

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS  
KODUNGALLUR**

Present:- Smt. Sherin R A., Judicial I Class Magistrate

Dated this the 21<sup>st</sup> day of April 2026/01<sup>st</sup> Vaisakha, 1948 SE

**CC. 601 OF 2024**

State represented by Sub Inspector of Police, Kaipamangalam P.S in Cr.No. 397/2024  (By Asst . Public Prosecutor Kodungallur)	:	Complainant
Sooraj @ Anu, aged 37 years, Erakkal House, Kannanamkulam Desom, Chenthrappinni Village. ( By Adv. Smt.Neethu A.S)	:	Accused
Offence	:	u/s.15(4),19 of Kerala Antisocial Activities (Prevention ) Act, 2007.
Plea	:	Not guilty
Finding	:	Not guilty
Order	:	Accused is acquitted of the offence punishable under section 15(4) and 19 of Kerala Antisocial Activities (Prevention) Act, u/s.248(1) of Criminal Procedure Code. His bail bond stands cancelled and he is set at liberty.

**DESCRIPTION OF ACCUSED**

Sl. No	Name of Police station and the	Name and Rank of accused	Father's Name	Occupation	Residence	Age
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<b>DATE OF</b>												Period of detention undergone during investigation, inquiry or trial for the purpose of section 428 of Cr.P.C.
Occurrence	Complaint	Apprehension/ Appearance	Release on bail	Commencement of trial	Commencement of evidence	Close of trial	Sentence or order	Commitment	Service of copy of judgment or finding on accused	Explanation of delay		
1	Crime No. of the offence.											
1	Kaipamangalam Police Station in Crime No.379/2024	Sooraj @ Anu	Suresh Babu	.....	Kannanamkulam	37						
17.05.2024	17.05.2024	18.05.2024	19.07.2024	31.10.2025	13.11.2025	20.04.2026	21.04.2026	.....	.....	No delay	.....	

This case having been finally heard on 20.04.2026, the court delivered the following:

## **JUDGMENT**

This case was taken on file on the basis of the final report submitted by the S.I. of Police, Kaipamangalam Police Station in Crime No.397/2024, registered against the accused alleging commission of offences punishable under Sections 15(4) and 19 of KAAPA Act .

2. The prosecution case, in brief, is that the accused was issued an order by the Deputy Inspector General of Police, Thrissur Range, bearing No. B3-6960/2024/TSR dated 24.04.2024, under Section 15(1) of the Kerala Anti-Social Activities (Prevention) Act, 2007, directing him not to enter the limits of Thrissur District, which falls within the jurisdiction of the Thrissur Range DIG.

While the said order was in force, the accused violated the same and, on 17.05.24 at about 22.30 p.m., entered the jurisdiction of the Thrissur Range DIG and was found at the premises of govt medical college mulankunnathukavu , Thrissur within the limits of Kaipamangalam Police Station. By entering the prohibited area in contravention of the above order, the accused committed the offence punishable under Sections 15(4) of the Kerala Anti-Social Activities (Prevention) Act, 2007. Thus the accused is alleged to have committed the aforesaid offences.

3. Upon detection of the violation PW 5 suo motu registered this crime and after completing investigation, he filed the final report before the court.

4. On appearance of the accused, copies of all relevant prosecution records were furnished to him under section 207 of Cr.P.C. The accused was granted bail, but he remained in judicial custody in connection with other cases. He was represented by a counsel of his choice. Charge for the offence under Sections 15(4) of KAAPA Act and was read over and explained to him to which he pleaded not guilty and claimed to be tried.

5. From the side of prosecution, PW1 to PW 5 were examined and Ext. P1 to P4 were marked.

6. After closing the prosecution evidence, the accused was questioned u/s.313(1)(b) Cr.P.C. He denied all the incriminating circumstances against him and maintained his plea of innocence.

7. Accused was then called upon to enter into his defence evidence. No other evidence adduced by the accused.

8. After hearing both sides the following points arise for consideration;

1. Whether the accused violated the prohibitory order issued under Section

15(1) of the KAAPA by entering the prohibited area, thereby committing the offence punishable under Sections 15(4) and 19 of the Act.

