, 147, 341, 323, 427 r/w 149 of IPC was read over and explained to the accused, to which he pleaded not guilty and claimed to be tried.
4. On the side of the prosecution, PW1 to PW5 were examined and Exts. P1 to P5 were marked.
5. After closing of the prosecution evidence, accused was examined u/s 313 of Crpc, regarding the incriminating circumstances. The accused denied the incriminating circumstances brought against him.

6. On the side of the defence, no witness was examined and no document was marked.

7. Heard both sides. Perused records. The points that arise for consideration in this case are-

- I. Did the prosecution prove that the accused was a member of unlawful assembly?
- II. Did the prosecution prove that the accused was a member of unlawful assembly and committed rioting as alleged?
- III. Did the accused cause hurt to CW1 by slapping him as alleged?
- IV. Did the accused cause damages to the motorbike, thereby causing loss of Rs. 6550/- to CW2 as alleged?
- V. Were the offences committed in furtherance of the common intention of all accused?
- VI. If the accused is found guilty, what is the order as to sentence?

Point Nos. I to V:

8. PW1 deposed that, he did not see the alleged incident.

9. PW2 deposed that, he sustained injury in the alleged incident and he had given Ext.P1 statement to the police. He turned hostile to the prosecution by deposing that he does not know who had caused injury to him.

10. PW3 deposed that, he had signed in Ext.P2 scene mahazar prepared by the Investigating Officer and he had also signed in Ext.P3 seizure mahazar. He further deposed that, the place of occurrence is at Keeramukku Brahmakulam centre.

11. PW4 deposed that, on 19/10/2013, while he was working as the AMVI Guruvayoor, he had examined Bajaj Pulsar Motorcycle bearing no. KL-46-G-587 and the damages noted were in column 7 and the cost of damages also mentioned in column 7. No mechanical defect found. Damages noted are fuel tank major bend right side panel side cover. Rear RH Body panel cover cracked. Head lamp mask cracked. Right side stem hit mark. Head lamp bracket lost. Appropriate cost for repair is calculated as Rs.6550/-. He issued Ext.P4 certificate, which bears his signature.

12. PW5 deposed that, on 07/10/2013 at 09.45 a.m., he had examined Nitheesh, S/o. Gopi, with alleged history of assault. The injuries noted were, ocular contusion on left temporal mandibular joint and no other external injuries. He was admitted on 7th. He issued Ext.P5 Wound Certificate which bears his signature.

13. In the case here in the defacto complainant i.e PW2 had turned hostile to the prosecution. The other occurrence witness i. e PW1 also turned hostile to the prosecution case. Since PW2 had turned hostile to the prosecution there is no relevance for the medical evidence adduced. It is found that there is no sufficient evidence to cast culpability on the accused for the alleged offences. Therefore, considering the totality of the facts and circumstances of the case I am of the view that the prosecution has miserably failed to prove all the charges levelled against accused. For the said reason, these points are found against the prosecution.

Point VI

14. In view of the findings as regards points I to V, there is no question of passing any sentence as against accused.

15. The accused is found not guilty of offences punishable under sections 143, 147, 341, 323, 427 r/w 149 of IPC of the Indian Penal Code. He is acquitted under section 255(1) Cr. P.C. His bail bond stands cancelled. He is 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 11th day of March, 2026)

Sd/-
Judicial First Class Magistrate,
Chavakkad.

APPENDIX

Prosecution witnesses

PW1	Manu	Witness to scene mahazar and seizure mahazar (CW3)
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PW2	Nidheesh	Defacto complainant (CW1)
PW3	Azeez	Witness to scene mahazar and seizure mahazar (CW4)
PW4	Manoj Kumar	Official Witness (CW6)
PW5	Dr. M.V. Renjith	Official Witness (CW5)

Defence witnesses:

Nil

Court witnesses:

Nil

Prosecution Exhibits:

1	Ext.P1/PW2	FIS, dated 07/10/2013.
2	Ext.P2/PW3	Scene Mahazar, dated 08/10/2013.
3	Ext.P3/PW3	Seizure Mahazar, dated 08/10/2013.
4	Ext.P4/PW4	AMVI Report, dated 28/10/2013.
5	Ext.P5/PW5	Wound Certificate, dated 08/10/2013.

Defence exhibits:

Nil

Court exhibits:

Nil

Material objects:

Nil

Sd/-

Judicial First Class Magistrate,
Chavakkad.

/True Copy /

Judicial First Class Magistrate,
Chavakkad.