

**IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE-III,
MAVELIKARA**

PRESENT:- SMT.P.P POOJA, ADDITIONAL SESSIONS JUDGE-III

Tuesday 30th day of December, 2025

SESSIONS CASE No.545/2017

(Filed on 11.09.2017)

Complainant : State of Kerala rep. by DySP,CBCID,
HHW-1, Alappuzha (Crime No.
732/CR/HHW-1/TVPM/12) in Chengannur
P.S, Cr.No. 937/12

(By Sri. Prathap G Padickal, Special Public Prosecutor)

Accused : 1. Nassim (A1)
2. Ashiq (A2)
3. Shafeek (A3)
4. Anzar Faizal(A4)
5. Shefeek (A5)
6. Asif Muhammed(A6)
7. Nassim (A8)
8. Sanuj(A9)
9. Althaj (A10)

- 10 Shameer Rawther (A11)
11. Safeer (A12)
12. Afsal (A13)
13. Abdul Vahab(A14)
14. Shibin Habeeba(A15)
15. Shajahan Moulavi (A16)
16. Navas Shereef(A17)
17. Shameer (A18)
18. Sajeev(A19)
19. Salim(A20)

(By Adv.Sri. G.Priyadarshan Thampi &

Adv.Sri. G.Harikrishnan (A1 to A5)

By Adv. Sri. Navin M Easow, Adv. Sri.Sunil S Lal,

Adv.Sri.Kiran Raj R -(A6,A8 to A12, A14 & A19)

By Adv.Sri. P.C. Noushad. Adv.Sri.M. Shaiq Rasal &

Adv. Sri.M.P. Abdul Latheef (A13, A15, A16 & A20)

By Adv.Sri. Ramjith. P (A17)

By Adv.Sri. G. Harikrishnan (A18))

Charge : Offence U/s.120-B,143,144,147,148,342,323,
324,307,302,212 r/w Sec. 149 of IPC.

Plea : Not Guilty

Finding : Not Guilty

Sentence/Order : The accused are found not guilty for the offences punishable u/ss 143, 144, 147, 148, 323, 324, 342, 307, 302 and 212 r/w section 149 and Section 120B of IPC and they are acquitted of the said offences u/s 235(1) of Cr.P.C. The accused are set at liberty and the bail bonds executed by them stand cancelled.

Description of the Accused

Sl. No	Name of accused	Father's Name	Occupation	Address	Age
1.	Nassim	S/o. Abdul Kareem		Palathil Muriyil Veedu @ Amjath Nivas, Mangaram Muri, Pandalam Village, Pathanamthitta District.	22/12
2	Ashiq	S/o. Abdulla Kareem		Azad Manzil, Cheruvalloor Muri, Cheriyanadu Village, Alappuzha District.	19/12
3	Shafeek(A3)	S/o. Shahul Hameed		Thattamparambu Mukadiyil Veedu, Kadakkadu Muri, Kurambala Village, Adoor Taluk,	21/12

				Pathanamthitta District.	
4	Anzar faizal(A4)	S/o. Ameer		Thekke Sankarathil Veedu, Kadakkadu Muri, Kurambala Village, Adoor Taluk, Pathanamthitta district.	21/12
5	Shefeek(A5)	S/o. Sainudheen		Padmalayam Veedu From Thulasi Nivas, Kadakkadu Muri, Pandalam, kurambala Village,Adoor Taluk, Pathanamthitta District.	22/12
6	Asif Muhammed (A6)	S/o. Muhammed Haneefa		Haseena Manzil, Mangaram Muri, Pandalam Village, Adoor Taluk, Pathanmthitta District.	19/12
7	Nassim(A8)	S/o. Nasarudeen		Melemuri Padeettathil, Cheruvallur Muri, Cheriyannadu Village, Chengannur Taluk, Alappuzha District.	21/12
8	Sanuj (A9)	S/o. Ashraf		Kodampally Tharayil, Cheruthana Panchayat, Cheruthana Village, Karthikappally Taluk, Alappuzha District.	19/12
9	Althaj (A10)	S/o. Nassar		Varikkolil Thekkethil,	22/12

		Rawther		Cheruvallur Muri, Cheriyannadu Village, Chengannur Taluk, Alappuzha District.	
10	Shameer Rawther(A11)	S/o. Shajahan Rawther		Manilayyathu Veedu, Punthala Muri, Venmony Village, Chengannur Taluk, Alappuzha District.	25/12
11	Safeer (A12)	S/o. Abdul Salim		Salim Bhavan, Vadakkemala Bhagom, Cheriyannadu P/W-VII Chengannur Village, Chengannur Taluk, Alappuzha District.	19/12
12	Afsal (A13)	S/o. Aboobacker		Mannathu Veedu, Cheruvallur Muri, Cheriyannadu Village, Chengannur Taluk, Alappuzha District.	19/12
13	Abdul Vahab (A14)	S/o. Haneefa Rawther		Palliyadil Veedu, Poruvazhi P/W-XII, Kadayadi Muri, Poruvazhi village, Kollam District. From Mannathu Veedu, Cheruvallur Muri, Cheriyannadu	42/12

				Village,Chengannur Taluk, Alappuzha District.	
14	Shibin Habeeba (A15)	S/o. Habeeb		Shamnas Manzil, Near Pallimukku, Nadukkunnam Muri, Pathanapuram Village, Pathanapuram Taluk, Kollam District	23/12
15	Shajahan Moulavi (A16)	S/o. Abdul Aziz		Chirakkavila Thekkethil, Poruvazhi P/W-XII Kadayadi Muri, Poruvazhi Village, Kollam District.	42/12
16	Navas Shereef (A17)	S/o. Shajahan		Parampil Labba Veedu, Kadakkadu Muri, Pandalam, Kurambala Village, Pandalam,Adoor Taluk, Pathanamthitta District.	19/12
17	Shameer (A18)	S/o. Muhammed Ibrahim		Shameer Manzil, Pathirikkal Muri, Pathanapuram Village, Pathanapuram Taluk, Kollam District.	19/12
18	Sajeev (A19)	S/o. Hussain Rawther		Pattani Veedu, Kadakkadu Muri, Kurambala village,	21/12

				Adoor Taluk, Pathanamthitta District.	
19	Salim (A20)	S/o. Abdul Salam		Pattani Parambil House, Near kottukulangara Water Tank, kayamkulam M/W-II, Pathiyoor Village, Karthikappally Taluk, Alappuzha District.	28/12

Date of :-

Occurrence : 16.07.2012
 Complaint : 16.07.2012
 Apprehension : 19/07/2012(A1),21/11/12(A2),
 26/11/12(A3), 20/07/12(A4),
 19/07/12(A5), 26/07/12(A6),
 18/08/12(A8),18/08/12(A9),
 19/08/12(A10), 9/8/12(A11),
 02/11/12 (A12),28/06/13(A13),
 12/11/13(A14),25/07/12(A15),
 12/11/13(A16),19/10/12 (A17),
 12/11/13(A18),19/10/12(A19),
 05/03/13(A20).
 Release on bail : 17/10/12(A1), 29.01.13(A2),
 29/01/13(A3), 17/10/12(A4),
 17/10/12(A5), 27/10/12(A6),
 08/11/12(A8),08/11/12(A9),
 01/11/12(A10),08/11/12(A11),
 14/12/12(A12),23/09/13(A13),

12/11/13(A14),26/07/12(A15),
12/11/13(A16), 22/10/12(A17),
12/11/13(A18),22/10/12(A19),
06.03.2013(A20).

Committal : 12.07.2017
Commencement of Trial : 12.12.2023
Close of Trial : 29.08.2025
Sentence/Order : 30.12.2025

This Sessions Case having been finally heard on 17/12/2025 in the presence of counsels for both sides and the court on 30/12/2025 delivered the following:-

JUDGMENT

Sri. Vishal took his heavenly abode at his tender age on 17.07.2012 as he was a scape goat in the political rivalry among the college students, the same is yet another episode of political murder in the campus, in Kerala.

2. The accused stand charged by the Dy.S.P, CBCID, Alappuzha in Crime NO.937/2012 of Police Station, Chengannur alleging commission of the offences punishable u/ss 143, 144,

147, 148, 323, 324, 342, 307, 302 and 212 r/w Section 149 and 120B of Indian Penal Code.

3. Prosecution case is that on 16.07.2012 at 10.45 a.m the accused 1 to 6 and 8 to 13 along with a juvenile in conflict with law formed into an unlawful assembly at the public road near Christian College, Chengannur with their common object to kill Vishal Kumar and to wrongfully confine PW1 and other workers of ABVP, committed rioting armed with dangerous weapon like knife, helmet etc. It is alleged that the accused wrongfully confined PW1 and other ABVP workers and the fourth accused hit PW2 on his left shoulder with dangerous helmet and A6 and A8 to A11 caused hurt to PW3, PW4, PW5, PW6 and PW9. It is also alleged that A3 committed murder of Sri.Vishal Kumar at the instigation of A1, and A3 stabbed PW2 with a knife on the left side of his head and stabbed PW1 on the back of his left ear with the intention to kill them. It is further alleged that A15 to A20 intended to screen A3, A4, A7, A8, A10 and A12 from legal punishment and given shelter to them in their dwelling house knowing that they were involved in the crime. It is also alleged that A1 to A6 and A9 hatched a criminal conspiracy to propagate

ideas of Campus Front, a student organization of Popular Front in Chengannur Christian College and obstructed Sri.Vishal Kumar and PW1 and other members of ABVP and caused them bodily injuries. Thus the accused are alleged to have committed the aforesaid offences.

4. PW45, the Sub Inspector of Police, Chengannur registered Ext.P52 FIR on the basis of Ext.P1 statement given by PW1 which was recorded by PW46, the Grade ASI of Police, Chengannur. PW46 recorded Ext.P1(a) and Ext.P1(b) body notes of PW1 and PW2. PW45 sent express report to the higher officials and produced the CD file before PW52, the Inspector of Police, Chengannur. He conducted investigation in the case and prepared Ext.P22 mahazar. He took the blood stains collected by the Scientific Assistant from the place of occurrence and MO8 electoral ID card from the road purampoke into custody as per Ext.P22. PW45 took the dress wore by PW1 and 2 into custody as per Ext.P53 and produced the same before the court as per Ext.P75 and MO8 produced before the court as per Ext.P76. The Superintendent of Police, Alappuzha appointed a special investigation team for the investigation of the case. Sri.Vishal

Kumar who was injured in the case died on 17.07.2012 at 2.45 a.m and PW48, Inspector of Police, Pulinkunnam prepared the Ext.P12 inquest. Ext.P43 is the post-mortem report of Sri Vishal Kumar. The Additional Sub Inspector of Police, Mohandas conducted search in the house of A3 by preparing Ext.P79 search memo. He prepared Ext.P79(a) search list at the time of conducting search in the house. The Doctor who conducted autopsy gave a cover and the same was filed before the court as per Ext.P80 property list. PW52 filed Ext.P81 report stating the name and address of A1 and A5 before the court. He arrested A5 on 09.07.2012 by preparing Ext.P82 series arrest memo, inspection memo and arrest intimation and produced MO45 the mobile phone of the accused before the court as per Ext.P83 property list. On the same day at 5 a.m he arrested the first accused by preparing Ext.P84 series arrest memo and inspection memo. He proved Ext.P13(a) as the extract of the confession statement of the 5th accused. As per his direction the Sub Inspector of Police, Venmony searched the house of the 5th accused after preparing Ext.P87 search memo. He prepared Ext.P87(a) search list at the time of search. A4 was arrested on

20.07.2012 at 3 p.m by preparing Ext.P90 series arrest memo, inspection memo and arrest intimation. He took MO46 mobile phone from the accused and produced the same before the court as per Ext.P9 property list. He took MO3 banner and coir used for tying the same, into custody as per Ext.P100 mahazar. He identified the coir and flags as MO48 series. MO3 and MO48 series produced before the court as per Ext.P101 property list. At the time of investigation it was revealed that the 15th accused Shibin Habeeb is also involved in the crime and filed Ext.P114(a) report to that effect and for adding Section 212 of IPC. A15 was arrested on 24.07.2012 at 9 a.m by preparing Ext.P115 series arrest memo, inspection memo and arrest notice. He took MO15 mobile phone of A15 into custody as per Ext.P15 mahazar and produced before the court as per Ext.P46 property list. He arrested A6 on 26.06.2012 at 8 a.m at Pathanamthitta and proved Ext.P20 series as arrest memo, inspection memo and arrest intimation. He took MO49 mobile phone into custody and produced the same before the court as per Ext.P121 property list. He filed Ext.P124 report stating the name and address of the accused. He arrested A11 on 09.08.2012 at 8 p.m by preparing

Ext.P127 series arrest memo, inspection memo and arrest intimation. He produced Ext.P128 report stating the name and address of A11. He took the biodata and mobile phone of A11 as per Ext.P28 mahazar and produced before the court as per Ext.P129 property list. On 18.08.2012 at 6 a.m he arrested A8 and A9 at Railway station, Karunagappally by preparing Ext.P121 series and Ext.P132 series arrest memos, inspection memos and arrest intimation. He produced Ext.P133 report stating the name and address of A8 and A9. He arrested A10 on 19.08.2012 at 8 p.m at Kayamkulam by preparing Ext.P136 series arrest memo and arrest intimation. He took MO50 mobile phone of A10 into custody and produced before the court as per Ext.P138. He prepared Ext.P143 series forwarding notes for sending material object to the FSL. He filed Ext.P151 report stating the name and address of A16 to A19.