2. If the accused is found guilty, what should be the proper sentence or order?

9. **Point No.1** :-

PW5 is the Inspector of Kaipamangalam Police Station who detected the

violation, arrested the accused, registered the crime, conducted the investigation, and submitted the final report. PW1 and PW2 are the CPOs of Kaipamangalam Police Kodungallur who accompanied PW 5. PW 3 and PW 4 are the witnesses to the arrest.

10. PW5, Shajahan, the then Station House Officer of Kaipamangalam Police Station, deposed that on 17.05.2024, he had received reliable information that the accused, Suoraj, S/o Suresh, Erakkal House, Kannanamkulam, was present within the premises of Thrissur Medical College Hospital, in violation of the prohibitory order issued under the KAAPA Act by the Deputy Inspector General of Police, Thrissur Range, bearing No. B3/6960/2024/TSR.

11. Acting upon the said information, PW5, along with CPO Gilbert (PW1) and CPO Sheriff (PW2), proceeded to the hospital and conducted a search. At about 10.30 p.m., they found the accused in the casualty premises of the hospital. Since the accused had entered Thrissur District in contravention of the prohibitory order restraining his entry into the district, PW5 informed him of the offence and effected his arrest at the spot. He identified Ext. P1 arrest memo. The inspection memo was marked as Ext. P3. The arrest was duly intimated to the mother of the accused, and the office copy of the arrest notice was marked as Ext. P4.

12. PW5 further stated that thereafter the accused was taken to the police station, and a case was registered against him. The FIR was marked as Ext. P2. PW5

also deposed that a copy of the prohibitory order dated 29.04.2024 issued by the DIG, Thrissur Range, was produced before the Court, though it was not marked as it was a photocopy and no steps were taken to admit it as secondary evidence. He further stated that he recorded the statements of the witnesses, completed the investigation, and submitted the final report.

13. PW1, Gilbert, deposed that while he was working as a Civil Police Officer at Kaipamangalam Police Station, on 17.05.2024 at about 10.30 p.m., on receiving information that the accused, in violation of the KAAPA order issued by the Deputy Inspector General of Police restraining his entry into Thrissur District, was present at Thrissur Medical College Hospital, he, along with the Circle Inspector Shajahan (PW5) and CPO Sheriff (PW2), proceeded to the said hospital in search of the accused.

14. Upon reaching the hospital, they found the accused in the canteen premises where he was having food. The accused was arrested at the spot at about 10.30 p.m., and he signed the arrest memo as a witness. He identified his signature in the arrest memo, and it was marked as Ext. P1. He also identified the accused, who was produced through video conferencing. In cross-examination, PW1 stated that he came to know about the presence of the accused at the hospital only when informed by the Circle Inspector. He admitted that he does not remember the exact time of their departure from the station or arrival at the hospital. He further stated that on that day

he was on 24-hour driver duty, which had commenced in the morning. According to PW1, he usually maintains a duty notebook, but he does not remember whether the relevant entries were made therein or whether the same was produced before the Investigating Officer.

15. PW1 also stated that he had driven the vehicle to the hospital and that a vehicle diary is maintained at the station by another police personnel, but he is not sure whether the details of the journey were recorded therein or produced before the Investigating Officer. He admitted that he does not remember whether a copy of the KAAPA order was shown to the accused at the spot.

16. He further deposed that many people were present at the time of arrest, but he does not know whether any attempt was made to secure such independent persons as witnesses to the arrest memo. He affirmed that he had given a statement to the Investigating Officer to the effect that he saw the accused in the hospital canteen area consuming food.

17. PW2, Sheriff, deposed that while he was working as a Civil Police Officer at Kaipamangalam Police Station, as per the KAAPA order issued by the Deputy Inspector General of Police, Thrissur Range, the accused Suoraj, a native of Kannanamkulam Desom in Chentrappinni Village, was prohibited from entering Thrissur District. On receiving information that the accused was present within the premises of Thrissur Medical College Hospital in violation of the said order, he

accompanied the Circle Inspector Shajahan and PW1 to the hospital on 17.05.2024 for enquiry.

