

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE OF
CHALAKUDY

Present: Smt.Savitha V.S, Judicial First Class Magistrate
Dated this the 25th day of April 2026/5th Vaisakha 1948 SE

Calendar Case No. 31 OF 2019

Complainant : State of Kerala - rep. by Sub
Inspector of Police, Chalakudy Police
Station in Crime No.756/2018
(By Sri.Sreekumar P, Assistant Public
Prosecutor, Senior Grade, Chalakudy)

Accused : 1. Arunkumar @ Arun, aged 29, S/o Ayyappan
Manappattil house, Vellanchira desom, Aloor Village
now residing at Thrippappilly Pradeep Nagar
2. Nijeesh, aged 26, S/o Thilakan, Chaliparambath house
Pradeep Nagar, Velookkara, Pariyaram Village.
3. Jijo, aged 30, S/o Jose, Chaipilan house,
Thrippappilly desom, Pariyaram Village.
4.Jeffin, aged 28, S/o Paulose, Cheryekkara house,
Thrippappilly desom, Pariyaram Village .
5. Sujith, aged 25, S/o Ravi,Koomully house,
Thrippappilly desom, Pariyaram Village
6. Viswam, aged 27, S/o Kunjappan, Ottummal
house, Thrrippappalli desom, Pariyaram Village.
(By Adv.Sri.Saji Kurup (A3,A5,A6. Adv. Pauly Joseph
Kanichai (A1), Adv. Jayan Kuttichakku (A4),Adv.
V.C.Valsan (A2)

Offence : u/Ss 143,148,332, r/w 149 of IPC
Plea : Not guilty
Finding : Not guilty
Sentence or order : Accused are acquitted u/S.248(1) of Criminal Procedure
Code

DESCRIPTION OF ACCUSED

| Sl. No. | Name of Police station and the Crime No. of the offence. | Name and Rank of accused | Father's Name | Occupation | Residence | Age |
|---------|--|--------------------------|---------------|------------|---------------|-----|
| 1 | Chalakudy Police | 1. | Ayyappan | Nil | Thrippappilly | |

| Station | | Crime No. | | Arunkumar @ Arun | | Thilakan | | | | | | 29 |
|------------|------------|--------------------------|---|-----------------------|--------------------------|----------------|-------------------|------------|---|----------------------|--|----|
| 756/2018 | | | | 2. Nijeesh | | Jose | | Nil | | Velookkara | | 26 |
| | | | | 3. Jijo | | Paulose | | | | Thrippappilly | | 30 |
| | | | | 4. Jeffin | | | | | | Thrippappilly | | 28 |
| | | | | 5. Sujith | | Ravi | | Nil | | Thrippappilly | | 25 |
| | | | | 6 Viswam | | Kunjayyappan | | Nil | | Thrippappilly | | 27 |
| DATE OF | | | | | | | | | | | 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 | | |
| 18.11.2018 | 18.11.2018 | 18.11.2018 | A1: 26.11.2018 A2: 4.12.2018 A3 to A6: 29.11.2018 | 07.1.2020 | 29.6.2022 | 24.4.2026 | 25.4.2026 | - | - | - | - | |

This case having been finally heard on 24.4.2026 and the court delivered the following:

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JUDGMENT

This case is instituted on a final report filed by the Sub Inspector of Police, Chalakudy Police Station u/Ss.143,148,332, r/w 149 of IPC.

2. The prosecution case, in brief, accused Nos. 1 to 6, on 18.11.2018 at about 6:30 PM, at Pradeep Nagar, Thrrippappilly, formed themselves into an unlawful assembly and, with the knowledge that each of them was a member of such assembly, by possessing a bill hook , the 1st accused waved the weapon in the air, creating a tense and fearful situation. When Police Officer (CW1) and party attempted to intervene, the accused persons fled from the scene. Accused Nos. 1 and 2 were restrained, lawfully arrested, and placed in the police jeep. At that time, Accused Nos. 3 to 6, who had escaped earlier, returned to the jeep and attempted to forcibly take Accused Nos. 1 and 2 out of the vehicle. In the process, they assaulted Police Officers (CW1 and CW2) who tried to prevent them, and obstructed them in the discharge of their official duties. Thus, the accused had committed the aforesaid offences.