5. PW53 is the Crime Branch Dy.S.P who conducted a part of the investigation in the case. He arrested A17 and A19 on 19.10.2012 at 12 at noon from near to the bus stand, District Court, Alappuzha. At the time of arrest of A17 he prepared Ext P158, 159 and 110 arrest memo, inspection memo and custody

memo. He also prepared Ext.P161, 162 and 163 arrest memo, inspection memo and custody memo at the time of arrest of A19. He arrested A12 on 02.11.2022 at 7 p.m by preparing Ext.P166 to Ext.P168 arrest memo, inspection memo and custody memo. He filed Ext.P169 report stating the name and address of A12. He also arrested 2nd accused on 21.11.2012 at 10.30 p.m by preparing Ext.P171 to Ext.P173 arrest memo, inspection memo and custody memo. He also prepared Ext.P161 to Ext.P163 arrest memo, inspection memo and custody memo at the time of arrest of A19. He arrested A3 on 26.11.2012 by preparing Ext.P176, and Ext.P177 arrest memo and inspection memo and filed Ext.P178 report stating his name and address. At the instance of A3 MO1 was recovered and taken into custody as per Ext.P2 and produced before the court as per Ext.P183 property list. He prepared Ext.P184 forwarding note for sending the knife to the FSL. He arrested A20 on 05.03.2013 at 8.30 a.m by preparing Ext.P185 and Ext.P186 arrest memo and inspection memo. He arrested A13 on 28.06.2013 at 5 p.m by preparing Ext.P193 arrest memo and Ex.P194 inspection memo and he filed Ext.P196 report stating the name and address of A13.

6. PW55 was the Dy.S.P, Crime Branch, Alappuzha who conducted part of the investigation.

7. PW54 was the Dy.S.P, Crime Branch, Alappuzha. He conducted latter part of the investigation. He filed Ext.P201 application seeking permission to show MO1 to PW39, the Doctor who conducted autopsy of the body of deceased Sri.Vishal Kumar. He recorded the statement of the Doctor and filed the same before the court. He prepared Ext.P40 mahazar at the place where A1, A3 to A6 and A9 conspired each other for committing the offence. He produced the photographs of the body of Sri.Vishal Kumar which was taken at the time of preparing inquest, as per Ext.P202. He filed Ext.P203 report for curing the defect in the final report. On completion of investigation he filed final report.

8. On filing the final report before the Judicial Magistrate of First Class -I, Chengannur the case was taken into file as CP No.19/2017. After complying with Section 207 Cr.P.C, the learned Magistrate committed the case to the Court of Session, Alappuzha. After taking cognizance the case was made over to

this court for trial and disposal. The accused are on bail from the crime stage.

9. On appearance of the accused after hearing the accused and the Special Public Prosecutor and satisfying that there was no ground for a discharge, charge was framed for the above offences, read over and explained to the accused to which they pleaded not guilty and claimed to be tried. Thereafter, the prosecution examined PWs 1 to 55 and marked Exts.P1 to Ext.P205, MO1 to MO50 were identified. CW6, CW12 to CW14, CW18 to CW20, CW24, CW26 to CW29, CW31, CW32, CW34, CW35, CW37, CW41, CW43, CW44, CW46, CW47, CW50, CW52, CW54, CW55, CW57, CW60, CW70, CW71 and CS76 were given up by the learned Special Public Prosecutor. CW17 is no more.

10. After closing the evidence for the prosecution, the accused were examined u/s 313(1)(b) of Cr.P.C. They denied all the incriminating circumstances raised against them and maintained that they are innocent. A1 filed statement contending that on 16.07.2012 the followers of BJP and RSS armed with weapons and unleashed violence. He was not involved in any

incident as alleged. Due to the political rivalry the case was falsely foisted against him. He is innocent in the case.

11. A2 filed statement contending that the persons who are the followers of RSS and BJP armed with weapons attacked the students near to the Chengannur Christian college and he was not involved in it. Due to to the political rivalry the case was falsely foisted against him. Immediately after the incident the police came to the place of occurrence. By suppressing the real facts the police registered case against the innocent students. During the examination of PW1 to 7, he had no counsel and the prosecution got identified him against the law. Since he had no counsel he could not effectively cross-examine the prosecution witnesses.

12. A3 filed statement contending that a group of policemen came to his house and recovered the ID card and certificates from his house. At the instigation of the defacto complainant and due to the political enmity towards him, the prosecution falsely foisted the case against him. The police has not recovered any weapon from his custody. He also raised a contention that during the cross-examination of PW1 to 7 he had

no Advocate and he could not effectively cross-examine the witnesses.

13. A4 filed statement contending that he has no connection with the incident alleged in the case. Due to the political rivalry he was falsely implicated in the case. He also contended that he had no counsel at the time of examination of PW1 to 7 and so he could not effectively cross-examine the witnesses.

14. A5 also filed statement raising the same contentions of A2.

15. A6 filed statement contending that he was falsely implicated in the case. PW1 has prior acquaintance with him and in Ext.P1 or in Ext.P52 his name was not mentioned by PW1. Due to the misunderstanding that he was a Campus Front follower, at the instigation of RSS, BJP leaders his name was also included in the case. When he was in police custody he was shown to the witnesses in the case and they identified him in the court. He was not involved in the incident. The RSS BJP followers made attack near to the Christian college, Chengannur.

16. A8 filed statement contending that he was falsely implicated in the case at the instigation of the BJP RSS leaders. He was shown to the witness by the police at the police station and at the office of Dy.S.P.

17. A9 and A10 filed statement contending that they have no connection with the conspiracy or the occurrence alleged in the case. Their names are included in the case at the instigation of the BJP RSS leaders.

18. A11 and A12 filed statement contending that they have no connection with the incident alleged in the case and a false case was foisted against them under the influence of BJP RSS leaders. They were shown to the witnesses at the office of the Dy.S.P and police station. Due to the political rivalry the police included their name falsely in the case.

19. A13 filed statement contending that he is innocent in the case and on the date and time he has not gone to the place of occurrence. He was arrested from the native place at Kollakadavu. He had not absconded. If the decoded tower location is perused it can be seen that he was in his house and nearby places at the time

of occurrence. He was not identified by any of the witnesses through test identification parade.

20. A14 filed statement contending that he is innocent and he has no connection with the incident. The case was falsely foisted against him.

21. A15 filed statement contending that the prosecution foisted a false case against him and he has no connection with the alleged occurrence in the case. According to him, due to the political influence of BJP and RSS leaders he was booked in the case.

22. A16 filed statement contending that the case was falsely foisted against him and no witness has deposed against him. He has no criminal antecedents and due to the political rivalry the police falsely included his name in the case.

23. A17 to A20 filed statements contending that they were not involved in the conspiracy as alleged and they have not concealed any accused. The case was falsely foisted against them.

24. Since there was no ground for an acquittal u/s 232 of Cr.P.C the accused were directed to enter their defence. DW1 was examined and Exts.D1 to Ext.D16 were marked on the side of

the accused which are the contradiction brought out in the cross-examination of PW1 to 6, 8 and 10.

25. Heard both sides.

26. The points that arise for determination are:-

1. *Whether A1 to A6 and A11 to A13 along with the juvenile in conflict with law formed into an unlawful assembly with their common object to wrongfully confine and to commit murder of the deceased and other workers of ABVP on 16.07.2012 at 10.45 a.m and thereby committed the offence punishable u/s 143 of IPC as alleged?*
2. *Whether the accused committed rioting as alleged?*
3. *Whether the 3rd and 4th accused committed rioting armed with deadly weapons like knife, helmet etc. as alleged.?*
4. *Whether A1 to A6 and A8 to A13 along with juvenile in conflict with law joined the unlawful assembly armed with dangerous weapon likely to cause death and thereby committed the offence punishable u/s 144 of IPC as alleged?*
5. *Whether the accused wrongfully confined PW1 and other workers of ABVP and thereby committed the offence punishable u/s 342 r/w 149 of IPC as alleged?*
6. *Whether A4 in furtherance of the common object of the unlawful assembly to cause hurt to PW2 voluntarily caused hurt to him on his left shoulder with a dangerous helmet and thereby committed the offence punishable u/s 324 r/w Section 149 of IPC as alleged?*
7. *Whether A6 and A8 to A11 along with the juvenile in conflict with law voluntarily caused hurt to PW3 to PW7 and CW6 and thereby committed the offence punishable u/s 323 r/w Section 149 of IPC as alleged?*

8. *Whether the accused in furtherance of their common object at the instigation of first accused, the 3rd accused stabbed Sri. Vishal Kumar and caused his death with MO1 as alleged?*
9. *Whether the death of Sri. Vishal Kumar was a homicide as alleged by the prosecution?*
10. *Whether the alleged acts of the accused come within any of the exceptions in Section 300 of IPC?*
11. *Whether the accused committed the offence punishable u/s 302 r/w Section 149 of IPC?*
12. *Whether the 3rd accused attempted to commit the murder of PW1 and 2 and thereby committed the offence punishable u/s 307 r/w Section 149 of IPC?*
13. *Whether A1 to A6 and A9 conspired each other to propagate the ideas of Campus Front and caused bodily injury to the followers of ABVP and thereby committed the offence punishable u/s 120 B of IPC?*
14. *Whether A15 to A20 gave shelter to A3, A4, A7, A10 and A12 knowing their involvement in the offence with an intention to screen them from legal punishment and thereby committed the offence punishable u/s 212 r/w Section 149 of IPC as alleged?*
15. *Whether the accused are guilty of all or any of the offence as alleged?*
16. *Sentence or order.*

27. **Point No.9:-.** It is the allegation of the prosecution that the third accused committed murder of Sri. Vishal Kumar by stabbing him with MO1 at the instigation of A1. The defence set

up by the accused is that the death was caused due to the fall of Sri.Vishal Kumar on a sharp edged object. Before going to the above rival contentions it is necessary to come to a conclusion as to whether the death was a homicide. Nobody has got a case that it was suicide as it is impossible for one to inflict the fatal injury sustained by the deceased by himself.

28. In this regard it is necessary to refer Ext.P43 postmortem certificate and the testimony of PW39 who was the Associate Professor and Deputy Police Surgeon, Medical College Hospital, Kottayam. On 17.07.2012 he conducted autopsy of the body of deceased in the case who had the following injuries.

