

IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE, KUNNAMKULAM

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

Tuesday, the 24th day of March, 2026.

CC 3046 / 2017

Complainant : State of Kerala represented by the
Sub Inspector of Police, Kunnamkulam
Police Station in crime No.902/2017.
(By Sri. P.Krishnakumar, Assistant Public
Prosecutor, Senior Grade, Kunnamkulam) .

Accused : 1. Suresh @ Janke Suresh, 31/2017 years,
S/o.Ayyappan, Ariyarath House, Porkulam
Village, Thrissur District.
2. Nikhil @ Kannan, 28/2017 years,
S/o.Chandran, Kannamkot House,
Villanoor, Karukulam Karikkad Village,
Thrissur District.
3. Raju, 40/2017 years, S/o.Krishnankutty,
Thayyil House, Near Porkulam
Anganavadi, Porkulam Village,
Thrissur District.
4. Sukumaran, 44/2017 years,
S/o.Kunjumon, Manchery House,
Porkulam, Health Centre (Via),
Porkulam Village, Thrissur District.
5. Prabhash, 29/2017 years,
S/o.Bhaskaran, Ponnarasery House,
Porkulam Village, Porkulam Desom.
By Adv.Sri. C.S.Prathapan
Kunnamkulam.

Offence : U/s.143, 147, 148, 341, 323, 324 r/w 149 of IPC.
Plea : Not Guilty.
Finding : Not Guilty
Sentence or Order : Accused are acquitted u/s.248(1) of Cr.P.C.

Description of accused

No	Name	Father's name	Occupation	Residence	Age
1	Suresh	Ayyappan	Coolie	Porkulam	32
2	Nikhil	Chandran	Coolie	Porkulam	30
3	Raju	Krishnankutty	Coolie	Porkulam	41
4	Sukumaran	Kunjumon	Coolie	Porkulam	45
5	Prabhash	Bhaskaran	Head Load worker	Porkulam	31

Date of :

Offence	Complaint	Apprehension	Release on bail	Commencement of trial	Closure of trial	Sentence or order
4.4.2017	6.4.2017	23.3.2018	23.3.2018	23.09.2019	24.3.2026	24.03.2026

This case having been finally heard on 24.3.2026 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, Kunnankulam Police Station in crime No.902/2017 against the accused alleging commission of the offences punishable under sections 143, 147, 148, 341, 323, 324 r/w 149 of IPC.

2. The prosecution case in brief is that, the accused persons 1 to 5 on 4.4.2017 at 10 pm at a place called Porkulam formed an unlawful assembly knowing

that they are the members of the above said assembly in furtherance of their common object to assault CW1 and CW2 due to prior enmity, wrongfully restrained them and the first accused cut at the head of CW1 with a sword stick. Accused 2 to 5 beat and hit CW1 and CW2 with hands and also kicked them. 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.

4. From the side of prosecution two witnesses were examined as PW1 and PW2. 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 4.4.2017 at 10 pm at Porkulam formed an unlawful assembly in furtherance of their common object to assault CW1 and CW2 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 and PW2 were examined. It is reported that CW1 is no more and copy of his death certificate is produced. CW2 and CW3 are marked as PW1 and PW2. When they examined before the Court, they

stated that they had not witnessed the alleged incident and the matter is settled between them.

8. From the evidence of above prosecution witnesses there are no incriminating circumstances against the accused. The defacto complainant is no more and the other witnesses in this case, when they examined before the Court, did not adduce any evidence in support of the prosecution case. 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 hence this point is found against the prosecution.

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

In the result, the accused 1 to 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. The property produced in this case (PI 304/2017) is an iron pipe and the same shall be confiscated to the State after the appeal period as per rules.

(Dictated to the Confidential Assistant, transcribed by her, corrected by me and pronounced in open court on this the 24th day of March, 2026)

Judicial First Class Magistrate- Kunnamkulam.

APPENDIX

Witnesses examined from the side of the prosecution:-

PW1	Sreekrishnan/CW2	Victim / Occurrence witness
PW2	Jishnu/CW3	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 – Kunnamkulam.