3. The Court took cognizance of the offences punishable under sections 143,148,332, r/w 149 of IPC. Upon their appearance, accused were released on bail. The copies of the final report and other connected documents were duly furnished to them in compliance with Section 207 of the Code of Criminal Procedure. Charges for offences punishable under Sections 143,148,332, r/w 149 of IPC were framed, read over and explained to him in vernacular, to which they pleaded “not guilty” and claimed to be tried.

4. On behalf of the prosecution, PW1 to PW6 were examined, and Ext. P1 to P14 and MO1 were marked. After the conclusion of the prosecution's evidence, all incriminating circumstances were put to the accused in compliance with Section 313(1) (b) of the Code of Criminal Procedure. The accused denied all the allegations and pleaded innocence. They were then called upon to enter their defence. No evidence was adduced from the side of defence.

5. Heard both sides. The following points arise for consideration:-

1. Whether the accused on 18.11.2018 formed themselves into an unlawful assembly at Thalappilly as alleged by the prosecution ?
2. Whether the accused committed rioting armed with deadly weapons as as alleged?
3. Whether the accused obstructed the discharge of the lawful duty of PW1 and PW2 as alleged ?
4. Whether the accused committed the offences in prosecution of their common object as alleged?
5. Sentence or Order?

6. Point Nos.1 to 4:-

PW1 deposed that on 18.11.2018, while he was working as an Additional Sub Inspector at Chalakudy Police Station and was on law and order patrolling duty, he received reliable information that a group of persons had assembled at Thrippappally Pradeep Nagar and were creating a commotion on the road. On reaching the spot, he saw one person wielding a sword, brandishing it in the air and striking it on the road, thereby creating a terror atmosphere. He stated that the said person was taken into custody using

necessary force, while the others fled from the scene. He further deposed that the two persons taken into custody, along with the sword seized and the motorcycle used by them, were taken into custody as per the seizure mahazar and made to sit in the police jeep. At that time, four persons who had earlier fled returned and forcibly released the two persons from the jeep. However, by using necessary force, they were again secured and made to sit in the jeep. During the scuffle, one of the accused, Jijo, pushed him, causing his right hand to hit against the rear portion of the jeep, and thereafter the four persons escaped from the scene.

7. PW1 further stated that the accused along with the seized articles were produced at the police station and, after medical examination, the case was registered, and the First Information Report prepared at that time is marked as Ext. P1. He deposed that he and Additional Sub Inspector Santhosh Kumar, who had sustained injuries, went to the Government Hospital, Chalakudy, for treatment. After the medical examination of the accused, their arrest was recorded, and the arrest memos and inspection memos prepared at that time are marked as Ext. P2, P3, P4 and P5. The report submitted for correction of the FIR time is marked as Ext. P6. The seizure mahazar of the properties is marked as Ext. P7, and the sword used for the offence is identified as MO1. He further stated that he sustained severe pain when he was hit on his back and when his hand was forcibly struck against the jeep, and that he sought treatment. At the time of the incident, he was in police uniform and was travelling in a departmental police jeep.

8. PW2 deposed that on the relevant date, while he was working as an Additional Sub Inspector at Chalakudy Police Station, at about 6.30 PM, during patrolling duty, on receiving information about a commotion in a colony, he reached the spot and saw several youngsters gathered there. Among them, one person wearing a black t shirt and saffron lungi was holding a sword. When they got down from the jeep and attempted to disperse them, they were pushed aside and the persons attempted to flee. Two persons, including the one holding the sword, were apprehended and made to sit in the jeep. While removing their motorcycle, four persons who had fled earlier returned and attempted to release the two persons from the jeep, and in that process, they attacked PW1, himself, and the accompanying police party, after which those four persons fled. He further stated that the sword and the vehicle were taken to the police station. He also deposed that he sustained injury to his finger and went to Chalakudy Taluk Hospital for treatment.

9. PW3 deposed that on 18.11.2018, while he was working as a Senior Civil Police Officer and was on patrol duty along with PW1 and PW2, at about 6.15 PM, they received information that some persons armed with swords were creating a terror atmosphere near Pradeep Nagar Colony. On reaching the spot, he saw one person wearing a black t shirt and saffron lungi striking a sword on the road and creating panic along with others. When they attempted to restrain them, they were pushed aside. By using necessary force, two persons were apprehended and made to sit in the jeep, while

four others fled from the scene. He further deposed that after the incident, PW1 arrested the said two persons and seized the sword and the motorcycle used by them as per Ext. P7 mahazar, and that he had signed the mahazar as a witness. He further stated that when the two accused were made to sit in the jeep, the four persons who had fled returned and attempted to forcibly take them out, during which PW1 was hit on his back and his right hand struck against the back door of the jeep, and PW2's left hand was twisted, after which the four persons fled.