1. Sutured incised penetrating wound 4x1.3 cm, obliquely placed on the left side of back of trunk, with its lower inner end 5 cm outer to midline just above the level of top of hip bone. It entered the abdominal cavity by penetrating the back wall of abdomen just above the top of hip bone, partially cut fractured the body of 3rd lumbar vertebra and ended by puncturing the back wall of the duodenum. The duodenal puncture was surgically repaired by suturing. The track of the wound was directed towards forwards, upwards and to the right and had a

minimum depth of 12 cm. Abdominal cavity contained 1 litre of fluid blood with clot. Retroperitoneal hematoma 18x12x3cm was seen on either side of the lumbar region. The whole of intestinal cavity contained blood stained fluid (Surgically modified wound) .

2. Stapled surgical laparotomy wound 27 cm vertically placed on the front of abdomen in the midline with its lower extent 3 cm above the pubis.
3. Abrasion 4 x 3 cm on the right side of back of trunk 9 cm below the top of shoulder and 8 cm outer to midline.
4. Healing wound 1.5x0.5 cm on the outer aspect of left leg just below knee, covered with loosely adherent brown scab.

The evidence of PW39 proves that the penetrating stab injury sustained to the abdomen was the cause of death and the same can be caused with MO1. He proved that the deceased died of the injuries sustained to the abdomen. The above opinion formed by PW39 gets corroboration from Ext.P43 postmortem certificate. He also proved that the injuries can be caused with MO1 knife. The evidence of PW39 in the above line was not challenged in his cross-examination though the weapon of attack was disputed. The same can be considered later. The evidence of PW39 clearly establishes that the fatal injuries sustained by the

deceased was the cause of his death and it can be caused with the weapon like MO1 knife. The accused have no contention that the fatal injuries were self inflicted. So, the only conclusion that can be drawn from the direct and circumstantial evidence which can be discussed infra leads to the only conclusion that the death was a homicide. Accordingly, point No.9 is found in favour of the prosecution.

29. **Points 1 to 8 and 12:-** The prosecution relies on the evidence of PW1 to 7 to prove the occurrence and the involvement of A1 to A6 and A8 to A13 with the same and to prove the substantive offences alleged against them. PW1 to PW7 are the injured as per the prosecution allegation. PW1, 3, 4, 6 and PW7 were the students in the Christian College Chengannur during the relevant time and they were the workers of ABVP an organization of the students.

30. PW1 is one of the injureds and the defacto complainant who lodged Ext.P1 FIS regarding the alleged occurrence. His evidence shows that on 16.07.2012, the opening day of the 1st year degree student and there was welcome function arranged by

all the students organization including the Campus Front in which some of the accused were allegedly associated with. According to him, A1 and A2 were the leaders of the Campus Front in the college and Asif(A6) and Afsal(A13) were also associated with Campus Front. He proved that the deceased Vishal was co-ordinating the works of ABVP in the Campus and he used to come to the college regularly. Since Vishal was acting against the Love jihad activity of the muslims, the Campus Front workers had enmity towards him. While the ABVP workers were engaged in the welcome programme and distribution of sweets the campus front workers of the college and an outsider associated with the said organization erected their banner, flags and they also started to welcome the newcomers. They were staring provocatively against the ABVP workers. At about 10.30 a.m A1, A2, A5 , A6 and A13 approached the ABVP workers and A1 asked ABVP workers not to distribute the sweets as they were supplying sweets and not to play there. There was a verbal altercation among the Campus Front and ABVP workers and A1 and others left in bikes threatening that they will show then and there. While the Campus Front workers, were near the culvert, 8-

10 person came there in some bikes and they were discussing over something. They approached the ABVP workers and encircled them. A1 asked to stab Vishal to death as he was the trouble maker. Thereafter all the campus front worker encircled Vishal and A3 stabbed him on his left flank with a knife which was taken from his hip. When PW2 helped Vishal from the fall, A4 hit him with a helmet on his shoulder and he brandished the helmet to see the ABVP workers did not approach them. Thereafter A3 stabbed on the back of PW2 and left side of the head and behind left ear of PW1 with the knife. At that time A6 to A11 slapped and stamped PW3 to PW7 and CW6 while A2, A5, A12 and A13 pushed and encircled them. He fell down and PW2 fell in the canal. When the people gathered there accused escaped towards the west to the M.C road. The deceased was taken to the Hospital at first and PW2 and he were taken to the Cheriyan Memorial Hospital, Chengannur where he lodged Ext.P1. According to him he identified the accused at the police station and he identified A1 to A6 and A8 to A13 before the court. According to him the other campus front workers who were not the students in the Christian college used to come to the college for the work associated with

Campus Front and they were known to him. He identified MO1 as the knife by stating its description as sharp edged with hand guard and pointed tip, MO2 as the helmet having black colour without glass, MO3 as the banner, MO4 series as the shirt and dhoti worn by him at the time of occurrence MO5 as the shirt worn by PW2. According to him all the accused except A8 were wearing shirt and pants and A8 was wearing a dhoti and shirt. According to him A3 was wearing a blue jeans and a maroon full sleeve shirt. He stated about the details of the two wheelers in which the accused alleged to have reached the place of occurrence and made their escape. He identified the said vehicles before the Investigating Officer and proved that Vishal died in the early morning of 17.07.2012 at Medical College Hospital, Kottayam. PW2 and he were taken to Century Hospital, Mulakkuzha from where PW2 was taken to Amrutha Hospital, Ernakulam. He admitted that he is having allegiance to RSS and the incident took place while he was doing his 3rd year degree course. He was the unit committee member of ABVP and he was representative of the first year degree students. He was the Chairman candidate in the 2nd year. According to him, PW2 was student in college at

Thiruvananthapuram who used to come to Christian college to attend the activities of the ABVP in the college. He admitted that PW3 to PW7, CW6 and CW14 were also the workers of ABVP. He doesn't know whether BJP has got a strong hold at Chengannur and the BJP candidate secured 47,000/- votes in the assembly election. According to him the Campus Front workers reached the place by 9.15 a.m and the ABVP workers were numbering 20. According to him, the KSU and SFI workers were also present at the spot at some distance at the relevant time. According to him other students organization also objected the formation of the Campus Front unit in the Christian college and denied the suggestion that ABVP alone objected the same. According to him he stated the preliminary facts alone at the time of Ext.P1 and he stated the name of A1 and A2 alone at that time. He admitted that A1 was not armed with any weapon. A2 was having a stick like weapon and A1 and A2 pushed him and others. He admitted that he has not given statement to the police that A1 and A2 were armed with any weapon and claimed that he gave statement that all the accused who were present at the spot attacked him and others. He admitted that he has not given

statement to the effect that A1 and A2 were the leaders of the Campus front in the college and A6 and A13 were also its workers and that the deceased objected the Love Jihad and the Campus Front workers had enmity towards him, that the names of the assailants except A1 and A2 were not stated and that the other Campus Front workers were known to him. According to him he did not state about the acquaintance with the other accused as he was not asked about the same and he was referring to the same person who stabbed the deceased, PW2 and him. He admitted that he has not given statement at the time of Ext.P1 that when the Campus front workers encircled them, they could not escape to anywhere and at that time A1 pointed out the deceased. He claimed to have stated in Ext.P1 that A1 asked not to distribute the sweets as they were distributing and they need not play there. He admitted the omissions in Ext.P1 from his evidence and claimed that the ABVP workers available in the college took Vishal to the hospital. He denied portions of his previous statements which are marked as Ext.D1 to Ext.D4. He admitted that he never gave statement that A1 was known to him previously. He claimed to have stated the identification marks of

A3 to A5. He doesn't remember whether there was any other person with the beard and any other stout person. He did not state to the police about A3 to A5 as they used to come to the college for the activities on a regular basis as the police did not ask him in that regard. He denied the suggestion that A3 to A5 had no connection with the college that he had no previous acquaintance with them and that he is giving false evidence that they were identified. He also denied the suggestion that PW2 and Vishal came to the college to create problems and the ABVP workers unleashed the violence and he sustained hurt in the commotion that Vishal sustained hurt in a fall during the violence and that the accused had no connection with the same. He admitted the omission in Ext.P1 that 'at about 9.15 a.m the Campus Front workers in the college and an outsider erected banner and flags. According to him there was coconut tree and electric post at that time to erect the banner. He admitted that the names of A6 and A13 were not stated in Ext.P1 and did not state about their presence at the time of occurrence. He denied the suggestion that he did not state about A6 and A13 in Ext.P1 as they were not present at the place of occurrence and claimed that he could only

state few facts due to his then condition. According to him the deceased was not in the college at 9.15 am. and he came at about 9.30-9.45 a.m. According to him he stated the names of the ABVP workers who sustained injuries in the incident and he did not state the names of the other workers as he was not asked by the police. He admitted that he has not given statement in Ext.P1 that PW2 was attacked with a helmet and there was an assailant armed with the helmet. He also admitted that the features of MO2 were also not stated to the police and denied the suggestion that the attack with the helmet was fabricated following the deliberation to implicate more accused. He does not know whether the deceased had several enemies and whether he was involved in several criminal cases. He denied the suggestion that he is giving false evidence that Vishal was acting against Love Jihad and Campus Front workers had enmity towards him. He admitted that he has not stated to the police regarding the presence of hand guard in MO1 and that it was having sharp edge in one side. He denied the suggestion that MO1 was falsely produced by the police and he is giving evidence deviating from Ext.P1 to support the case of the prosecution and MO1 has no

connection with the occurrence and the same was fabricated for the case. He admitted that he has not stated about the details of the dress worn by A3 as he was not asked about the same. He admitted that he has not given statement that all the accused except A8 were wearing pants and shirt at the time of occurrence. He doesn't remember any of the assailants came in scooter and he doesn't remember that he gave such a statement. He did not state about the identifying features of the bike, that its numbers were not known to him that A1, A3 and A5 came in a Karishma bike, that a red pulzar glamour bike blue colour Yamaha faizer bike and Yamaha fz bike were used by the accused to reach the place. He claimed that KSU workers remained on the western side of the college junction and they could have seen the person came to the college at the first instance. He admitted the omission in Ext.P1 that the Campus Front workers were engaged in a discussion near to the culvert and 8 to 10 persons reached near to them in 8 to 10 bikes. He claimed to have stated the names of the ABVP workers who objected the attack. He admitted that he has not given statement regarding the identification of A3 to A5 and A8 to A12 with their photographs as shown by the police. He denied the

suggestion that he falsely identified A3 to A5, A8 to A12 as they were shown by the police and he had no prior acquaintance with them. He denied the suggestion that he fabricated a false story by including the interested persons and his friends by suppressing the real facts and giving evidence based on the same and the independent persons and documents were deliberately omitted. He also denied the suggestion that he is giving evidence against the accused under the misconception that they are the workers of Campus front and that Ext.P1 and additional statements dated 17.07.2012 were antedated and the same were recorded on 17.07.2012 and on 31.07.2012. He also identified MO13 and MO14 bikes and claimed that he can identify the other vehicles as well.

