

**IN THE COURT OF THE JUDICIAL FIRST CLASS  
MAGISTRATE-II, NEDUMANGAD.**

**Present:-** Akshaya.P.R., Judicial First Class Magistrate-II,  
Nedumangad

Monday, 13<sup>th</sup> day of April,2026/ 23<sup>rd</sup> day of Chaithra, 1948

**C.C.330/2012.**

Complainant	:	State represented by the Sub Inspector of Police, Nedumangad Police Station in Crime No.160/2012  <i>(By Assistant Public Prosecutor</i>
Accused	:	1.Suresh,S/o. Bhaskaran, Pammathala veedu,near Pammathala temple,Karakulam.  2.Rajesh, S/o. Vikraman, Karimannoor veedu,Eanikkara, Karakulam.  3.Vishnu, S/o. Sadasivan Nair, Jaya bhavan,Ponnarakunnu, Andoor,Chekkakonam,Karakulam.  4.Akhil,S/o. Sasidharan Nair, Radha bhavan,Mullassery, Chekkakonam,Karakulam.  5.Satheesh, S/o. Krishnankutty, Mele puthan veedu,Mullassery, Plathara, Karakulam.  6. Adarsh, S/o. Rajendran Nair, Revathy, near Mullassery High School junction, Karakulam.  Advocate Sri.N Aravindakshan Nair
Charge	:	Offences punishable U/s.143,147,148,149,324,294(b) I.P.C.
Plea	:	Not guilty
Finding	:	Not guilty
Sentence	:	The accused no.1,2 & 6 are found not guilty of offences punishable U/s143, 147, 148, 149, 324, and 294(b) I.P.C.and they are acquitted u/s. 248(1) of the Cr.PC for the said offences and they are set at liberty. The bail bonds executed by the accused are hereby cancelled. The case against accused no.3,4 & 5 is split-up and refiled as CC. 1577/2012.

**Description of accused**

Sl. No	Name of the Police Station and the Crime No. of the offence	Name	Father's name	Occupation	Residence	Age
1	2	3	4	5	6	7
1	Nedumangad P S cr No.160/2012	Suresh kumar	Bhaskara Pillai	Nil	Karakulam	50.
2	Nedumangad P S cr No.160/2012	Rajesh	Rajesh	Nil	Karakulam	46
3	Nedumangad P S cr No.160/2012	Adarsh	Rajendran Nair	Nil	Karakulam	37

**DATE OF**

occurrence	Report of complaint	Apprehension of accused	Released on bail	Commitment	Commencement of trial
8	9	10	11	12	13
15.2.2012	2.4.2012	3.5.2016 A1,2 & 6	3.5.2016 A1,2 & 6	Nil	3.4.2025
Commencement of evidence	Close of trial	Sentence or order	Service of copy of judgment or finding on accused	Expln.for delay and remarks	Period of detention
13(A)	14	15	16	17	18
18.6.2024	13.4.2026	13.4.2026	13.4.2026	No delay	Nil

This case having been finally heard on 13.4.2026 and the court on 13.4.2026 delivered the following :-

**JUDGMENT**

1. In this case the final report is filed by the Sub Inspector of Police, Nedumangad in Crime No 160/2012 for the offences punishable u/s 143,147,148, 149, 324,294(b) of the Indian Penal Code (hereinafter referred as I.P.C).

2. The prosecution case in brief is that, the accused nos. 1 to 6 with 25 identifiable persons, armed with deadly weapons and formed themselves into an unlawful assembly, with an intention to cause hurt to witness no.1 & 2, beat and hit all over the body at 15.30 hours on 15.2.2012. Thus the accused are alleged to have committed offences punishable u/s 143,147,148,149,324,294(b) I.P.C.

3. On appearance of the accused no.1,2& 6, they were served with the copies of all relevant records relied upon by the prosecution. The accused have appointed lawyer of their choice. After considering the materials,charge was framed, read over and explained to the accused no.1,2 & 6 for the offences punishable u/s 143,147,148, 149,324,294(b) I.P.C. To which they pleaded not guilty and claims to be tried. From the side of the Prosecution, PW 1 to 4 were examined and Ext.P1 to P6 were marked . Sufficient opportunity was granted to produce CW2. But presence of CW2 could not be procured nor filed report. Case is of the year 2014. As granting further opportunity will only delay the proceedings, evidence closed. The accused no.1,2 and 6 were questioned u/s.313(1)(b) Cr.P.C and opporutnity was granted to explain the circumstance came in evidence. They denied all the incriminating circumstance appeared in evidence against them. No defence evidence has been adduced.

4. Heard both sides and perused the records.

5. The points that arise for determination in this case are the following:

1. Have the accused no.1,2 & 6 formed themselves into an unlawful assembly and thereby committed offence punishable u/s. 143 I.P.C. as alleged by the prosecution?