18. Upon search, the accused was found within the Medical College premises. The accused was arrested and taken to the police station. PW2 further deposed that he, along with CPO Gilbert, had signed the arrest memo as witnesses and identified Ext. P1 arrest memo. In cross-examination, PW2 stated that he came to know about the presence of the accused at the hospital in the evening, but he did not remember the exact time. He further deposed that on that day he was on emergency and driver duty and had driven the vehicle for some distance. According to him, they reached the Medical College Hospital at about 10.00 p.m. and, after conducting a search at various places, located the accused in the hospital canteen premises.

19. PW2 also stated that he maintains a duty notebook in which he records his duty details and that he had made entries regarding his duty on that day, but he does not remember whether the same was produced before the Investigating Officer. He further stated that the vehicle log book is maintained in respect of the departmental vehicle and that the details of the journey, including place, time, and distance, are entered therein by the driver. He stated that such entries were made on that day, but he is not sure whether the same was produced before the Investigating Officer.

20. PW2 further deposed that there were many members of the public present at the time of arrest, but he did not see the Circle Inspector asking any independent

person to witness the arrest.

21. PW3, Habeesba, deposed that she was working as a security staff at Thrissur Medical College Hospital and that on 17.05.2024 she was on night duty. At about 10.30 p.m., she saw three police officers questioning a person within the hospital premises. The police officers enquired with her and others whether they knew the said person and informed them that the person was one who was prohibited from entering Thrissur District as per a KAAPA order. The police were further questioning the said person and thereafter obtained his signature and informed that he was being arrested. Subsequently, the said person was taken away in a jeep. PW3 identified the accused, who was produced through video conferencing, as the person who was arrested on that day. She also stated that, apart from her, another security guard named Pratheja and police personnel from the nearby aid post were also present at the scene.

22. In cross-examination, PW3 stated that she and Prajeesha were on duty in the casualty block and that the duty was from 6.00 p.m. to 7.30 a.m. the next morning. The arrest was effected outside the casualty. She stated that no document was shown to her by the police prior to the arrest and that she did not see any document being shown to the accused. She further stated that there were four security staff on night duty in the casualty block on that day. She deposed that the police did not request her to sign any document as a witness. She also stated that the police aid

post is situated near the casualty gate and that usually one or two police personnel are present there.

23. PW3 further stated that she had noticed that the person arrested was bald-headed and that she does not remember whether she had stated such identifying features to the Investigating Officer. She admitted that she had not produced any record to show that she was on duty on that day, nor was she asked to produce the same. She stated that the police had noted down her name and details at the spot, but her statement was not recorded. PW4 Sajeev deposed that, while he was on duty at the aid post in Thrissur Medical College Hospital, on 17.05.2024 he saw the Inspector and two police officers from Kaipamangalam Police Station questioning a person within the hospital premises at about 10.30 p.m. He heard the Inspector asking the said person whether he was prohibited from entering the district. Thereafter, the police informed them that there was an order restraining the said person from entering Thrissur District and that he was going to be arrested. Subsequently, the said person was arrested at the spot and was taken in the jeep. PW4 stated that he would be able to identify the person who was arrested and taken from the spot in the police jeep.

24. In cross-examination, PW4 stated that he had not given any statement to the Investigating Officer. He also admitted that he had not produced any record before the Investigating Officer to show that he was on aid post duty at Thrissur

Medical College Hospital on the said date. PW4 stated that no police officer had informed him anything regarding the incident on that day.

25. The learned counsel for the accused would contend that the prosecution has failed to establish the foundational requirement of the case. There is no proper proof of the KAAPA order. It is pointed out that only a photocopy of the alleged prohibitory order was produced before the Court and the same was not marked in evidence. In the absence of proper proof of the order in accordance with law, the very substratum of the prosecution case stands vitiated.