31. On going through the evidence of PW1 it can be seen that he made substantive deviation from the earliest version contained in Ext.P1. As per the above versions 14 persons under the leadership of A1 and A2 approached the ABVP workers armed with sword stick, sword and dagger and a youth with beard stabbed the deceased on his left flank and at that time the students took their heels to different directions. When PW1 along

with PW3 and PW4 objected the attack A1 exhorted to hack them to death and at that time another person stabbed PW2 on his back and yet another person stabbed him and he fell down. It was also the version in Ext.P1 that when more people came the assailants escaped in the bikes. The motive alleged in Ext.P1 is the political rivalry and PW1 had no case that the assailant except A1 and A2 were known to him previously and his only claim was that they can be identified at sight. Regarding the weapons also it was the version of PW1 that the daggers were having a length of one foot with sharp edge on one side and with pointed tip. As per the evidence of PW1, A1, A2, A5, A6 and A13 reached the spot at first and they created provocation by staring at ABVP workers and telling something and A1 asked the ABVP workers not to distribute sweets as the campus front workers are distributing the same and the ABVP workers need not play any more there. The presence of A5, A6 and A13 as deposed by PW1 is an improvisation from his statement in Ext.P1 in which he referred to A1 and A2 alone. It is the version of PW1 that A5 was a Campus front worker who used to come to the college for the activities of campus front and A6 and A13 were the students in the same

college who were also associated with campus front. If the assailants were inclusive of A6 and A13 who were the students in the very same college PW1 should have identified them at the spot and stated their names in Ext.P1 itself. So, the evidence of PW1 is doubtful regarding the presence of A6 and A13 at the spot and their involvement with the occurrence alleged in the case. The explanation offered by PW1 that he gave only a preliminary information at the time of Ext.P1 and he could not state everything at that time due to his state of mind and drowsiness due to medication cannot be safely relied on in the facts and circumstances of the case. It appears that PW1 has given an elaborate and vivid account of the incident alleged to have been taken place which was in deviation from the case of the prosecution at present. Likewise the new version of PW1 that A5 used to come to the Campus for the activities of the Campus Front prior to the occurrence also cannot be safely relied on in the facts and circumstances of the case. If A5 was known to PW1 as now claimed he should have stated that fact in Ext.P1 itself which creates doubt regarding the identity of A5. Likewise the new version of PW1 that A3, A4 and A8 to A12 were also used to

come to the college in connection with the activities of the campus front and they were also known to him previously also did not find a place in Ext.P1. If those accused were known to PW1 as now claimed he should have stated that fact in Ext.P1 itself which also creates doubt regarding their presence and their complicity with the occurrence alleged in the case. However evidence regarding the presence and involvement of A1 and A2 get corroboration from his previous statement in Ext.P1. But his version now made before the court that A1 pointed out the deceased and exhorted to stab him to death is a new one which did not find place in Ext.P1 in which it is stated that the attack made against deceased was at first which was followed by the exhortation alleged to have been made by A1 to hack them to death. The above deviation appears to have been made to create an impression that the assailants had the intention to kill the deceased from the very beginning. It appears that PW1 had no idea regarding the weapon if any possessed by the assailants as he made a statement in Ext.P1 that the assailants were armed with dagger swordstick and sword. The prosecution has no case that any other weapon was held by the accused except the dagger

identified as MO1 which was allegedly used by A1. The new version of PW1 that A2 possessed a stick like weapon is not the case of the prosecution and did not tally with his previous statements in which he had no such case. The identification of A3 to A5 and A8 to A12 made before the court and the claim of PW1 that they were known to him previously cannot be safely relied on as the same is not made out from the Ext.P1 and any of his previous statements in which he had no case that they used to come to the college for the activities of campus front. Likewise the identification of A6 and A13 made after Ext.P1 and the claim of PW1 that their names were omitted to be stated in Ext.P1 for some other reason cannot be relied on.

32. However, the evidence of PW1 shows that a group of persons under the leadership of A1 and A2 attacked the ABVP workers at the spot and he along with PW2 to 7, CW6 and Vishal sustained hurt in the incident. The death of Vishal which was the outcome of the injury sustained by him in the incident is also made out from his testimony. The motive now stated by PW1 deviating from the political rivalry as stated in Ext.P1 cannot be safely relied on as the prosecution did not produce any materials

to substantiate its above version. The evidence of PW1 that the deceased was associated with the Love jihad in respect of the daughter of one Aravindakshan is not the case of the prosecution and none of the previous statement of PW1 and the other material witnesses did not contain such an allegation. So the motive now attempted to be proved through PW1 cannot be safely relied on for want of sufficient materials. Likewise the new version of PW1 that A4 was holding MO2 helmet at the time of the occurrence and he hit PW2 on his shoulder and he brandished the helmet to prevent ABVP workers from approaching the assailants and to cause fear also cannot be relied on for the very same reason. The rest of the appreciation of the evidence of PW1 can be made with reference to the evidence of the other witnesses.

33. PW2 is one of the injureds who also gave evidence in tune with the evidence of PW1. According to him A4 hit him on his left shoulder which caused severe pain and when PW3 to PW6 and other workers tried to object him, A4 brandished MO2. According to him A6 to A11 slapped and kicked PW4 to PW6 and A3, A5, A12 and A13 pushed the injured and encircled them. When he was stabbed by A3 he suffered bleeding injury on his

back and A3 stabbed PW1 on his head. According to him when the local people and the students approached the accused they tried to escape and A3 pushed him down to the canal. He availed treatment from Cheriyan Memorial Hospital where he was taken by CW6 in his bike where PW1 was also brought. He was referred to Century Hospital, Mulakkuzha and Amrutha Hospital, Ernakulam. According to him the accused had the intention to kill deceased and the ABVP workers and that stiff oppositions made by the ABVP workers against the formation of the Campus Front unit and the activities of the deceased against the love jihad caused enmity towards the deceased which made them to attack him. He also identified A1 to A13 except A7 a JCL. According to him the accused were known to him previously as they were regular in the campus for the activities of Campus front . He identified MO1 to 3, MO5 and MO6 as the cloth worn by A4, MO7 series as the dress of A3. He admitted that he was a student in fire and safety course at Trivandrum during the relevant time and he was not a student in the Christian college. He does not remember the KSU workers and their leaders at the relevant time and they were known to him previously. He admitted that the

names of the ABVP workers who were present at the spot numbering 20 at the relevant time was not stated to the police as he was not asked about them. According to him the SFI workers present at the spot were not seen by him and he did not state to the police regarding the formation of Campus Front unit in Christian college which was done secretly. He denied the suggestion that RSS, BJP and ABVP workers threatened that the activities of campus front will not be allowed in the college. According to him, he gave statement to the police on 26.07.2012. He doesn't remember whether he has given statement that he along with the deceased and PW5 were entrusted with the welcoming of freshers in the college and he could not account for that omission. He claimed to have given statement to the police that the activities of the deceased was the reason for the enmity. He could not deny the suggestion that there were several people in the road at the relevant time. He admitted that while identifying A1, A3, A4 and A5 with the photographs shown by the police and at that time he has not stated that they were known to him previously. He denied the suggestion that he was not the office bearer of ABVP, Chengannur Town and he never went to Christian College for the

activities of ABVP. He admitted that he has not stated the details of the bike to the police. He has not given statement to the police that the knife had sharp edges on both side and he gave statement that it had sharp edge on one side alone. He denied Ext.D5 portion of his previous statement. He denied the suggestion that MO1 was fabricated for the case. He admitted that the details of MO2 were not stated earlier. According to him he was given tablets and pain killer for his shoulder pain and he denied the suggestion that he is giving false evidence, that he was not hit with MO2 and sustained injuries to his shoulder. He claimed to have given statement that A4 brandished MO2 to create a fearful situation. According to him he did not state that A1 exhorted to hack the ABVP workers to death. He admitted that he has not given statement regarding the type of the bike in which A12 reached the spot and denied the suggestion that A11 was not involved in the incident and he identified him as shown by the Investigating Officer. He does not know whether the first year degree classes were started in all the colleges on the same day. He admitted that the overtacts of A7 to A11 were not stated in his previous statement and that A2, A5, A12 and A13 pushed the

ABVP workers. He denied the suggestion that he along with the deceased and other ABVP workers under their leadership made the attack at the college. He denied the suggestion that he sustained hurt in a fall during the commotion. He admitted that the overtacts of A13 were not stated in specific terms in his previous statement.

34. The evidence of PW2 though substantially tallies with his previous statement, he did not state the name of the assailant based on his personal knowledge. His only claim at that time was that he understood the names of the assailants as stated by the police. The deviation made by PW2 from his previous statement that he was aware about the names of the assailants as stated by the police cannot be relied on to establish the identity of the accused with their names. The overtacts of A1, A2 and A5 to A13 as deposed by PW2 cannot be relied on as he did not state about the same in his previous statements. The correctness of the version of PW2 that he sustained severe pain on his left shoulder in the attack made by A4 with MO2 can be considered in the light of the medical evidence which will be discussed later. Since PW2 had no version in his previous statements that the accused

were known to him previously, the identification made for the first time before the court cannot be relied on. However the evidence of PW2 establishes that he along with the deceased and PW3 to PW6 and CW6 sustained hurt in the incident. The correctness of the identification of the accused made by PW2 can be considered later. The rest of the appreciation of the evidence of PW2 can be made with reference to the other evidence as well.

35. PW3 was one of the injureds who also gave evidence in tune with the evidence of PW1 and 2. According to him he was slapped on his left cheek by A6 and he suffered pain. He along with CW6 took PW2 to the hospital in a bike and PW1 was also taken to the hospital in another bike. The deceased was taken to the Govt. Hospital, Chengannur and then to Medical College Hospital, Kottayam. PW1 and 2 were taken to Century Hospital, Mulakkuzha. At about 4.30 p.m he went to the place of occurrence and pointed out the same to the police. MO8 Electoral ID card of A3 was recovered from the place of occurrence. According to him A1, A2, A6 and A13 were the students in the Christian college and the other accused used to come to the college for the activities of campus front with whom he had

acquaintance by sight. He identified the accused at the police station and from their photographs. He identified the accused before the court and MO1 to MO3, MO7 series and MO8. He identified MO9 series as the jeans, pants and brown colour shirt worn by A6 at the time of occurrence. He claimed that A1, A3 and A5 came in Karishma bike, A8 and A10 came in glamour bike A4 came in Yamaha faizer bike, A9 came in FZ bike and A7 came in access scooter. He admitted that he has not given statement to the police that campus front had no unit in the college and they constituted the unit in 2012. He admitted that ABVP has taken a decision not to allow any activities of campus front. He does not know the names of the KSU and SFI workers who were present at the spot for the welcome function. He admitted that he has not stated the name of A3 in his first statement and claimed that he stated his identification marks. He denied the suggestion that he never made any statement prior to 2.12.2012 that A3 was known to him previously and that he had no acquaintance with A3 and he identified him from the photograph shown by the police and as pointed out by the BJP workers. He also denied the suggestion that there was a

commotion at the place of occurrence. He admitted that he has not given statement to the police that A3 took a knife from his hip and stabbed the deceased, and that A1 screamed to hack them to death, that A8 to A11 and others slapped, kicked and fisted PW4, PW5, PW7 and CW6, that the accused came together and escaped together and that he stated the names of the accused as stated by the police. He also denied the suggestion that the names of the accused were not stated earlier as they were not known to him previously and that the BJP, ABVP workers came to the college to prevent the activities of the campus front. He admitted that he reached the Century hospital after 2 PM and he was there at Cheriyan Memorial Hospital till 1.30 PM and he did not avail any treatment. He denied the suggestion that he was not slapped as alleged. He admitted that he has not given statement that he pointed out the place of occurrence to the police, that police officers, Scientific Officer and local people were there at the place of occurrence and that MO8 was recovered from there and he identified the same. He claimed to have given statement that the knife had a length of one feet with pointed tip. He denied the portion of his previous statement that the knife was a double

edged weapon. He denied the suggestion that he is giving false evidence that MO1 was the weapon of attack by suppressing the real weapon. He admitted that the specification of MO2 was not stated. He denied the suggestion that MO3 was falsely fabricated and A3 has no connection with MO7 series and A6 has no connection with MO9 series. He admitted that he has not given statement to the police that A1 used to come to the college in Karishma bike and that A3 and A5 travelled in the same bike. He denied the suggestion that he was not present at the time of occurrence and he was falsely cited as a witness later. He also denied the suggestion that the ABVP workers sustained hurt in the commotion that followed the attack made by them. He also identified MO13 and MO14.

