

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-I
PATHANAMTHITTA

Present:- Smt. Karthika Prasad, Judicial First Class Magistrate I,
 Wednesday the 23rd day of July, 2025/ 1st Sravana 1946 S.E.
CC 1815/18

Complainant	:	State of Kerala represented by SI of Police, Pathanamthitta [Crime No. 1374/18 of that P.S]. (By Sri. Rajmohan, A.P.P, Grade-II, Pathanamthitta)
Accused	:	1. Rahul Nair V aged 20/18 yrs S/o Vijayakumar Ottaplamoottil veedu Karimbanamkuzhi muri Pathanamthitta 2. Jithu Reghunath aged 24/18 yrs S/o Reghunath Vayalirakath veedu, Chittoor muri, Pathanamthitta 3. Jayan Mohan aged 24/18 yrs S/o Mohanan, Thekkumkattil Thazheavettippuram, Mundackadu Pathanamthitta (By Adv. M Manojkumar)
Offence	:	U/ss.143,147,294(b) and 323 r/w 149 of IPC
Plea	:	Not guilty
Finding	:	Not guilty
Sentence or order	:	Accused persons are found not guilty of the offences punishable under sections 143,147,294(b) and 323 r/w 149 of IPC alleged against them and they are acquitted u/s.255 (1) of Cr.P.C for offences punishable under sections 143,147,294(b) and 323 r/w 149 of IPC

DESCRIPTION OF ACCUSED

Name	Fathers/ Husband Name	Caste	Occupation	Residence	Age
Rahul Nair V	Vijayakumar	Not applicable	Not applicable	Ottaplamoottil veedu	20/18
Jithu Reghunath	Reghunath	Not applicable	Not applicable	Vayalirakath veedu	24/18
JayanMohan	Mohanan	Not applicable	Not applicable	Thazheavettip puram,	24/18

RELEVANT DATES

Offence	Complaint	Apprehension	Release on bail	Commencement of Trial	Commencement of evidence
22.06.18	22.06.18	Not arrested	10.07.25	10.07.25	10.07.025
Close of trial		Sentence or order	Explanation for delay		
21.07.25		23.07.25	No delay		

The case having been finally heard on 23.07.25 in the presence of the Learned Assistant Public Prosecutor for the state and Adv. M Manojkumar for the accused and on this date the court delivered the following.

J U D G M E N T

1. The case arose on a final report filed by Sub Inspector of Police, Pathanamthitta in Crime No. 1374/18 of that P.S against the accused persons, alleging offences punishable u/ss.143,147,294(b) and 323 r/w 149 of IPC

2. Prosecution case, in brief, is as follows:- On 22.06.18 at 4.00 pm, the accused persons 1 to 3 along with other identifiable person, formed themselves into an unlawful assembly and in furtherance of their common object, uttered obscene words upon PW1 to PW4 and voluntarily caused them hurt at a road near Pathanamthitta Catholicate College junction and thereby has committed offences under sections 143,147,294(b) and 323 r/w 149 of IPC.
3. Upon filing the final report, cognizance was taken for the offences punishable u/ss.143,147,294(b) and 323 r/w 149 of IPC. On issuance of summons, the accused persons appeared and they are enlarged on bail. Copies of the prosecution records were served to them u/s. 207 of Cr.P.C. After hearing both sides, particulars for offence u/ss. 143,147,294(b) and 323 r/w 149 of IPC which were read over and explained to accused person to which they pleaded not guilty.
4. To prove the guilt of the accused persons, prosecution examined four witnesses as PW1 to PW4 and Ext.P1 was marked. PW1 filed compounding petition and the petition to grant leave for compounding the offences. Since the alleged offences are non compoundable in nature, both petitions are dismissed. Since the material witnesses retracted from the prosecution case, the examination of the remaining witnesses were given up by the learned APP. Hence evidence was closed. As there are no incriminating circumstances appearing in the evidence, examination of accused persons u/s. 313(1)(b) of Cr.P.C was dispensed with. There was no defence evidence adduced.
5. Heard both sides. The learned defence counsel submitted that there is nothing in the prosecution evidence to hold that the accused persons are guilty of the alleged offence and they are only to be acquitted. Learned APP, however, submitted that, Ext.P1 FIS is marked through PW1 and there is no claim that the contents therein are false. Therefore, according to him, Court can rely upon Ext.P1 for reaching a finding of guilt.
6. Following points came up for consideration in this case are:-