10. PW4 deposed that his residence is at Vettukara and that he had signed Ext. P8 mahazar as a witness.

11. PW5, who was working as Casualty Medical Officer at Chalakudy Taluk Hospital on 18.11.2018, deposed that at about 7.50 PM he examined PW1 and issued the wound certificate marked as Ext. P9, and also examined PW2 and issued the wound certificate marked as Ext. P10, wherein the injuries sustained by them were recorded.

12. PW6 deposed that on 19.11.2018, while he was working as Sub Inspector of Police, he took over the investigation of the case, prepared the scene mahazar marked as Ext. P8, and arrested the accused persons. The arrest memo prepared for the fourth accused is marked as Ext. P11, for the sixth accused as Ext. P12, and for the fifth accused as Ext. P13. He further produced Ext. P14 attendance register to show that the witnesses were on duty at the relevant time. He also stated that the seized properties were released on bond as per the seizure mahazar, and thereafter he completed the investigation and filed

the final report before the court.

13. On the basis of the materials placed on record, the prosecution alleged that on 18.11.2018 at about 6.15PM, PW1 and other members of the police party, while on law and order patrolling duty from Chalakudy Police Station, reached Thrippappally Pradeep Nagar on receiving information that certain persons had assembled and were creating a commotion on the public road. It is the case of the prosecution that on reaching the spot, they found one person wielding a sword and creating a terror atmosphere, and when they attempted to disperse the crowd, two persons were apprehended and made to sit in the police jeep, while others fled. Subsequently, four persons who had fled returned, formed themselves into an unlawful assembly, attacked the police party, and in the course of the scuffle, PW1 and PW2 sustained injuries. It is further alleged that the accused, in prosecution of their common object, voluntarily caused hurt to the public servants in order to deter them from discharging their official duty, thereby committing offences punishable under Section 332 IPC and Sections 143 148 149 IPC.

14. To substantiate the above allegations, the prosecution examined PWs 1 to 6 and marked Exts. P1 to P14 and MO1. PW1 and PW2, who are the injured witnesses, deposed in line with the prosecution case and stated that they sustained injuries during the incident. PW3 supported the version regarding the occurrence and seizure. PW5, the doctor, proved the wound certificates. PW6, the Investigating Officer, spoke about the investigation, arrest of the accused and preparation of records.

15. The learned Prosecutor contended that the evidence of PW1 and PW2, being injured witnesses, carries great evidentiary value and is sufficient to base a conviction. It was argued that minor inconsistencies or absence of independent witnesses are not fatal when the official witnesses are trustworthy. It was further submitted that the medical evidence corroborates the factum of injuries and that the occurrence took place during discharge of official duty, and hence the ingredients of the offences stand proved.

16. Per contra, the learned counsel for the accused assailed the prosecution case on multiple grounds. It was contended that the prosecution has failed to prove that PW1 and others were actually discharging official duty at the relevant time, as no contemporaneous duty records such as General Diary entries or specific duty deployment records were produced, and the mere production of an attendance register is insufficient. It was further argued that PW1 failed to identify accused Nos. 1 and 2 in the dock, despite the case that they were apprehended at the spot, which creates serious doubt regarding the identity of the assailants. It was also pointed out that no specific overt acts are attributed to accused Nos. 3 to 6 and their presence itself is doubtful, especially in the absence of any electronic evidence such as tower location details.

17. The defence further highlighted that there was a correction in the FIR with respect to the time and place of occurrence, which remains unexplained and affects the credibility of the prosecution version. It was also argued that the history given to the doctor indicates that the injuries were sustained in a “scuffle,” which does not support the

prosecution case of a deliberate attack to deter public servants. The learned counsel also pointed out that the place of occurrence is a thickly populated area with more than 300 residents, yet no independent witness was examined, and this omission is fatal in the facts of the case. Additionally, reliance was placed on the testimony of the scene mahazar witness, who stated that he had signed on a blank paper, thereby casting serious doubt on the genuineness of the mahazar and the fairness of the investigation.

18. On a careful evaluation of the rival submissions and the evidence on record, this Court finds considerable force in the contentions raised by the defence. The prosecution has not produced reliable documentary evidence to conclusively establish that PW1 and the police party were on official patrol duty at the relevant time. In the absence of such proof, one of the essential ingredients of the offence under Section 332 IPC remains unsubstantiated.