36. The evidence of PW3 gives corroboration to the evidence of PW1 and 2 regarding the occurrence, the identity of the accused and material objects. The overtacts of the accused deposed by PW3 are tallying with the prosecution allegation and the evidence of PW1 and 2. But the evidence of PW3 that he went to the place of occurrence at 4.30 p.m on the same day and pointed out the place of occurrence to the police and witnessed

the recovery of MO8 from there did not find a place in his previous statement. If PW3 pointed out the place of occurrence and witnessed the recovery of MO8 he should have stated the same in his previous statement which is a doubtful circumstance regarding the recovery of MO8. Likewise the identification of A3 to A5 and A8 to A12 as the campus front workers who used to come to the college also cannot be safely relied on as PW3 had no such case in his previous statement. The denial of the previous statement of PW3 that there was no unit for the campus front in the college which is marked as Ext.D7 and the pretention of PW3 that he does not remember whether he gave statement that he got knowledge regarding formation of the unit of campus front in 2012 secretly and the denial of the same as per Ext.D7 creates doubt regarding the veracity of his testimony that A3 to A5 and A8 to A12 used to come to the college for the activities of the campus front. Likewise his testimony that ABVP resolved to object the activities of the campus front did not tally with the evidence of PW1 and 2 which shows that ABVP workers had enmity towards the campus front workers. That may be the reason why the outsiders were also present at the spot along with the

ABVP workers of the college. In that view of the matter the version of the prosecution that the campus front workers unleashed violence against the ABVP workers did not appear to be correct in the facts and circumstances of the case. It appears that the prosecution has suppressed the genesis of the crime and projected an one sided version of the ABVP workers which creates doubt regarding the entire prosecution story. The failure of PW3 to name any of the KSU and SFI workers who were present at the spot also creates doubt regarding the evidence of PW3 and his capacity and ability to identify the accused in this case. It is pertinent to note that PW3 was a student in the same college and the Secretary of the ABVP unit. So, he should have identified and stated the names of any of the leaders of KSU and SFI in the campus during relevant time and present at the spot. The suppression of the above material fact by the prosecution, PW3, and other material witnesses appear to have been made with the intention to prevent them being cited as witness in the case and thereby to conceal the real incident transpired at the spot.

37. The new version of PW3 that PW4 fell in the canal following the attack in deviation from his previous statement that PW4 and others jumped into the canal as proved from Ext.D8 also create doubt regarding the testimony of PW3. The admission of PW3 that he did not give statement that A3 stabbed the deceased by taking a knife from his hip and at that time A1 screamed to hack them to death clearly shows that PW3 made several improvements from his previous statements before the police. Likewise the admission of PW3 that he did not state about the overtacts of A8 to A11 and that the accused came together and retreated together after the attack also leads to the same inference. The inconsistent version of PW3 that MO1 is single edged weapon against his previous statement that it was a double edged weapon as made out from Ext.D9 creates doubt regarding the identification of MO1 as the weapon of attack. So, the evidence of PW3 cannot be safely relied on to hold that the incident took place in the manner as alleged by the prosecution with the involvement of A3 to A5 and A8 to A12. The evidence of PW3 against A1, A2, A6 and A13 can be relied on as PW3 has a consistent case that they were present from the very beginning

of the occurrence, that A1 exerted to hack the deceased to death and A5 slapped him on his left cheek. However, PW3 has not availed treatment though he went to both hospitals where PW1 and PW2 were taken for their treatment. The same also creates doubt regarding the allegation of the prosecution that PW3 also sustained hurt in the incident as alleged by the prosecution.

38. PW4 is also one of the injureds and a student in the same college. He was the Joint Secretary of ABVP unit of the campus . He also gave evidence in tune with the evidence of PW1 to 3 and identified the accused. According to him he along with PW3 fell in the canal when they took their heels following the incident. According to him he was stamped on his left thigh by A7 and he sustained pain. According to him, the deceased told the doctor that he fell down and sustained hurt and stated that if his family comes know about the incident there will be problems. According to him, A3 studied along with him in Mulakkuzha school and that the accused escaped with the weapons which were identified as MO1 and 2. According to him the inauguration of the Campus front unit in the college was held 3-4 months prior to the incident and no decision was taken by ABVP to object

the activities of Campus front. He denied the portion of his previous statement that A3 stabbed deceased and his identity was revealed later. He admitted that he gave statement to the police long after the incident. He denied the suggestion that he is giving false evidence that A3 studied along with him. He admitted that he has not shown his blood stained cloths and the blood stain in the bike to the police. He denied Ext.D13 portion of his previous statement that the weapon of attack was a double edged knife. He admitted that A2, A5, A8, A9, A11, A12 and A13 have not manhandled him and they were attacked by other accused. According to him there were activities of Campus front in the college even before the date of occurrence and the unit of Campus Front was formed in Christian college by conducting a meeting which was held 4 months prior to the occurrence. He denied the suggestion that ABVP has not decided to disallow the activities of Campus Front in the college. He does not know the number of KSU and SFI workers who were present to welcome the freshers. He denied the suggestion that most of the persons among the ABVP workers were outsiders and claimed that 14 among them were students in the college. According to him the

leaders of other students union who were not the students in the college were also present in connection with the welcome function. He denied the suggestion that the deceased never came to the Christian college for the organizational activities of ABVP and claimed that he used to come to the college for such activities. He denied the portion of his previous statement that he came to know about the name of A3 at the time when he gave the statement which is marked as Ext.D12. He denied the suggestion that he is giving false evidence that A3 studied along with him in the school. He does not remember whether he has stated as to who attacked with the helmet. According to him injureds were taken to the hospital by the local people as well. He admitted that he was not informed the authorities on the date of occurrence that the assailant were inclusive of the persons known to him. He claimed to have given statement that A3 stabbed the deceased, PW1 and 2 with a knife having pointed tip. He admitted that he has not stated the identifying features of the accused to the Investigating Officer. He admitted that he has not stated to the police regarding students and the local people who came to the spot as they reached there after the incident.

38. Eventhough PW4 also gave evidence in support of the prosecution, his evidence cannot be safely relied on as he did not give statement regarding the incident till 25.10.2012. The prosecution and PW4 could not give any explanation for the long delay in recording his statement. If PW4 had witnessed the occurrence and took the deceased to the hospital, his statement should have been recorded at the earliest. The claim of PW4 that he was kicked by A7 also did not get corroboration from the evidence of any other witness in that regard. The proof of Ext.D12 and Ext.D13 portions of the previous statements of PW4 also make him unreliable. It appears that PW4 was presented as a witness in the case to explain away the adverse circumstance that the deceased informed the doctor that he sustained hurt in a fall and not in the manner as alleged by the prosecution. There is no other materials on record to show that the deceased was taken to the hospital by PW4 as now alleged by the prosecution and no other witness has claim that the deceased purposely stated that he sustained hurt in a fall as otherwise there will be problem if his family knows about the incident. The claim of PW4 that A3 studied along with him in Mulakkuzha school did not tally with

his previous statement that he was convinced about the name of A3 on the date of giving statement to the police. So, the subsequent version in the latter part of his statement that A3 studied along with him cannot be true and it should have been an improvement made to establish the identity of A3 with the occurrence. So, there is every reason to disbelieve PW4 in toto and his presence at the spot is also doubtful.

39. PW5 was the Secretary of ABVP Chengannur town committee and student in SN college, Chengannur. He also gave evidence in tune with the evidence of PW1 to 4 and claimed that on 16.07.2012 he went to the Christian College to participate in the welcome function. According to him A6 and A8 to A11 manhandled him and PW3, PW4, PW6 , PW7 and CW6. He was fisted on his chest by A8 and A2, A5, A12 and A13 wrongfully restrained them and when the local people gathered the accused escaped. According to him he used to go to the college as part of his organisational works he happened to see the accused at that time and he identified them with the photographs and before the police. He also identified the accused by their names and by pointing them out in court and identified MO1 to MO3, MO7

series and MO11 series as the shirt and dhoti worn by A8. According to him, it was not the opening day for freshers in SN college. However he admitted that classes for the 1st year degree students started on the same day. According to him the Campus front tried to create an unit in the Christian college in 2012 and they have not conducted any public programmes. He could not deny the suggestion that ABVP strongly opposed the formation of Campus front unit in the college and claimed that all the organisations opposed the same. He doesn't remember the KSU and SFI workers who were present at the spot and its President and Secretary. He doesn't know whether the office bearers of the area committees of SFI and other political leaders came to the college on the same day. According to him, he can identify A1, A2, A6 and A13 as they were involved in the incident though he had no opportunity to talk to them. He admitted that the incident took place when the KSU, SFI and ABVP workers were in the road. He did not avail treatment and did not give statement that A8 fisted him as his name was not known to him at that time. He admitted that he saw A3 for the first time at the spot and he identified A3 from his photographs shown by the police.

According to him on the same day he identified the identity card of A3 shown by the police. He admitted that A4 was also not known to him previously. He denied the suggestion that he has no previous acquaintance with any of the accused and he identified them before the court as their photographs were shown to him by the police and that he along with the other leaders of the ABVP came to the place of occurrence to object the activities of Campus front and unleashed violence in which some of them fell in the canal. He also denied the suggestion that he stated the names of A1, A2, A6 and A13 as told by the other students of the ABVP in the college, that the deceased was not stabbed as alleged and he sustained hurt in an accidental fall during the commotion. He claimed to have identified MO8 on 17.07.2012, that the knife had a length of one foot, that it had a pointed tip, that MO3 was written as welcome to new comers (നവാഗതർക്ക് സ്വാഗതം), that A3 was wearing blue jeans and brown shirt, that A8 was wearing dhoti and biscuit colour shirt, that A1 came in red colour karishma bike along with A5, that A8 came in a red Honda Glamour bike along with A10, that A11 came in red pulsar bike, that A9 came in Yamaha FZ bike, that A8, A9 and A10 attacked

him and others and that A2, A5, A10 and A13 wrongfully restrained them. He denied the suggestion that A8 never fisted on his chest.

40. Evidence of PW5 also give corroboration to the evidence of PW1 to 4 regarding the occurrence. His evidence that he was aware about the names of A1, A2, A6 and A13 as he used to go to the Christian college for the activities of the ABVP in the college and he could identify them as they participated in the occurrence cannot be safely relied on. He could not name any of the office bearers of KSU and SFI in the campus and its workers to justify his above statement. It is the admitted case of PW5 that he was the Secretary of town committee of ABVP and he was student in SN college, Ala. So, his presence at the spot is not doubtful which is made out from the evidence of the other witnesses as well. The version of PW5 that he was fisted on the chest by A8 and he was attacked along with PW4, 5, 7 and CW6 by A6 and A8 to A11 cannot be relied on in the facts and circumstances of the case as PW1 to 4 did not state about the specific overtacts of the above accused. The identification of the other accused made by PW5 and the vehicles in which the

accused reached the place of occurrence also cannot be safely relied on as PW5 could not state any of the identifying features of the accused and the details of the vehicles in which they alleged to have reached the place of occurrence. It appears that PW5 stated the names of the accused and identified them and the vehicles in which they alleged to have reached the place of occurrence only on the basis of the tutoring made by the police and from the photographs shown to him. However the identification of MO1 to MO3 by PW5 is tallying with the identification made by PW1 to 4, the reliability of which will be considered later in the light of the evidence of the other witnesses regarding the recovery. The version of PW5 regarding his presence along with other ABVP workers from other colleges and institutions create doubt regarding the manner in which the incident took place. It is the admitted case of the prosecution and PW1 to 5 that A1, A2, A5, A6 and A13 alone were present at the first instance and the version of the prosecution that they made the provocation against ABVP workers numbering 20 and intimidated them is highly improbable in the facts and circumstances of the case. To the contrary the defence version that the ABVP workers under the

leadership of the outsiders including PW2, 5 and the deceased came to the college to object the activities of the Campus front is more probable. However, the evidence of PW5 also shows that a group of persons under the leadership of the students in the college came to the place of occurrence to question the ABVP workers who were present in the college for the purpose of objecting the activities of Campus front as well. The circumstance that PW5 also did not avail any treatment following the alleged fisting on the chest by A8 is a circumstance to doubt the above version of PW5, inspite of the fact that he went to the hospital along with others. The rest of the appreciation of the evidence of PW5 also can be made with reference to the other evidence.

