

IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE,
Sasthamcotta.

Present:- Kumari Reshma Rajan, Civil Judge (Junior Division).
Dated this the 18th day of March, 2026/27th day of Phalguna, 1947.

CALENDAR CASE No.866/2022

Complainant : State Represented by the Sub Inspector of Police,
East Kallada in East Kallada Police Station Crime
No.64/2006.
(By. Assistant Public Prosecutor, Sasthamcotta).

Accused :A4- Aneesh, Aged 23 years,
S/o Aravindakshan,
Kochodukkathu Kizhakkathil House,
Villimangalam West Muri, Munroethuruth.

:A5- Renjith, Aged 19 years,
S/o Reghunathan,
Panakkattu Veedu,
Nenmeni Muri, Munroethuruth.
(By.Adv. B.Sivaprasad)

Offence : U/Ss. 143, 147, 294(b), 323 341 read with 149 of
the Indian Penal Code, 1860.

Plea : Not guilty

Finding : Not guilty

Sentence or Order : Accused Nos 4 and 5 are acquitted under Section
255(1) of the Code of Criminal Procedure, 1973 for
the offence punishable u/Ss. 143, 147, 294(b),
323, 341 read with 149 of the Indian Penal Code,
1860.

Description of the accused

Sl. No.	Name	Age	Father's Name	Occupation	Residence		
A4-	Aneesh	23	Aravindakshan	-	Kochodukkathu Kizhakkathil House, Villimangalam West Muri, Munroethuruth.		
A5-	Renjith	19	Reghunathan	-	Panakkattu Veedu, Nenmeni Muri, Munroethuruth.		
Date of							
Occurrence	Report or Complaint	Apprehension or appearance	Release on bail	Commencement of trial	Close of trial	Sentence or Order	Explanation for delay and remarks
09.03.06	09.03.06	-	-	06.12.25	18.03.26	18.03.26	No delay

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

JUDGMENT

This case arose on a final report filed by the Sub Inspector of Police, East Kallada in East Kallada Police Station Crime No.64/2006 for the offences punishable under Sections 143, 147, 294(b), 323, 341 r/w 149 of the Indian Penal Code, 1860.

2. Prosecution case, in brief, is as follows:- The accused persons on account of previous animosity against the defacto complainant, formed themselves into an unlawful assembly in furtherance of their common object and attacked the defacto complainant on 09.03.2006 at 07.30 PM, at Mulachanthara Devi Temple, Munroethuruth, wrongfully restrained him, utteres obscene words against him, beat him and kicked him, thereby caused injuries to him. Thus, the accused persons alleged to have committed the offences punishable under Section 143, 147, 294 (b), 323, 341 r/w 149 of the Indian Penal Code, 1860.

3. This case was registered by the CW5, S.I. of Police, East Kallada police station based on the F.I statement given by CW1 against the accused persons. After completing investigation, CW6, the then investigating officer laid the final report against the accused persons before the court citing CW1 to CW6 as prosecution witnesses.

3. Originally the case was taken on file as C.C 1064/2006 and summons were issued to the accused persons. A1 to A3 and A6 appeared before this Court and they were acquitted vide judgment dated 31.08.2009. Case against A4 and A5 is split up and refiled as CC 885/2009. Later the accused absconded. Coercive steps including NBW were issued against them and the case was transferred to the register of long pending cases. Subsequently, A 4 and A5 surrendered before the Court and case was refiled as CC 227/2020 and they were enlarged on bail. While so the case was transferred into this court on point of change of jurisdiction and case was renumbered as the present case. They were furnished with copies of all relevant prosecution records u/s 207 of Cr PC . Particulars of offence was read over and explained to the accused to which they pleaded not guilty and claimed to be tried.

4. In evidence, CWs 1 to 4 were examined as PWs1 to 4 and Ext.P1 was marked on the side of the prosecution. The defacto complainant and other material witnesses turned hostile to the prosecution case. Therefore, CWs 5 and 6 were given up by the learned Assistant Public Prosecutor. Since there is no incriminating circumstances against the accused persons, examination under

Section 313(1)(b) of the Code of Criminal Procedure, 1973 is dispensed. No defence evidence was adduced.

