

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE  
KATTAKADA**

**Present: Smt. Shiva Sharath  
Judicial First Class Magistrate0**

**Dated this the 18<sup>th</sup> day of March 2026**

**CC 111/2020**

Complainant : State - Represented by the Sub Inspector of Police,  
Maranalloor Police Station in Crime No.149/2009.

*(Rep. by Assistant Public Prosecutor Gr.II)*

Accused : Mallika, aged 43 yrs, D/o Premi, Poovanvilakathu puthen  
veedu, Valiyavila, Ooruttambalam.

(Rep by Adv Remya Micheal)

Charge : Under S. 143, 147, 323, 324 and 447 r/w 149 of IPC

Plea : Not Guilty

Finding : Not Guilty

Sentence/Order : Accused is found not guilty for the offense punishable under  
S. 143, 147, 323, 324 and 447 r/w 149 of IPC and she is  
acquitted under Section 248(1) of the Code of Criminal  
Procedure, 1973.

**DESCRIPTION OF THE ACCUSED**

Sl. No.	Name	Father's Name	Occupation	Residence	Age
1.	Mallika	Premi	-	Poovanvilakathu puthen veedu	43

**DATE OF**

Occurrence	Complaint	Apprehension of appearance	Release on bail	Commencement of trial

03.06.2009	10.06.2009	29.01.2026	29.01.2026	29.01.2026
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Commence-ment of Evidence	Close of trial	Sentence or Order	Period of detention undergone during the investigation, inquiry or trial for the purpose of sec.428 of Cr.P.C.	Explanation for delay
29.01.2026	18.03.2026	18.03.2026	Nil	No Delay

This case having been finally heard on 18.03.2026 and on the same day, delivered the following: -

### **J U D G M E N T**

1. This case arose on a final report filed in in Crime No. 149/2009 by Sub Inspector of Police, Maranalloor Police Station against accused persons under under S. 143, 147, 323, 324 and 447 r/w 149 of IPC.
2. The prosecution case in brief is as follows: Due to previous animosity towards the de facto complainant, on 03.06.2009 at about 6:00 PM, accused Nos. 1 to 6, with the common object of causing hurt to the de facto complainant, formed themselves into an unlawful assembly and, in prosecution of their common object, criminally trespassed into the courtyard of Munna Nivas at Valiyavila Junction. It is alleged that the accused caught hold of the hair of the de facto complainant, pushed her down, and dragged her. The 2nd accused struck her on her hand and back using a stone, and the 3rd accused assaulted her by fisticuffs on her right cheek. Further, the 2nd accused restrained CW2, while the 3rd accused kicked him on his abdomen. Thereby accused persons are alleged to have committed the aforesaid offences.
3. CW12 filed final report and this court took cognizance on the report under S. 143, 147, 323, 324 and 447 r/w 149 and issued summons to the accused . On appearance of accused, she is furnished with copies of relevant prosecution

records and was enlarged on bail. He had a counsel of her own choice. As there is ground for presuming that accused committed offences punishable under S. 143, 147, 323, 324 and 447 r/w 149 IPC. Charge was framed on the said offences, read over and explained the same to accused, to which accused pleaded not guilty and claimed to be tried.

4. To prove its case, prosecution examined PW1 and PW2 and marked Ext. P1 through him. The learned APP has given up all the remaining witnesses as the material witnesses have turned hostile to the prosecution. Since no incriminating evidence was adduced by the prosecution witnesses, examination of the accused u/s.313(1)(b) of Cr.P.C. was dispensed with. No defence evidence was adduced.
5. Heard learned assistant public prosecutor and the learned counsel for petitioner.
6. The following points arose for consideration.
  1. Whether on 03.06.2009 in prosecution of the common object the accused persons formed themselves into an unlawful assembly and there by committed an offence punishable with S 143 IPC r/w 149 of IPC ?
  2. Whether on 03.06.2009 in prosecution of the common object the accused persons formed themselves into an unlawful assembly and committed riot and there by committed an offence punishable under S 147 of IPC r/w 149 of IPC ?
  3. Whether on 03.06.2009 in prosecution of the common object the accused persons formed themselves into an unlawful assembly voluntarily caused hurt to PW1 and there by committed an offence punishable under S 323 of IPC r/w 149 of IPC ?

4. Whether on 03.06.2009 in prosecution of the common object the accused persons formed themselves into an unlawful assembly voluntarily caused hurt to PW1 with stone and there by committed an offence punishable under S 324 of IPC r/w 149 of IPC ?
5. Whether on 20.02.2019 in prosecution of the common object the accused persons formed themselves into an unlawful assembly criminally trespass into the property of PW1 and there by committed an offence punishable under S 447 of IPC r/w 149 of IPC ?
6. What is the finding and sentence?

7. **Point No.1 to 5:-** For the sake of convenience and brevity these points are considered together.

The defacto complainant/PW1 filed a compromise petition showing that the matter is settled between the parties. Since the offences alleged against the accused is non-compoundable in nature, the same is rejected. PW1 stated that she is the complainant in the present case. She deposed that she had sustained bodily injuries in the incident in question. She further stated that the accused who had caused the said injuries are not present before the Court today. She also deposed that the disputes between herself and the accused have been amicably settled. PW2 denied having any knowledge on the alleged incident. Nothing was elicited from them despite learned assistant public prosecutor putting questions asked during cross examination As such, learned assistant public prosecutor gave up examination of remaining witnesses as the matter stand settled between the parties.

8. Since the de facto complainant / victim and the witnesses did not support the prosecution case. No evidence was found to incriminate the accused. There is no material on record to prove that the accused has committed the alleged offences. As the material witnesses contradicted the prosecution's case and there is no evidence to support the allegations, this court finds that the

prosecution failed to prove the guilt of the accused beyond reasonable doubt. The accused is therefore entitled to an order of acquittal.

9. **Point No.7:-** Accused is entitled to orders of acquittal under this point in view of the findings rendered on the preceding point.

In the result,

1. Accused is found not guilty for the offense punishable under S. 1 143, 147, 323, 324 and 447 r/w 149 IPC and she is acquitted under Section 248(1) of the Code of Criminal Procedure, 1973.
2. The bail of bond of accused is cancelled and she is set at liberty forthwith.

Dictated to the Confidential Assistant directly, corrected and pronounced by me, in open court, on this the 18<sup>th</sup> day of March 2026).

*sd/-*  
**Judicial First Class Magistrate  
Kattakada**

### A P P E N D I X

**Witnesses for prosecution**

PW1 : Sathyabhama (CW1)

PW2 : Mani (CW2)

**Exhibit for prosecution:**

P1 : FIS marked through PW1

**Material Objects :** Nil

**Witness for Defence:** Nil

**Exhibits for Defence:** Nil

*sd/-*  
**Judicial First Class Magistrate  
Kattakada**

// True copy//

**Judicial First Class Magistrate  
Kattakada**