41. PW6 was a student in Christian college, Chengannur and was the unit President of the ABVP. According to him, A1 and A2 tried to constitute the unit of Campus Front in the college along with A6 and A13 who were the other prominent workers. He also gave evidence in tune with the evidence of PW1 to 5 and stated that A9 slapped on left side of his neck resulting severe pain. He also claimed that the other accused used to come to the college to see A1, A2, A6 and A13 and he identified all the

accused with their photographs directly and before the court. He identified MO1 to 3, MO7 series and identified MO12 series as the dress worn by A9 at the time of occurrence. He claimed that he was unaware about Campus Front before the occurrence. According to him he identified A3 from among several photographs shown to him though he did not give statement in that regard. He denied the suggestion that he was shown one photograph alone to identify A3. According to him PW2, PW5 and the deceased used to come to the college for the programmes and it was not based on any decision, they came to the college on 16.07.2012. He claimed to have given statement that A1 asked not distribute sweets as they were providing the same and need not play there, that an youngster among the assailants took a knife from his hip and stabbed Vishal, that he disclosed the identity of all the ABVP workers present at the spot, that PW3, PW7 and CW6 were slapped and kicked, that A2, A5, A11 and A13 wrongfully restraint the ABVP workers, that the weapons of attack was a long knife with sharp edge and pointed tip, that MO2 was a black glassless helmet which he identified among 3-4 helmets, that he identified A5 on 19.07.2012 and that A3 and A5

came to the spot in the bike along with A1, that A10 came to the spot in red pulsar bike and he identified A4 and A8 to A10 among other persons. According to him the KSU workers were numbering 5 and denied the suggestion that there were shops near to the place of occurrence with the CC TV cameras. He claimed to have given statement that A7 came in a scooter. He denied the suggestion that people numbering around 20 came from the office of ABVP and unleashed violence at the place of occurrence, he was not present at the spot or witnessed the incident and sustained hurt.

42. The evidence of PW6 that he was unaware about the organization named Campus front till the date of occurrence is against the evidence of the other witnesses which is to the effect that the campus front had secretly formed the unit in the college in 2012 and the ABVP decided to object their activities. The fact that PW5 was the Unit Secretary of ABVP during the relevant time appears to have given such a false version creates an impression that ABVP workers had no ill will or enmity towards the campus front workers. Such a deviation appears to have been made by PW6 from his previous statement with ulterior motive

and his evidence is against the consistent version of PW1 to 5. So, the evidence of PW6 cannot be safely relied on for that reason and his omission brought out in his cross-examination as noted above. The above omissions are material and amounts to contradiction. The failure on the part of PW6 to avail treatment for the alleged injury sustained to his neck in the slap alleged to have been made by A9 also creates doubt regarding his above version. In the absence of the previous statement of PW6 that he identified the accused form among the various photographs shown to him is not tallying with his previous statement brought out in his cross-examination, which cannot be safely relied on.

43. PW7 was a student in the same college and the Vice President of ABVP Town committee. He also gave evidence in tune with the evidence of PW1 to 6 and claimed that ABVP workers objected the formation of Campus front unit in the college and Campus Front workers had enmity towards ABVP workers. According to him A10 stamped on his abdomen resulting severe pain. According to him the accused except A1, A2, A6 and A13 used to come to the college for the activities of the Campus front and he had acquaintance by sight with them.

He also identified the accused, MO1 to MO3, MO7 series and stated about bikes in which the accused reached the place of occurrence. He denied the suggestion that the deceased had no responsibility in respect of the ABVP unit and he never came to the Christian college, Chengnanur prior to the date of occurrence. According to him the ABVP objected the campus front after the formation of unit in the college. He admitted that ABVP and other organization objected the formation of the unit of Campus front in the college. He claimed to have given statement that the campus front workers had enmity towards the ABVP workers as they objected the activities of Campus front. According to him ABVP decided not to allow the activities of campus front in the college which he denied in the latter part of his cross-examination. He claimed to have given statement that the deceased had the threats from Radical Muslim Organizations as he was campaigning against 'Love Jihad'. He denied the suggestion that there were around 70-75 students in between the college junction and the main gate of the college. He does not know the names of the workers of KSU and SFI who were present at the time of the occurrence. He admitted that A5 was not known

to him previously and that the local people came to the spot after the incident and no students reached there. He has not availed any treatment and he does not remember the time at which he went back from the place of occurrence. He denied the defence version that he was not present at the place of occurrence. He claimed to have given statement that A4 brandished the helmet against PW1, 4 and him and that the person who brandished the helmet was a full black obese person, that A1 was exhorting to hack and kill that A4 came in blue fazer bike, that one of the assailants came in a scooter, that A8 to A11 and A1 stamped and kicked PW3 to 5 and him, that A5, A12 and A13 encircled and pushed them, that MO1 was knife having sharp edge on one side and pointed tip, MO2 was a helmet without glass and having black colour, that A1, A3 and A5 came in a bike, that A8 to A10 were came in a glamour bike, that A9 came in a yamaha bike and MO3 was imprinted with welcome to new comers (നവജാതർക്കു സ്വാഗതം). He denied the suggestion that he was falsely cited as a witness following the deliberation after the death of the deceased, that he identified A3, A4 and A8 to A11 as he was shown their photographs individually, that MO1 and 2 have no connection

with the occurrence, that MO3 was fabricated, that he identified the bikes as shown by the police, that he is giving false evidence to save his colleagues who unleashed violence in the campus.

44. The evidence of PW7 also gives a general corroboration to the testimony of PW1 to PW6 and the involvement of the accused with the same. But the improvement made by PW7 from his previous statement shows that he was stereo typing the evidence of PW1 to 6. The identification of the accused made by PW7 as he was shown the photographs of A3, A4 and A8 to A11 clearly show that it was not preceded by Test Identification Parade. The admission of PW3 that A3 was not known to him previously. He also has no case that any of the accused identified by him before the court were known to him previously and as such the identification made before the court which was not preceded by Test Identification Parade cannot be safely relied on in the facts and circumstances of the case. The improvements made by PW7 from his previous statement make him unreliable. The rest of the appreciation of the evidence of PW7 can be made with reference to the other evidence.

45. On going through the evidence of PW1 to 7 it can be seen that they have deviated from their previous statements and made a coloured and stereo typed version regarding the alleged occurrence. Their testimony shows that there was no resistance on the part of ABVP workers though they were numbering 20 when they were attacked by the alleged campus front workers who were numbering 13. PW1 to 7 have no case that there was any commotion between the two groups which is highly improbable in the facts and circumstances of the case. So the non citing of any of the independent witnesses who reached the place of occurrence leads to the only conclusion that the prosecution has withheld the real witnesses to the occurrence to present an one sided version of the ABVP workers. The same is sufficient to draw adverse inference against the prosecution in terms of Section 114(g) of the Indian Evidence Act (Sec.117(g) of the B.SA). The deviations made by PW1 to 7 from their previous statements also make them unreliable.

46. In order to rely upon the testimony of the eye witnesses must be of sterling quantity capable of being accepted at the face value without any hesitation. The law laid down by

the apex court in the decisions reported in **(2012) 8 SCC 21 Rai Sandeep @ Deep and another v State of NCT of Delhi**, **(2023) 10 SCC 134 (Naresh@ Nehru v.State of Hariyana)** and **2023 KHC 6979 (Manju Nath v State of Karnataka)** relied on by the learned counsel for the accused for the above proposition of law. When the evidence of PW1 to 7 are analysed in the light of the above decisions it can be concluded that their evidence is far from convincing and they did not have the quality of sterling witnesses to be relied on.

47. The contradictions and the omissions brought out in their cross-examination marked as Ext.D1 to Ext.D14 also make them unreliable in the light of the decision reported in **(2017) 13 SCC 98 (Krishnagowda and others vs State of Karnataka)**, **(2018) 2 SCC 342 (The State of Himachal Pradesh v. Trilok Chand and others)** and **(2019) 13 SCC 653 (State of Rajasthan vs Madan)** relied on by the learned counsel for the accused. Likewise the omissions in the previous statements of PW1 to 7 and the improvements made by them in the trial also make them unreliable in the light of the decisions reported in **(2004)7 SCC 422 (Rudrappa Ramappa Jainpur and others v. State of**

Karnataka), (2008) 15 SCC (State represented by Inspector of Police, Tamilnadu vs Sait@Krishnakumar, (2010) 13 SCC 657 Sunilkumar Sambhu Dayal Gupta and others vs State of Maharashtra and (2024) 3 SCC 164 (Darshan Singh v State of Punjab) relied on by the learned counsel for the accused.

48. On evaluation of the evidence of PW1 to 7 it can be seen that the contradictions and omissions are almost similar which show that they were tutored and interested witnesses and their testimony cannot be relied on in the light of the decisions reported in **1975 KHC 193 (Balaka Singh and others vs State of Punjab), 1976 KHC 958 (Lakshmi Singh and others vs State of Bihar), 1993 KHC 788 (Dharam Singh and others v. State of Punjab) 1997 KHC 1735 (Rambilas v State of M.P), 2025 KHC 6843 (Zainul v.State of Bihar) and 2012 KHC 25(Golden Satheesan v.State of Kerala).**

49. Since PW1 to 7 are not reliable and their testimony is untrustworthy of credit, the same cannot be relied on in the facts and circumstances of the case and in the absence of independent corroboration. In that view of the matter the decision relied on by

the learned Special Public Prosecutor reported in **(2011) 4 SCC 336(Renjith Singh and Others vs State of Madhya Pradesh)** has no application to the facts of this case, in which it was held that conviction can be made on the testimony of even sole eye witness who is the injured. It was held therein that more than one witness is required only in a case where a witness deposed in a general and vague manner or in a case of a riot and that the evidence of interested and related witnesses should be examined with care and caution. The decision relied on by the learned Special Public Prosecutor reported in **(2010) 10 SCC 259 (Abdul Sayeed vs State of Madhya Pradesh)** it was held that testimony of an injured witness is generally considered to be reliable and consistent and reliable evidence of eye witness will prevail upon medical evidence even if at variance, also will not come to the rescue of the prosecution as the evidence of PW1 to 7 is found to be unreliable for the proved contradictions, omissions and improvements made from their previous statements. Likewise the decision reported in **AIR 1965 SC 292 (Masalti and others vs State of UP)** also will not help the prosecution in support of his argument that the evidence of PW1 to 7 are to be relied on as

they could present a consistent version regarding the occurrence. In the above decision it was held that the witnesses need not describe accurately the part played by each one of the assailants as the same is not possible. Here the witnesses improved their earlier version and presented an improved version regarding the occurrence and the weapons of attack which makes them unreliable.

50. Prosecution also examined PW12 and PW13 to prove the alleged occurrence. PW12 was the District Committee member of KSU and BA final year student in Christian College, Chengannur. He testified about the welcome function held on 16.07.2012 in which the Campus Front workers, also participated. According to him the ABVP workers stood at a distance from KSU workers who were standing at the beginning point of the college road. He doesn't know on which side of the ABVP workers, the campus front workers stood. He could not deny the suggestion that the ABVP workers stood on the eastern side of Campus Front workers. According to him, A1 was a worker of Campus Front who alone was known to him among the Campus Front workers. He knows PW1 and 3 among the ABVP

workers and he does not remember whether any banner was tied by Campus front workers. He could not deny his previous statement that the banner of Campus Front was tied across the road. He turned hostile to the prosecution and took a stand that he does not remember the portion of his previous statement which are marked as Ext.P3 to Ext.P6. He admitted that other students organizations including KSU objected the formation of the Campus Front unit in the college and admitted that it was due to chance for clashes. He admitted that no activities of Campus front were held in the college prior to 16.07.2012 and campus front had no unit in the college earlier. He also admitted that Chengannur is a strong hold of BJP and the welcome function concluded by 10 a.m. According to him, among the ABVP workers outsiders were also there and that several bykes were passing to and fro at the place of occurrence and strangers were also passing through there. According to him the police came there. There was a trend in the campus for the presence of students in groups reaching there in the event of any political tension. He does not know as to how the injuries were caused and he admitted that ABVP took a stand that

the Campus front will not be allowed to establish their unit in the campus.

51. The evidence of PW12 is of no use to the prosecution as he did not support the prosecution to any extent. The denial of Exts.P3 to Ext.P6 shows that he did not stick on to his earlier stand and his evidence shows that campus front had no unit in the college earlier and the welcome function was the 1st programme conducted by the campus front, that outsiders were present among the ABVP workers and the ABVP decided not to allow the establishment of the unit of campus front in the college. So, it appear that the ABVP workers had an axe to grind against the campus front workers which appears to be the defence version. So, the evidence of PW12 is of no use to the prosecution and the same is some what favourable to the defence.