26. It is further argued that there are material contradictions with respect to the place of arrest. While Ext. P1 arrest memo shows that the arrest was effected at Thrissur Medical College Hospital, Ext. P4 arrest notice indicates that the arrest was effected at Kaipamangalam Police Station. The learned counsel would also point out serious lapses in the investigation. PW3 has categorically stated that only her name and address were noted by the police and that her statement was not recorded. PW4 has also admitted that he has not given any statement to the police. Even according to PW3 and PW4, no attempt was made by the police to secure independent witnesses to the arrest memo, and the same was attested only by police personnel. This, according to the defence, affects the credibility of the prosecution version.

27. The learned counsel also submits that the grounds of arrest were not duly informed to the accused in accordance with law, which is indicative of procedural

irregularities. Contending as above, the learned counsel for the accused urged for the acquittal of the accused.

28. In order to establish the offence alleged, the prosecution is bound to prove, inter alia, the existence and due promulgation of a valid prohibitory order under the KAAPA Act and that the accused had knowingly violated the same by entering the prohibited area.

29. In the present case, the prosecution has relied upon a copy of the alleged prohibitory order issued by the Deputy Inspector General of Police, Thrissur Range. However, it is pertinent to note that the said order has not been proved in accordance with law. What is produced before the Court is only a photocopy, which has not been marked in evidence, as no steps were taken to admit the same as secondary evidence. In the absence of proper proof of the prohibitory order, the very foundation of the prosecution case remains unestablished.

30. Further, there are material contradictions with respect to the place of arrest of the accused. Ext. P1 arrest memo shows that the accused was arrested from the premises of Thrissur Medical College Hospital. However, Ext. P4 arrest intimation notice would indicate that the arrest was effected at Kaipamangalam Police Station. This inconsistency goes to the root of the prosecution case and creates serious doubt regarding the exact place of arrest of the accused.

31. The evidence of independent witnesses also does not lend sufficient assurance to the prosecution case. PW3 has categorically stated that though her name and address were noted by the police, her statement was not recorded. PW4 has gone further and stated that he had not given any statement to the police at all. These aspects cast a doubt on the investigation.

32. On an overall appreciation of the evidence, I am of the view that the prosecution has failed to prove the essential ingredients of the offence beyond reasonable doubt. The failure to produce the prohibitory order and the material contradiction regarding the place of arrest create serious doubt in the prosecution case, the benefit of which necessarily go to the accused. Therefore it can only be said that the prosecution has failed to prove the charge against the accused. The point is found accordingly against the prosecution.

33. **Point No.2:** In view of my findings on point No.1, this point does not arise for consideration.

1. In the result, accused is found not guilty for the offences under section 15(4) and 19 of Kerala Antisocial Activities (Prevention) Act, and acquitted of the said offence u/s.248(1) of Criminal Procedure Code.
2. The bail bond stands cancelled and accused is set at liberty forthwith.

Dictated to the Confidential Assistant transcribed and typed by her, corrected and pronounced by me in open court on this the 21<sup>st</sup> April, 2026

Sd/-  
JUDICIAL FIRST CLASS MAGISTRATE,  
KODUNGALLUR.

APPENDIX

**Prosecution witness**

PW1	Gilbert	CW1	Eye witness memo	Witness to Arrest
PW2	Shereef	CW2	--do--	
PW3	Haseeba	CW4	--do---	
PW4	Sajeev	CW3	---do--	
PW5	Shajahan	CW4	SIP Kaipamangalam	

**Defence witness** : Nil

**Court witness** : Nil

**Prosecution Exhibits:**

1	P1	Arrest memo	PW1
2	P2	FIR	PW5
3	P3	Inspection memo	PW5
4	P4	Arrest notice	PW5

**Defence Exhibits:** Nil

**Court Exhibits** : Nil

**Material Objects** : Nil

Sd/-  
JUDICIAL FIRST CLASS MAGISTRATE,  
KODUNGALLUR.

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