

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

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

Dated this the 17th day of March 2026/26th day of 1948 SE

CC. 1486 OF 2020

State represented by the Sub Inspector of Police, Valapad Police Station in crime No.1354/2020 (By A.P.P Kodungallur)	Complainant
1. Kannan,aged 29, S/o Baburajan, Iynikkal house, Valapad beach desom, Valapad Villlage 2. Akhil, aged 21, S/o Ramesh, Korissery house, Valapad beach desom, Valapad Village 3.Amal, aged 28, S/o Preman, Thekkiniyedath house, Valapad beach desom, Valapad Village 4.Nidhinkrishna, aged 22, S/o Jayanthkumar, Poozhikkunnath house, Valapd beach Valapad beach 5.Prajeesh @ Dadu, aged 31, S/o Lohithakshan, Kozhissery house, Valapad beach desom, Valapad Village 6.Akshaykumar, aged 24, S/o Ajaykumar, Valiparambil house, Valapad beach desom, Valapad Village.	Accused
Offence	Punishable under sections 143,147, 148,341,323,324,354 r/w 149 IPC .
Plea	Not guilty
Finding	Not guilty
Sentence or order	<i>The accused are found not guilty for the offences punishable under sections 143,147, 148,341,323,324,354 r/w 149 IPC and they are acquitted under section 248(1) Cr.P.C</i> <i>The bail bond executed by accused stand cancelled and they are set at liberty forthwith.</i>

DATE OF

Offence	Complaint	Apprehension	Release on Bail	Comment - cement of Trial	Close of Trial	Order	Explanation for delay
05.7.2020	6.7.2020	30.7.2020	30.7.2020	20.4.2023	17.3.2026	17.3.2026	No delay

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J U D G M E N T

This is a case instituted upon the final report submitted by the Sub Inspector of Police, Valapad Police Station in crime No.1354/2020 alleging the commission of offences punishable under Sections 143,147, 148,341,323,324,354 r/w 149 IPC . .

2. The summary of the prosecution case is as follows: - Accused persons 1to 6 formed themselves into an unlawful assembly and in prosecution of the common object of said assembly on 05.7.2020 at 18.30 hours, due to previous enmity, 3rd accused beat on the head and face of PW1 and 2. When PW3 tried to prevent them, accused beat PW7 and PW2 and PW5 also and thereby voluntarily caused hurt to them. 3rd accused beat PW6 with a helmet on his head. 4th and 7th accused caught hold of PW1 and thereby outraged her modesty and pushed her. 1st accused tore the maxie worn by PW4 and thereby outraged her modesty also. 6th accused kicked PW7 from behind and thereby inflicted injuries. Thus the accused are alleged to have committed the aforesaid offences.

3. On receipt of FIS from P1W1, CW14 registered this crime and after completing investigation, CW15 filed the final report before court.

4. On appearance of the accused before the court, they were released on bail. Accused were represented by a counsel of their choice. Copies of all relevant prosecution records were furnished to them under section 207 of Cr.P.C. After hearing both parties and perusing the records, particulars of offence under section charge for the offences under sections 143,147, 148,341,323,324,354 r/w 149 IPC was framed, read over and explained to the accused to which they pleaded not guilty and claimed to be tried.

6. In the absence of any incriminating evidence, examination of accused under Section 313(1)(b) Cr.P.C. was dispensed with. Accused were then called upon to enter upon their defence and produce their evidence. They did not adduce any oral or documentary evidence.

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

1. *Whether the accused formed themselves into an unlawful assembly as alleged?*
2. *Whether the accused wrongfully restrained PW1 and others as alleged?*
3. *Whether the accused voluntarily caused hurt to PW1, to PW8 as alleged by the prosecution ?*
4. *Whether the accused outraged the modesty of PW1 and PW3 as alleged by the prosecution?*
5. *What are the offences if any, proved to have committed by the accused ?*
6. *Whether the accused committed the offence in prosecution of their common object as alleged?*
7. *If the accused are found guilty, what should be the proper sentence or order?*

8. **Point Nos. 1 to 6** :- For the sake of convenience these points can be considered together. PW1 is the aggrieved first informant. She deposed that in front of her house some people attacked her brother and father. She along with her mother tried to prevent the same. They also sustained injury in the incident. The incident happened on 5.7.2020. She had given statement before the police. The statement is marked as Ext.P1. But she did not identify the accused as the assailants.

9. PW2 deposed that while he was coming on a motor cycle another scooter hit on his back. There was an altercation and some people attacked him and his father. They sustained injuries . But he failed to identify the accused.

10. PW3 deposed the scooter driver by her son hit on another vehicle and there was an altercation. She , her daughter and husband tried to prevent the accused and sustained injury. She failed to identify the accused.

11. PW4 to PW8 are the other injured witnesses in this case. All of them deposed that they have sustained injury in the incident but they failed to identify the accused as the assailants before the court. They were declared hostile.

12 .PW1 to 8 were further examined by the learned Assistant Public Prosecutor with the permission of the court under Sec. 154 of the Indian Evidence Act and also as per the proviso to Sec. 162(1) of Cr.P.C,nothing incriminating brought out against the accused . All of them deposed that the matter is settled with the accused and they do not want to proceed with the case.

13. I have gone through the entire evidence on records. The aggrieved informant and other occurrence witnesses have not deposed anything incriminating against the accused and therefore, the evidence of remaining witnesses, though, nothing to disbelieve their evidence, will not help the prosecution to prove its case.

Therefore the accused cannot be held liable for the offences charged against them. As a corollary all the points are found against prosecution.

14. **Point No.7:-** In view of the findings in on foregoing points, this point did not require adjudication.

In the result,

- 1. The accused are found not guilty for the offences punishable under sections 143,147, 148,341,323,324,354 r/w 149 IPC and they are acquitted under section 248(1) Cr.P.C***
- 2. The bail bond executed by accused stand cancelled and they are set at liberty forthwith.***

Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in open court, this the day of 17th March 2026

Judicial First Class Magistrate,
Kodungallur

Appendix

Witnesses examined for the Prosecution:-

PW1: Ashtamikrishna	CW1 First informant
PW2: Akhil krishna	CW2 Injured witness
PW3" Geetha	CW4 Injured witness
PW4 Aslam	CW5 Injured witness

PW5 Ullas	CW7 Injured witness
PW6 : Lalkrishna	CW9 Injured witness
PW7 : Thasil	CW6 Injured witness
PW8 Akshay	CW8 Injured witness

Exhibits marked for Prosecution:-

P1. F.I.Statement

Material Objects marked:-

nil

Witnesses examined for Defence:- Nil

Exhibits marked for Defence:- Nil

Judicial Magistrate of First
Class,Kodungallur