52. PW13 was the Unit Secretary of SFI in Christian College, Chegnannur a degree student during 2010-13. According to him the Campus Front had no unit in the college and he was unaware about the attempt made for the formation of the unit of campus Front in the college in 2012. He denied the portion of his

previous statement that Campus front attempted to establish its unit in the previous year and turned hostile to the prosecution. He also denied the portions of his previous statement which are marked as Exts.P7 to Ext.P11. He admitted that Campus front was opposed by SFI and other organizations. According to him Campus front was opposed for ideological difference and it was not due to their extremism. He admitted that A1 was known to him. A1 along with A2 and A6 and few others were the Campus Front workers in the college. He admitted that SFI workers stood near to the college gate for the welcome function held on 16.07.2012 and ABVP workers stood on their western side, he does not know whether the Campus Front workers stood on the western side of the ABVP workers and KSU workers stood west of Campus Front workers. According to him PW1, PW3, PW4, PW6 and PW7 were ABVP workers in the college and outsiders were also there. He did not give statement that outsiders were among Campus Front workers. He does not know whether campus front workers had enmity towards the workers of other organisations as they opposed the formation of the Campus front unit in the college. According to him he came to know about the

injuries sustained by the deceased, PW1 and PW2 and about the arrest of A1 and others in connection with the incident. According to him around 100 students were among the SFI workers and all the freshers entered the college campus by 10 a.m. According to him the unit of ABVP in the college was weak and the SFI had disagreement with Campus front and ABVP.

53. The evidence of PW13 is also of no use to the prosecution to prove the alleged occurrence and the involvement of the any of the accused with the same. The proof of the fact that A1, A2 and A6 were the workers of the campus front in the college which is an admitted fact. So, the proof of the above fact alone will not improve the case of the prosecution to any extent.

54. Apart from the direct evidence the prosecution has relied on the following circumstances in support of its case.

1. Prompt lodging of FIS and the registration of the FIR.
2. Recovery of MO8 from the scene of occurrence to connect A3 with the occurrence.

3. Recovery of incriminating materials at the instance of the accused and its identification by the witnesses.
4. Identification of the accused by the witnesses with their photographs and directly during the investigation and in the trial.
5. Motive
6. Consistency of the medical evidence with the ocular evidence.

1. **Prompt lodging of FIS and the registration of the**

FIR:- The prosecution has relied on the above circumstance to contend that there was no delay in setting the criminal law in motion which was done at the earliest point of time. It is pointed out that the FIS was recorded at 11.45 a.m and the FIR was registered at 1 P.M which were done within 1-2 hours respectively from the time of the occurrence and there was no delay in lodging the FIR. It is contended that there was no chance for any deliberation and manipulation regarding the occurrence as the FIR was lodged without any delay. It is pointed out that the version of PW1 in Ext.P1 was made due to the

peculiar state of mind of the witness who was undergoing treatment as he suffered injuries in the incident. On the other hand the defence contended that the prosecution has suppressed the earliest version of the occurrence as given by PW30 who informed the matter to the police at the earliest point of time by disclosing his identity. It is argued that the police should have recorded the information given by PW30 and, registered the FIR and proceeded with the investigation which was the mandate of Section 154 of Cr.P.C. It is submitted that the suppression of 1st information did not give Ext.P1 the status of FIS and the same can only be treated as a statement given u/s 161(3) of Cr.P.C. It is also contended that PW46 who recorded Ext.P1 has not properly recorded, with required authority and it was ante signed and ante dated and no reliance can be plead on Ext.P1 and Ext.P52 FIR. The deviations made by the prosecution for the earliest version contained in Ext.P1 and as such the entire prosecution case is wholly unreliable.

55. It is the version of the prosecution that PW46 was deputed to record the First Information Statement and he recorded Ext.P1 at Cheriyan Memorial Hospital, Chengannur where PW1

was undergoing treatment. PW46 recorded Ext.P1 and prepared Ext.P1(a) and Ext.P1(b) and produced the same before PW45, the then Sub Inspector of Police, Chengannur who registered Ext.P52 FIR at 1 P.M. The accused contended that the FIS was not recorded as claimed by the prosecution and the same were fabricated on the next day and the same were ante signed and antedated. The evidence of PW45 was relied on by the defence to contend that the information was received in the police station at 1 PM only and there was no chance for deputing PW46 to record Ext.P1 at any time prior to 1 P.M.

56. PW45 gave evidence to the effect that the information was received at the police station at 1 PM and it was recorded in the General Diary as entry NO.14. He also deposed that on every day the details and duty of each police officer on duty will be entered in the GD and if any officer was assigned with any special duty the same will be entered in the General Diary under a particular number. If the evidence of PW45 is relied on, there was no information received at the police station prior to 1 P.M and there was no possibility for deputing PW46 to record Ext.P1 at 11.45 A.M for which the information should have been

received prior to 11.45 A.M. So, the evidence of PW45 that he deputed PW46 to record the statement of PW1 prior to 11.45 A.M cannot be relied on and as such there is every reason to doubt the claim of the prosecution that it was at 11.45 a.m. PW46 stated to have record the statement of PW1. The evidence of PW54 that the information regarding the occurrence was received at police station at 1 P.M also gives corroboration to the evidence PW45 regarding the time at which the information was received at the police station. So, the claim of the prosecution and PW46 that recording of Ext.P1 was started at 11.45 am cannot be relied on and there is merit in the contention of the defence that Ext.P1 and Ext.P52 were antitimed.

57. In this regard it is necessary to refer to the evidence of PW44 who treated PW1 and 2 at Cheriyan Memorial Hospital, Chengannur and prepared Ext.P50 and Ext.P51 wound certificates. He started the examination of PW1 and 2 by 11.05 a.m and deposed that 30 to 40 minutes were taken for taking the X-rays and the minimum time taken for the treatment and other procedure was one hour. So, the examination, the taking of X-ray and other procedures of treatment like cleaning and dressing

the wounds of PW1 and 2 should have proceed upto 12.05 a.m and there was no possibility for PW46 to start recording of Ext.P1 by 11.45 a.m as claimed. The evidence of PW46 shows that he has taken more than $\frac{3}{4}$ hour to 1 hour for recording Ext.P1 which shows that there was no possibility for the registration of Ext.P52 FIR at 1 P.M as claimed by the prosecution. If the FIR was registered at 1 P.M it should have been presented before the Magistrate on the same day as the police station and the court are situated at a short distance. It is seen from the endorsement in Ext.P1 and Ext.P52 that the same reached the office of the court at 10.45 a.m on 17.07.2012. So, there is merit in the contention of the defence that Ext.P1 and Ext.P52 were anti-timed and it may be antedated as well.

58. Regarding the alleged first information received from PW30, it is his evidence that there was orientation programme regarding the commencement of 1st year degree course at the auditorium from 9.30 a.m to 11 a.m. He went out of the campus on getting information that one of the students of the college was admitted in Century hospital and he visited him. He informed the matter to the police on getting information regarding the incident

on his way to the office from the auditorium. He introduced himself as the Principal of the college and he saw the police at the hospital when he visited the injured at the hospital. There is nothing in the evidence of PW30 as to the nature of information received by him regarding the occurrence and the nature of information passed by him to the police. He appears to have got information that some untoward incident had happened outside the campus and one of the students was admitted in the hospital. He had no first hand information regarding the occurrence. The information passed by PW30 was not brought out in his cross-examination to satisfy that it was an information within the scope of Section 154 of Cr.PC and it was informed to the officer in charge of the police station. So, the police was not bound to record the information received from PW30 to register an FIR and to start investigation. So, the information alleged to have been passed by PW30 cannot be termed as the first information regarding the occurrence. In that view of the matter the decision relied on by the learned counsel for the accused reported in **(2003) 6 SCC 175 (Superintendent of Police CBI and others vs Thapan Kumar Singh) (2014(1) KLD 554 (Rajesh and others**

v State of Kerala) cannot be relied on and applied to the facts of this case.

59. It is true that there was omission on the part of the police in making a GD entry regarding the information received from PW30 which was after 11 a.m on 16.07.2012. But the same is insufficient to hold that there was inordinate delay in lodging the FIR and to hold that there was suppression of the 1st information. It appears that PW46 has recorded Ext.P1 after 12 at noon and the FIR was registered at 1 p.m as deposed by PW45. It is true that there was some delay in forwarding the FIR to the learned Magistrate which should have been done forthwith and without any delay. The prosecution case cannot be thrown over the board only for the delay in lodging FIR and in forwarding the same to the learned Magistrate. However the deviation made from the FIS which are of significant nature creates doubt regarding the genuineness of the prosecution case. As per Ext.P1 the names of A1 and A2 alone are stated. It was stated in Ext.P1 that PW1, 2 and the deceased were stabbed by three persons presumably with 3 weapons. Likewise it was stated that the assailants were armed with swords, swordstick and daggers. No

identification marks of any of the other assailants were mentioned in Ext.P1 and there was no allegation that a helmet was also used as a weapon of attack by a tall obese person to attack PW2 and he brandished the helmet to prevent the witnesses from approaching the assailants. The motive as stated in Ext.P1 was the organizational rivalry and there was no allegation that the assailants had enmity towards the deceased as he participated in the campaign against the alleged “Love Jihad” by the deceased. The deviation from the averment in Ext.P1 creates doubt regarding the sanctity of the first information and the merit of the case of the prosecution which was built upon Ext.P1. The non mentioning of the names of A6 and A13, who were the students in the same college where PW1 was also studying at the relevant time and the failure to mention the type of the motorcycle in which the assailants reached the place of occurrence also create doubt regarding the reliability of Ext.P1 and the case of the prosecution against A6 and A13 and the use of the motorcycle by the accused used for reaching the place of occurrence. Since there was fundamental deviation from the 1st version of the prosecution

it creates doubt regarding the allegation levelled against the accused in the final report.

60. It is settled law that FIR is a vital document in criminal case as held in the decision reported in **(2001) 9 SCC 632 (Kalyan and others vs State of UP)**, **(2003) 12 SCC 449 (Gorle S Naidu vs State of Andhra Pradesh and others)**, **(2009) 10 SCC 206 (Arulvelu and others vs State)**, **(2009) 14 SCC 267 (State of Maharashtra vs Ahmed Shaikh Babajan and others)**, **(2018) 9 SCC 137 (Amar Nath Jha vs Nand Kishore Singh)**, **(2023) 10 SCC 470 (Nand Lal and others vs State of Chathisghar)**, **2015 KHC 720 (Ali @ Aali vs State of Kerala)** and **(2014) 2 SCC 1 Lalitha Kumar vs Govt of UP)** relied on by the learned counsel for the accused. When the testimony of eye witnesses is totally different from the story set out in the FIR, the same creates doubt regarding the case of the prosecution, that the FIR should at least mention a broad story of the prosecution and not mentioning of material and vital facts may affect the credibility of the FIR, that the omission of material facts pertaining to the crime is undoubtedly relevant in judging the veracity of the prosecution case, that the absence of certain

essential facts which were conspicuously missing in the FIR point towards suspicion that the crime itself may be staged an FIR need not be an encyclopedia of all the happening in particular incident, the essential fact to the incident should have been made available when the FIR was prepared by the eye witnesses, and it is on the basis of the FIR, the machinery for investigation is set in motion. It is on the basis of such a foundation the entire prosecution case is built up. If there is any shake with respect to the foundation the whole structure will collapse, that the object sought to be achieved by registering the earliest information an FIR is to the criminal process into motion and there cannot be embellishment etc., later.

61. When the evidence of PW1 and the other witnesses are considered in the light of the above decisions it can be seen that the prosecution has deviated from its original version and presented a different story regarding the weapons, the overtacts, the identity of the accused, the motive etc. The same also makes the case of the prosecution unreliable in the facts and circumstances of the case. The mental condition of PW1 as attempted to be proved by the prosecution to explain the deviation

made from the original version contained in Ext.P1 in the light of the decision reported in **2018(4) KLT 294 (Sujatha vs State of Kerala)** cannot be relied on in the facts and circumstances of the case. It appears that PW1 has given a different story regarding the occurrence in Ext.P1 from the one presented in the final report which cannot be solely due to the mental condition of PW1 and it may be due to the deliberations and manipulations made due to the political interference. The first version in Ext.P1 was that the principal offender stabbed the deceased at first which was followed by the stab injuries inflicted to PW1 and PW2 by some other assailants following exhortation alleged to have been made by A1 to hack them to death. But in the final report and in the evidence of PW1 to 7 it was alleged that A1 exhorted to stab deceased to death which is in deviation from the allegations in Ext.P1. So, the deviation made by the prosecution from the earliest version contained in Ext.P1 creates serious doubt regarding the case of the prosecution attempted to be proved in the trial.