1. Whether the accused persons formed themselves into an unlawful assembly and in furtherance of their common object committed rioting as alleged and the offence punishable u/s. 143 ,147 r/w 149 of IPC as alleged?
2. Whether the accused persons, infurtherance of their common object, uttered obscene words towards PW1 to PW4 on 22.06.18 at 4.00 pm at a road near Pathanamthitta Catholocate College junction and thereby committed the offence punishable u/s.294(b) r/w 149 of IPC as alleged?
3. Whether the accused persons, infurtherance of their common object, voluntarily caused hurt to PW1 to PW4 using hands on 22.06.18 at 4.00 pm at a road near Pathanamthitta Catholocate College junction and thereby committed the offence punishable u/s. 323 r/w 149 of IPC as alleged?
4. Sentence or order that is to be passed?

Point Nos. 1 to 3

7. These points are considered together for the sake of convenience and for avoiding repetition of appreciation of evidence.
8. I have carefully heard the rival submissions and have gone through the entire evidence in the case in detail.
9. CW1 appeared and was examined as PW1. He deposed that he is the defacto complainant in the instant case and has sustained injury by some unknown persons. He deposed that he is unable to identify those persons and he also failed to identify the accused persons who were standing in the dock. PW1 did not support the prosecution case. PW2 to PW4 deposed in terms with the deposition made by PW1 and they also did not support the prosecution case. Though permission was given to the learned APP to put questions u/s. 154 of Indian Evidence Act to the witnesses, nothing has brought out to prove the guilt of the accused.
10. FIS in the case, though marked in evidence as Ext.P1, the same alone cannot be relied upon by the prosecution in view of the fact that, PW1 who gave FI statement turned hostile to the prosecution case. It is settled in "**Mohan v/s. State of Kerala**" (2011(4) KLT 59) that mere marking of FIS will not prove

the existence of truth of the facts mentioned therein and the witness ought to have spoken in the box about the facts alleged. The truth or otherwise of the facts or contents so stated would have to be proved by admissible evidence of those persons who can vouch safe for the truth of the facts in issue. Thus in this case, the deposition of PW1 to PW4 does not bring out the fact that the accused persons committed offences against them.

11. On analyzing the available evidence, it is seen that there is absolutely no evidence against the accused persons. The depositions of PW1 to PW4 does not support the prosecution case. Thus it can be safely concluded that prosecution has failed to prove its case against accused persons. Accordingly Point No.1 to 3 is found against the prosecution.

Point No. 4

12. In view of my findings on point Nos. 1 to 4 above, accused persons are found not guilty for the alleged offences punishable u/ss. 143,147,294(b) and 323 r/w 149 of IPC and they are acquitted for the said offences u/s. 255(1) of Cr.P.C .
13. In the light of the acquittal as above, their bail bonds stand cancelled and they are set at liberty forthwith.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 23rd day of July, 2025)

JUDICIAL I CLASS MAGISTRATE- I
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APPENDIX

A. Prosecution witness

Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, other witness
PW1	Midhun K	Eye witness
PW2	Abhiram	Eye witness
PW3	Akhil	Eye witness
PW4	Ananthakrishnan	Eye witness

B. Defence witness

Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, other witness
Nil	Nil	Nil

C. Court witness

Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, other witness
Nil	Nil	Nil

List of Prosecution/Defence/court Exhibits**A. Prosecution Exhibits**

Sl.No	Exhibit Number	Description
1	Ext.P1	FIS by PW1 on 10.07.25

B. Defence Exhibits

Sl.No	Exhibit Number	Description
	Nil	Nil

C. Court Exhibits

Sl.No	Exhibit Number	Description
	Nil	Nil

D. Material Objects

Sl.No.	Material objects	Description
	Nil	Nil

SD/-

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