2. Have the accused no.1,2 & 6 formed themselves into an unlawful assembly in order to commit rioting and thereby committed offence punishable u/s. 147 I.P.C. as alleged by the prosecution?

3 Have the accused no.1,2 & 6 formed themselves into an unlawful assembly in order to commit rioting armed with weapons and thereby committed offence punishable u/s. 148 I.P.C. as alleged by the prosecution?

4. Have the accused no.1,2 & 6 formed themselves into an unlawful assembly with the common object and thereby committed offence punishable u/s. 149 I.P.C. as alleged by the prosecution?

5. Have the accused no.1,2 & 6 voluntarily caused grievous hurt to the defacto complainant and thereby committed offence punishable u/s. 324 I.P.C. as alleged by the prosecution?

6. Have the accused no.1,2 & 6 used abusive and filthy language against PW1 & 2 and thereby committed offence punishable u/s. 294(b) I.P.C. as alleged by the prosecution?

7.What is the appropriate order or punishment, if any, to be awarded?

**6. Point No.1 to 7 :-**

For the sake of brevity, these points are considered together.

7.The sole supporting witness,PW4, the investigation officer has deposed that on 15.02.2012 he was working as the Sub Inspector of Police. On 16.02.2012, PW1 reached the police station and gave a statement. On the basis of the said statement, a case was registered. He conducted the investigation along with Witness No. 6. The

FIR registered by him is marked as Ext. P2. The First Information Statement bears the signature of Witness No. 6. The body note prepared by Witness No. 6 is marked as Ext. P1(a). On reaching the place of occurrence, he prepared the scene mahazar, which bears his signature and is marked as Ext. P3. He recorded the statements of the witnesses. On revealing the name and address of the accused, he filed a report before the court, which is marked as Ext. P4. The wound certificates of PW1 and PW2 are marked as Exts. P5 and P6. After completion of the investigation, he filed the final report before the court.

8. Presence of CW2 could not be secured by the prosecution in spite of giving repeated opportunities. Case is of the year 2012. As granting further opportunity will only delay the proceedings, the evidence was closed. PW1 to 3 the material witnesses have deposed against the prosecution case. Hence the remaining witness is the investigation officer. As we discussed, through him the records prepared during the investigation are marked. However the same is unsupported by any direct evidence. Further PW1 had during his evidence deposed that he could not identify whether the accused had assaulted him. Therefore, no direct cogent evidence before the court to prove that the accused have committed the offence alleged against them. Hence I believe the records marked through the investigation officer, without a backing of direct evidence cannot be considered to hold against the accused. As prosecution has failed to secure with credible testimony of the any of the direct witnesses, I find prosecution has failed to prove the offence levelled against the accused beyond doubt as urged by the learned defence counsel. Therefore, I find that prosecution has failed to prove the offence levelled against the accused. If so, accused is entitled for an acquittal as prayed and hence no punishment shall be imposed on them.

Accordingly point No. 1 to 7 are found in favour of the accused no.1,2 & 7.

In the result, the accused no.1,2 & 7 are found not guilty for the offences punishable under section 143,147,148,149,324,294(b) I.P.C and they are acquitted under section 248(1) of the Code of Criminal Procedure, 1973. The accused are set at

liberty. The bail bond executed by the accused is hereby cancelled. No material objects are marked for the purpose of this case. The Case against accused no. 3,4 & 5 are split-up and refiled as CC.1577/2012

*Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court this the 13<sup>th</sup> day of April,2026*

Sd/-

Judicial I Class Magistrate-II,  
Nedumangad

**APPENDIX**

**Prosecution Witness**

PW1	Anandu	informant
PW2	Sunandadevi	Occurrence witness
PW3	Vijayakumar.K	Mahazar witness
PW4	M.Jayachandran	Investigation officer

**Prosecution Exhibits**

Sl.No.	Exhibit Number	Description
1	P1	First Information Statement dated,16.2.2012proved by PW4 on 5.3.2026
1(a)	P1(a)	Body note dated,16.2.2012 proved by PW4 on 5.3.2026
2	P2	FIR proved by PW4 on 5.3.2026
3	P3	Scene mahazar dated, 16.2.2012 proved by PW4 on5.3.2026
4	P4	Report dated,15.3.2012proved by PW4 on 5.3.2026
5	P5	Wound certificate dated,15.2.2012 proved by PW4on 5.3.2026 on
6	P6	Wound certificate dated, 15.2.2012 proved by PW 4on 5.3.2026

**Material objects marked: NIL**

Sd/-

Judicial I Class Magistrate-II,  
Nedumangad

(True copy)

Judicial I Class Magistrate-II,  
Nedumangad