5. Heard the learned APP and learned counsel for the accused persons.

6. The points that arise for determination are:-

- i) Whether the accused persons, formed themselves into an unlawful assembly, on 09.03.2006 at 07.30 PM, at Mulachanthara Devi Temple, Munroethuruth and thereby committed the offence punishable u/s 143 of IPC as alleged?
- ii) Whether, the accused persons, in prosecution of common object, committed rioting on 09.03.2006 at 07.30 PM, at Mulachathara Devi Temple, Munroethuruth and thereby committed the offence punishable u/s 147 of IPC as alleged?
- iii) Whether, the accused persons, in prosecution of common object, uttered obscene words against PW4 on 09.03.2006 at 07.30 PM, at Mulachathara Devi Temple, Munroethuruth and thereby committed the offence punishable u/s 294(b) of IPC as alleged?
- iv) Whether, the accused persons, in prosecution of common object, voluntarily caused hurt to PW4 on 09.03.2006 at 07.30 PM, at Mulachathara Devi Temple, Munroethuruth and thereby committed the offence punishable u/s 323 of IPC as alleged?
- v) Whether, the accused persons, in prosecution of common object,

wrongfully restrained PW1 on 09.03.2006 at 07.30 PM, at Mulachathara Devi Temple, Munroethuruth and thereby committed offence punishable u/s 341 of IPC as alleged?

- vi) What should be the order as to sentence, if any, that can be passed against the accused persons?

7. **Point No.i to v:-** For the sake of convenience these points are considered together. The defacto complainant was examined as PW4 and Ext.P1 is the First Information Statement given to the police. He admitted the signature in Ext.P1 First Information Statement. He turned hostile to the prosecution case by stating that he has sustained injury as alleged, but he did not know who are the assailants. He did not remember the exact date of incident. PW1 has no case that the accused persons are the assailants. PW1 further deposed that the matter has been amicably settled and PW1 has no complaint against the accused persons.

8. CW2 is examined as PW1. He stated that the incident was happened on 09.03.20206 at Mulachathara Devi Temple, Munroethuruth. He knows PW1 as well as the accused person. He turned hostile to the prosecution case by stating that the accused persons are the assailants in the alleged incident. He never gave

statement to the police that he witness the incident. He also deposed that the matter has been amicably settled.

9.CW3 is examined as PW2, he stated that the incident was happened in connection with temple festival conducted on 09.03.2026 at Mulachathara Devi Temple, Munroethuruth. He turned hostile to the prosecution case by stating that he did not witnessed the alleged incident. He also added that the matter has been settled.

10. CW4 is examined as PW3, the mahazer witness. He turned hostile to the prosecution case by stating that he did signed the scene mahazar. He added that he was not present at the time of preparing mahazar. Learned APP was given permission to declare PWs1 to 4 as hostile to the prosecution.

11. Since there is no cogent and reliable evidence before this court to show that the accused persons had committed the offenses alleged against PW4. PWs1 to 4 were turned hostile tot he prosecution case. CW5 and 6 were given up by the learned Assistant Public Prosecutor. Therefore the prosecution miserably failed to prove the case. Hence Point Nos i to v are found against the prosecution.

10. **Point No.vi**:- In view of the finding on Point Nos.i to v, accused Nos. 4 and 5 are found not guilty of the offences punishable

under Sections 143, 147, 294(b), 323, 341 r/w 149 of the Indian Penal Code, 1860.

In the result, the accused Nos.4 and 5 are found not guilty of the offences punishable under Section 143, 147, 294(b), 323, 341 r/w 149 of the Indian Penal Code, 1860 and they are acquitted under Section 248(1) of the Code of Criminal Procedure, 1973. Their bail bonds stand cancelled and they are set at liberty.

(Dictated to the Confidential Assistant, transcribed and typed by him, corrected by me and pronounced in open court, this the 18th day of March, 2026)

Sd/-

Civil Judge (Junior Division).

APPENDIX

Witnesses examined for the Prosecution:-

PW1/CW2	: Sri. Prakash	- 06.12.2025
PW2/CW3	: Sri. Sundaresan	- 06.12.2025
PW3/CW4	: Sri. Sivaprasad	- 06.12.2025
PW4/CW1	: Sri. Jayachandran	- 20.02.2026

Exhibits marked for the Prosecution:-

P1 : First Information Statement marked through PW4. Dated 20.02.2026.

Witness examined for the defence :-

Nil

Exhibits marked for the defence :-

Nil

Material Objects Marked:-

Nil

Sd/-

Civil Judge (Junior Division).

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Civil Judge (Junior Division).