

IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE, KUNNAMKULAM

Present:- Sri. Jayanthan L., Judicial I Class Magistrate.

Monday, the 23rd day of March, 2026.

CC 1269/2019

Complainant : State of Kerala represented by the
Sub Inspector of Police, Vadakekkad
Police Station in crime No.382/2018.
(By Sri. P.Krishnakumar, Assistant Public
Prosecutor, Senior Grade, Kunnamkulam) .

Accused : 1. Arshad 23/2019 years, S/o.Abdul Rahman,
Dassaru House, Mavinchuvadu,
Punnayoorkulam Village, Thrissur District.
2. Jeevan T.M., 23/2019 years,
S/o.Mohanan T.K., Thandengattil House,
Punnayoorkulam Village, Thrissur District.
3. Jan T.M. 28/2019 years, S/o.Mohnan,
Thandengattil House, Punnayoorkulam
Village, Thrissur District.
4. Amal Krishna V.B. 19 years,
S/o.Bharathan, Valiparambil House,
Kanjaramuck, Malappuram District
(no more)
5. Ashil P.H., 28/2019 years, S/o.Hussain,
Pannakkad House, Mavinchuvadu,
Punnayoorkulam Village. Thrissur
District.

By Adv.Sri. Rajeev C.B. Kunnamkulam.

Offence : U/s.143, 145, 148, 341, 323, 324 r/w 149 of IPC.

Plea : Not Guilty.
 Finding : Not Guilty
 Sentence or Order : Accused 1,2,3 and 5 are acquitted u/s.248(1) of Cr.P.C. Accused 4 is no more and hence charge against him is abated.

Description of accused

| No | Name | Father's name | Occupation | Residence | Age |
|----|--------------|---------------|------------|----------------|-----|
| 1 | Arshad | Abdul Rahim | Driver | Punnayoorkulam | 23 |
| 2 | Jeevan | Mohanan | Coolie | Punnayoorkulam | 23 |
| 3 | Jan | Mohanan | Driver | Punnayoorkulam | 28 |
| 4 | Amal Krishna | | No more | | |
| 5 | Ashil | Hussain | Coolie | Punnayoorkulam | 28 |

Date of :

| Offence | Complaint | Apprehension | Release on bail | Commencement of trial | Closure of trial | Sentence or order |
|-----------|-----------|--------------|-----------------|-----------------------|------------------|-------------------|
| 8.11.2018 | 9.11.2018 | 8.5.2025 | 8.5.2025 | 30.01.2026 | 23.3.2026 | 23.03.2026 |

This case having been finally heard on 23.3.2026 and the Court on the same day delivered the following:-

JUDGMENT

In this case, final report has been filed by the Sub Inspector of Police, Vadakekkad Police Station in crime No.382/2018 against the accused alleging commission of the offences punishable under sections 143, 145, 148, 341, 323, 324 r/w 149 of the Indian Penal Code.

2. The prosecution case in brief is that, the accused persons 1 to 5 on 8.11.2018 at 4.30 pm at a place called Uppungal formed an unlawful assembly knowing that they are the members of the above said assembly in furtherance of their common object to assault defacto complainant, wrongfully restrained him and beat at his back with an iron pipe and accused 2 and 3 kicked him and accused 4 and 5 hold the hands of defacto complainant to the back side and thus helped other accused persons for assaulting. Thus, the accused persons committed the above mentioned offences.

3. On issuance of summons, the accused appeared before the Court. Copies of all relevant prosecution records were furnished to them. The accused were granted bail. After hearing both sides, charge was framed, read over and explained to them to which they pleaded not guilty and claimed to be tried. During the trial of the case accused 4 expired and copy of his death certificate is produced.

4. From the side of prosecution three witnesses were examined as PW1 to PW3 and Exhibit P1 was marked. Since no incriminating evidence, examination of accused u/s 313(1) (b) of Cr.P.C is dispensed with. No evidence was adduced from the side of the accused.

5. Heard both sides.

6. Now the points that arise for determination are :-

1. Whether the accused persons 1 to 5 on 8.11.2018 at 4.30 pm at a place called Uppungal formed an unlawful assembly in furtherance of their common object to assault CW1 and committed the above mentioned offences as alleged by the prosecution ?

2. Whether the accused persons are guilty of any of the offences alleged against them? If found guilty, what should be the order as to sentence?

7. **Point No.1** :- From the side of prosecution PW1 to PW3 were examined. It is reported that CW1 is working abroad and prosecution failed to procure his presence before the Court. PW1 to PW3 deposed before the Court that, they had not witnessed the accused persons assaulting CW1.

8. From the evidence of above prosecution witnesses there are no incriminating circumstances against the accused. The defacto complainant and other victim in this case did not turn up before the Court to adduce evidence in support of the prosecution case. PW1 to PW3, the occurrence witnesses in this case deposed that they had not witnessed the alleged incident. So, the Learned Assistant Public Prosecutor rightly gave up the remaining witnesses. Accordingly, it is safe to conclude that the prosecution failed to prove the case against the accused persons beyond reasonable doubt and this point is found against the prosecution.

9. **Point No.2** :- In view of my findings on point No.1, the accused 1 to 3 and 5 are found not guilty of the offences alleged against them.

In the result, the accused 1 to 3 and 5 are acquitted u/s.248(1) of Cr.P.C for the above mentioned offences. They are set at liberty and their bail bonds stand cancelled. As accused 4 is no more, charge against him is abated. The property produced in this case are iron pipe, jeans and shirt (vide PI 570/2018 and PI 571/2018) and the items

being valueless shall be destroyed as per rules.

(Dictated to the Confidential Assistant, transcribed by her, corrected by me and pronounced in open court on this the 23rd day of March, 2026)

Judicial First Class Magistrate- Kunnankulam.

APPENDIX

Witnesses examined from the side of the prosecution:-

| | | |
|-----|-------------|--------------------|
| PW1 | Asharaf/CW2 | Occurrence witness |
| PW2 | Ramla/CW3 | Occurrence witness |
| PW3 | Shafik/CW4 | Occurrence witness |

Exhibit marked for the prosecution:- Nil.

Material Objects marked:- Nil.

Witness examined for the defence :- Nil.

Exhibits marked for the defence :- Nil .

Judicial First Class Magistrate – Kunnankulam.