

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

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

**Dated this the 17<sup>th</sup> day of March 2026**

**CC 816/2019**

Complainant : State - Represented by the Sub Inspector of Police, Kattakada  
Police Station in Crime No.258/2019.

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

Accused : 1. Sanoop @ Sanu, aged 20 yrs, S/o Thankamani,  
Vazhavila veedu, Chaikkulam, Anakode muri,  
Veeranakavu village.  
2. Akhil, aged 28 yrs, S/o Gireesh kumar, Geetha bhavan,  
Chaikkulam, Anakode muri, Veeranakavu village.  
3. Nivinkumar, aged 25 yrs, S/o Soman, Nivya bhavan,  
Chaikkulam, Anakode muri, Veeranakavu village.  
4. Anilkumar @ Manikuttan, aged 41 yrs, S/o Appukuttan,  
Aswathi bhavan, in front of matchbox co., Chaikkulam,  
Anakode muri, Veeranakavu village.  
5. Aneesh, aged 27 yrs, S/o Soman, Kizhakkumkara  
veedu, Maanikkonam, Anakode muri, Veeranakavu  
village.  
6. Visakh @ Unni, aged 20 yrs, S/o Vijayan, Vazhavila  
veedu, Chaikkulam, Anakode muri, Veeranakavu  
village.

*(Rep by Adv S Unnikrishnan)*

Charge : Under S. 143, 147, 148, 447, 452, 323, 379 and 506ii r/w 149  
of IPC

Plea : Not Guilty

Finding : Not Guilty

Sentence/Order : A1 to A6 are found not guilty for the offense punishable under  
S. 143, 147, 148, 447, 452, 323, 379 and 506ii r/w 149 of IPC  
and they are 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.	Sanoop @ sanu	Thankamani	-	Vazhavila veedu	29
2.	Akhil	Gireeshkumar	-	Geetha bhavan	28
3.	Nivin kumar	Soman	-	Nivya bhavan	25
4.	Anilkumar @ Manikuttan	Apputkuttan	-	Aswathi bhavan	41
5.	Aneesh	Soman	-	Kizhakkumkara veedu	27
6.	Visakh @Unni	Vijayan	-	Vazhavila veedu	20

**DATE OF**

Occurrence	Complaint	Apprehension of appearance	Release on bail	Commencement of trial
20.02.2019	20.02.2019	29.01.2020	29.01.2020	18.04.2025

Commencement 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
18.04.2025	17.03.2026	17.03.2026	Nil	No Delay

This case having been finally heard on 17.03.2026 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. 258/2019 by Sub Inspector of Police, Maranalloor Police Station against accused persons under under S. 143, 147, 148, 447, 452, 323, 379 and 506ii r/w 149 of IPC.
2. The prosecution case in brief is as follows: The accused, forming an unlawful assembly and acting in furtherance of their common intention, owing to prior enmity arising from the complaint lodged by the de facto complainant before the police, on 20.02.2019 at about 4:00 PM, accused persons, arrived at the defacto complainant's residence at Sarasajaya Bhavan and created disturbance by kicking the gate and uttered obscene words towards him. Thereafter accused persons trespassed into the compound and house by forcefully opening the gate armed with a chopper, criminally intimidated the defacto complainant, while accused Nos. 1 and 2 broke the bedroom window panes. After briefly leaving, they returned at about 5:00 PM armed with weapons, forcibly entered the bedroom, threatened the complainant to withdraw from approaching the police, overturned and damaged furniture, and continued their acts of intimidation. The accused persons also attempted to assault the complainant, and when his wife and mother intervened, they were uttered obscene words towards them also. By their concerted acts, the accused persons caused damage to the gates, furniture, window panes, and lights, resulting in a loss of approximately ₹58,000/-. Thereby accused persons are alleged to have committed the aforesaid offences.
3. CW9 filed final report and this court took cognizance on the report under S. 143, 147, 148, 447, 294(b), 452, 323, 379 and 506ii r/w 149 and issued summons to the accused persons. On appearance of accused persons, they were furnished with copies of relevant prosecution records and were enlarged on bail. They had a counsel of their own choice. As there is ground for presuming that accused persons have committed offences punishable under S. 143, 147, 148, 447, 452, 323, 379 and 506ii r/w 149 IPC. Charge was framed on the said

offences, read over and explained the same to accused persons, to which accused persons pleaded not guilty and claimed to be tried. Charge was not framed for the offence punishable under section 294(b) as the ingredients of the same was not mandate.

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 20.02.2019 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 20.02.2019 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 20.02.2019 in prosecution of the common object the accused persons formed themselves into an unlawful assembly and committed riot armed with deadly weapons and there by committed an offence punishable under S 148 of IPC r/w 149 of IPC ?
  4. Whether on 20.02.2019 in prosecution of the common object the accused persons formed themselves into an unlawful assembly criminally

trespass into the residence of PW1 and there by committed an offence punishable under S 427 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 wrongfully restrained PW1 and there by committed an offence punishable under S 452 of IPC r/w 149 of IPC ?
  6. Whether on 20.02.2019 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 ?
  7. Whether on 20.02.2019 in prosecution of the common object the accused persons formed themselves into an unlawful assembly caused a loss of Rs.58,000/- to PW1 by damaging his household properties and there by committed an offence punishable under S 447 of IPC r/w 149 of IPC ?
  8. Whether on 20.02.2019 in prosecution of the common object the accused persons formed themselves into an unlawful assembly dishonestly removes money or any movable property from the possession of PW1 without his consent and there by committed an offence punishable under S 379 of IPC r/w 149 of IPC ?
  9. Whether on 13.10.2018 in prosecution of the common object the accused persons formed themselves into an unlawful assembly and threatening to kill PW1 and there by committed an offence punishable under S 506ii of IPC r/w 149 of IPC ?
  10. What is the finding and sentence?
7. **Point No.1 to 9:-** 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

he is the complainant in the present case. He deposed that he did not sustain any bodily injuries in the incident in question, but that he had suffered loss and damage to his property. He further stated that the disputes between himself and the accused have been amicably settled after discussions. PW2 stated that the complainant in this case, Prasanna, is her husband. She deposed that she did not witness the occurrence in question. She further stated that she is not giving false evidence before the Court with the intention of assisting the accused. 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 persons. There is no material on record to prove that the accused persons have 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 persons beyond reasonable doubt. The accused persons are therefore entitled to an order of acquittal.
9. **Point No.7:-** A1 to A6 are entitled to orders of acquittal under this point in view of the findings rendered on the preceding point.

In the result,

1. A1 to A6 are found not guilty for the offense punishable under S. 143, 147, 148, 447, 452, 323, 379 and 506ii r/w 149 and they are acquitted under Section 248(1) of the Code of Criminal Procedure, 1973.
2. The bail of bonds of accused persons cancelled and they are set at liberty forthwith.
3. The material objects shall be confiscated after the appeal period of law.

Dictated to the Confidential Assistant directly, corrected and pronounced by me, in open court, on this the 17<sup>th</sup> day of March 2026).

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

**APPENDIX**

**Witnesses for prosecution**

PW1 : Prasanna kumar(CW1)

PW2 : Jaya kumar(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**