19. Further, the failure of PW1 to identify accused Nos. 1 and 2 in the dock strikes at the root of the prosecution case. When the very identity of the accused is not established, the question of their involvement in the alleged occurrence becomes doubtful. As regards accused Nos. 3 to 6, there is no clear or consistent evidence regarding their participation, and no overt acts have been attributed to them. In such circumstances, the prosecution has failed to establish the formation of an unlawful assembly or the existence of a common object so as to attract the provisions of Sections 143, 148 and 149 IPC.

20. The unexplained correction in the FIR regarding the time and place of occurrence

further weakens the prosecution case. The medical evidence, though proving the presence of injuries, does not support the specific prosecution version, as the history recorded suggests a scuffle rather than a targeted assault. The non-examination of independent witnesses, despite the availability of a large number of persons at the scene, also creates doubt regarding the veracity of the prosecution case. The evidence of the scene mahazar witness that he signed a blank paper further affects the credibility of the investigation.

21. In criminal jurisprudence, the prosecution is bound to prove its case beyond reasonable doubt. In the present case, the cumulative effect of the above infirmities creates a reasonable doubt regarding the prosecution version. The evidence adduced falls short of establishing that the accused formed an unlawful assembly, committed rioting, or voluntarily caused hurt to public servants with the intention of deterring them from discharging their official duties.

22. In the result, the accused are entitled to the benefit of f doubt and are found not guilty of the offences punishable under Section 332 IPC and Sections 143, 148 and 149 IPC, and are accordingly acquitted.

23. Point No.5:-

In the result, accused are found not guilty of the offences punishable under Sections 143,148,332, r/w 149 of IPC and are accordingly acquitted under Section 248 (1) of Criminal Procedure Code. Their bail bonds stand discharged and they are set at

liberty.

MO1 shall be confiscated to the State on expiry of appeal period.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court, this the 25th day of April, 2026.

Sd/-
Judicial First Class Magistrate,
Chalakydy.

APPENDIX

Prosecution witness

| | | |
|-----------|---------------|--|
| PW1/CW1 | Valsakumar | S.I.P Chalakydy |
| PW2/CW2 | Santhoshkumar | Asst.S.I.P Kodungallur |
| PW3/CW4 | Haris | SCPO 5928 Chalakydy P.S |
| PW4/CW7 | Jose | Mahazar witness |
| PW5/ CW10 | Dr.Nidhin | CMO, Thaluk Head Quarters hospital Chalakydy |
| PW6/CW11 | Jayesh Balan | S.I.P.Chalakydy P.S. |

Defence witness :

| | | |
|-----|--|--|
| Nil | | |
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Court witness :

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| Nil | | |
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Prosecution Exhibits:

| | | |
|---|------------|----------------------------------|
| 1 | Ext.P1/PW1 | FIR dated 18.11.2018 |
| 2 | Ext.P2/PW1 | Arrest memo dated 18.11.2018 |
| 3 | Ext.P3/PW1 | Inspection Memo dated 18.11.2018 |

| | | |
|----|--------------|---|
| 4 | Ext.P4/PW1 | Arrest memo dated 18.11.2018 |
| 5 | Ext.P5/PW1 | Inspection memo dated 18.11.2018 |
| 6 | Ext.P6/PW1 | Report for correcting time 18.11.2018 |
| 7 | Ext.P7/PW1 | Seizure mahazar dated 19.11.2018 |
| 8 | Ext.P8/PW4 | Scene mahazar dated 19.11.2018 |
| 9 | Ext.P9/PW5 | Wound certificate of Valsakumar 19.11.2018 |
| 10 | Ext.P10/PW5 | Wound certificate of Santhoshkumar 19.11.2018 |
| 11 | Ext.P11 /PW6 | Arrest memo dated 21.11.2018 |
| 12 | Ext.P12 /PW6 | Arrest memo dated 21.11.2018 |
| 13 | Ext.P13 /PW6 | Arrest memo dated 21.11.2018 |
| 14 | Ext.P14/PW6 | Seizure mahazar dated 10.12.2018 |

Exhibits for defence:-

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| | Nil | |
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Material objects:-

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| | MO1 | Billhook |
|--|-----|----------|

Sd/-

Judicial First Class Magistrate,
Chalakydy.

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Judicial First Class Magistrate,
Chalakydy.