2. Recovery of MO8 from the scene of occurrence to connect A3 with the occurrence:- It is the case of the

prosecution that MO8 Electoral ID card of the 3rd accused was recovered from the scene of occurrence on 16.07.2012 as described in Ext.P22 scene mahazar, which was recovered by PW52. The same was produced before the court on 19.07.2012 as per Ext.P76 property list. Accused contended that in the night of 16.07.2012 the police party headed by the SI of police Mr.Mohandas searched the house of A3 and took away the electoral ID card and photograph of A3 out of which MO8 was included in Ext.P22 by alleging that the same was recovered from the scene of occurrence.

62. Eventhough PW52 deposed that MO8 was recovered from the scene of occurrence as described in Ext.P22 the same was produced before the court on 19.07.2012. The SI of police who conducted the search in the house of A3 was neither cited nor examined before the court . The search list prepared by the said officer is produced. Ext.P79 search memo proves that a search was conducted in the house of A3. In Ext.P79 the time of proceedings of search is stated as 9 a.m. The said search memo reached the court only on 25.07.2012 as made out from the date of endorsement thereon. So, the time at which the alleged search

was conducted is not made out and the claim of the prosecution that it was in the morning of 17.07.2012 cannot be relied on in the absence of any substantive evidence in that regard. The search list produced and marked as Ext.P79(a) also reached the court only on 25.07.2012, the date on which Ext.P79 also reached the court. The non-examination of the searching officer strengthen the contention of the accused that he was not examined to suppress the real fact that MO8 was taken away from the house of A3 on 16.07.2012.

63. It is the case of the prosecution that the place of occurrence was pointed out by PW3 on 16.07.2012 for the purpose of Ext.P22. He has no case in his previous statements that he witnessed the recovery of MO8 from the place of occurrence as claimed by the prosecution. The new version of PW3 that he saw the recovery of MO8 is an embellishment from his previous statement which cannot be relied on to give corroboration to the evidence of PW52 regarding the recovery of MO8. The delay in producing MO8 before the court also creates doubt regarding the recovery of MO8 from the scene of occurrence. The evidence of PW31 and Ext.P34 report did not mention the presence of PW52

at the time of her inspection which was jointly conducted by the police and PW31 along with the photographer. It is the evidence of PW31 that she handed over the materials collected by her from the scene of occurrence to Prasannan Nair and Joseph Joseph who were the police officers present at the time of inspection. The said part of the evidence of PW31 in her examination in chief was not disputed by the prosecution. Nothing was suggested to PW31 regarding the presence of PW52 and that the materials collected were handed over to him. So, the evidence of PW52 that he was present at the relevant time and the materials collected by PW 31 were handed over to him cannot be relied on. The same also creates doubt regarding the testimony of PW52 that he recovered MO8 from the scene of occurrence at the time of Ext.P22.

64. It is the definite allegation of the prosecution that the assailant including A3 formed into an unlawful assembly with their common object to do away with the life of the deceased and other ABVP workers. So, it is hard to believe that A3 carried his ID card with him and the same lost during the occurrence. The alleged place of recovery also did not confirm the claim of the

PW52 that MO8 was recovered from among the bushes at a distance of 5.10 metre towards north east from the place of occurrence. The prosecution has no case that any part of the incident took place at the place of recovery of MO8 or any commotion took place between the two groups or that the assailants including A3 took their heels to escape from the scene of occurrence to probabilise the case of the prosecution that MO8 spilled out from the body of A3 and remained unnoticed by anyone, to be recovered secretly by PW52 which is highly improbable. PW52 has no case that he sealed and labelled MO8 at the spot to see that the above alleged recovery was genuine. So, the prosecution has enough and more time to describe the alleged recovery of MO8 in Ext.P22 which was produced before the court only on 19.07.2012. So the alleged recovery of MO8 cannot be relied on as an incriminating circumstance against A3 to come to a conclusion that he was present at the spot and participated in the occurrence at the relevant time. PW52 could not explain the delay in producing MO8 before the court on 17.07.2012. His explanation that 17.07.2012 was a holiday due to Karkidaka vavu is not made out. It is seen from Ext.P1 and

Ext.P52 that the same were produced before the office of the court on 17.07.2012 which disprove the above explanation of PW52 for the delay.

65. The prosecution examined PW21 also to prove the recovery of MO8 by PW52 on 16.07.2012. Eventhough he also gave evidence in support of the alleged recovery of MO8, his testimony cannot be relied on for his admission that he did not disclose the same to any one till his examination before the court. PW21 appears to be a chance witness to the alleged recovery who could not offer any explanation for his presence at the place of recovery. His version that the police recovered MO8 from the north east portion of the main road and his admission that he does not know the place of recovery shows that he was not present at the time of the alleged recovery and he did not witness the same. His version that he was not the follower of BJP and RSS did not appear to be correct in the light of his further cross examination which suggest that he is a follower of BJP and RSS which is against his earlier version. So, the evidence of PW21 is also insufficient to prove the recovery of MO8 from the place of occurrence as alleged by the prosecution.

3. Recovery of incriminating materials at the instance of the accused and its identification by the witnesses.

66. The prosecution also relies on the circumstance that MO1 to MO3 and other material objects alleged to have been recovered at the instance of some of the accused to connect them with the occurrence and to establish their identity. Regarding A1 it is the allegation of the prosecution that MO3 and MO10 series were recovered at his instance and the same were identified by the witnesses in the trial which is an incriminating circumstance against him. It is the evidence of PW52 that he arrested A1 on 19.07.2012 as per Ext.P84 and he obtained the police custody of A1 along with A4 as per Ext.P99 order. PW52 deposed that when A1 was taken to the place of occurrence he pointed MO3 as found in the canal near to the place of occurrence which was recovered as per Ext.P100 mahazar and produced the same before the court as per Ext.P101, property list. He also recovered a pair of chappal marked as MO47 and coir with flags marked as MO48 from the place of occurrence. The recovery of above material object cannot be taken as a ground to connect A1 with the occurrence alleged in the case. The recovery of MO3 and MO48 cannot be taken as a

ground to hold that A1 was involved in the occurrence. At the most the same can be taken as a ground to hold that a unit of the campus front was functioning in the Christian college, Chengannur. Accused have no dispute that A1 was not the leader of the Campus Front in the college along with A2. It is the version of PW52 that he inspected the scene of occurrence and the nearby places at the first instance for Ext.P22. Why he could not find out MO3, MO48 and MO49 at the time of Ext.P22 is suspicious regarding the place of recovery. If MO3, MO48 and MO49 were available at the place of its recovery PW52 should have recovered the same at the time of Ext.P22 itself. PW1 to PW7 have no case that the MO3 banner was exhibited by tying the same with rope connecting the electric post and coconut tree alleged to have been standing on either side of the road leading to the college. The presence of coconut tree is not noted in Ext.P22 and in Ext.P33. PW29 admitted that he has not shown any tree on either side of the road in Ext.P3 and stated that the post stated in Ext.P22 bearing NO. MCC 5 was shifted and he issued a letter in that regard. The evidence of PW28 shows that the above electric post was shifted at the request of Attinkara electronics and it was

a hindrance for the taking of vehicles to its godown. The denial of the shifting of the electric post and the challenge regarding the existence of the post made by the accused cannot be relied on in the light of the evidence of PW28, PW29 and PW52.

67. Since there is doubt regarding the recovery of the above material object and there is nothing incriminating in it to connect A1 with the occurrence alleged in the case. The recovery of MO10 series dress worn by A1 as per Ext.P19 at the time of alleged occurrence also cannot be taken as ground to connect him with the occurrence. None of the material witnesses stated in their previous statements that A1 was wearing MO10 series dress at the time of the alleged occurrence.

68. Regarding A3, the prosecution also relies on the recovery of MO1 at the instance of A3 to connect him with the occurrence. PW53 has arrested A3 on 26.11.2012 as per Ext.P76. He obtained the police custody of A3 by filing Ext.P181 application. On questioning A3 he alleged to have given Ext.P2(a) statement to PW53 and he effected the recovery of MO1 as per Ext.P2 in which PW8 is one of the attestors. PW53 has no case

that he recorded Ext.P2(a) portion of the statement of A3 in the presence of PW8 and the other witnesses in Ext.P2. The same is a deviation from the direction contained in the decision reported in **2024KHC online 8534 (Wadla Bheema Raidu vs State of Telungana)** in which it was held that the statement of the accused leading to the recovery of incriminating material shall be recorded by the investigating officer with the signature of one witness and then to proceed to the place of recovery where the mahazar is to be completed with the signatures of the attestors. The above defect in the procedure adopted by PW53 vitiate the recovery for the procedural lapse. Regarding Ext.P2(a) there is absence of authorship of concealment which is also one of the requirements of Section 27 of the Indian Evidence Act as held in the decision reported in **AIR 1979 SC 1949 (Pohalya Motya Valvi vs State of Maharashtra)**, **AIR 2022 SC 5110 (Subramanya vs State of Karnataka)** and **AIR 2022 SC 5273 (Ramanand Nandilal Bharti vs State of UP)**, relied on by the learned counsel for the accused. So the recovery of MO1 cannot be brought out within the scope of Section 27 of the Indian

Evidence Act to be considered as an incriminating material against the accused in general and A3 in particular.

69. The place of alleged recovery of MO1 is erst while paddy field situated on the eastern side of the M.C road at a distance of 7 KM from the place of occurrence which is situated near to Sreedharma Sastha temple. The place of concealment is also not stated in Ext.P2(a) which was not possible as the place of recovery was a portion of erst while paddy field which cannot be described in specific terms.

70. The prosecution also relies on the evidence of PW8 to prove the recovery of MO1. His evidence shows that he happened to be a witness to the recovery by chance, when he alighted near to the place of recovery on seeing the police party while he was travelling in a motorcycle. He came to know that the police came along with the accused involved in Vishal case. According to him A3 pointed out the place and took out MO1 from the mud. He identified A3 and MO1. He was residing at a distance of 14 KM from Chengannur and was a student in Govt.ITI, Chengannur. He admitted that he saw A3 for the first

time on the date of recovery and he did not give statement to the police that he saw the police jeep while he was travelling on 02.12.2012 and that A3 took out the knife. He also admitted that there were 10 to 12 persons at the place of recovery. He denied the suggestion that he was an ABVP worker and Town committee member of ABVP. He also denied the suggestion that A3 was not taken to the place of recovery and he identified A3 before the court as he was shown the photographs of A3 by the police and BJP RSS workers. According to him there were around 20 shops and 8 to 10 houses near to the place of recovery in addition to the petrol pump of Hindustan Petroleum. He admitted that he came to the court on the previous posting date as he came to enquire about the case following the receipt of the summons. He also admitted that he has not stated the details of MO1 to the police and claimed that he did not give statement to the police. Eventhough he admitted at first that he stopped the vehicle on seeing 10-12 person and the police jeep which he corrected by saying that he stopped the vehicle on seeing the police jeep and others came thereafter. He denied Ext.D16 face book profile and the posts confronted to him.

71. The evidence of PW8 also will not improve the case of the prosecution regarding the recovery of MO1. He claimed to be a witness by chance and his testimony appears to be artificial in nature. It is true that the defence could not produce the certificate u/s 63 of the BSA and as such Ext.D16 cannot be relied on. It appears that PW8 was a follower of ABVP and he reached the place of recovery not by chance. It appears that PW8 was planted as a witness to the recovery but without following the procedure contemplated by law. So, the evidence of PW8 also will not improve the recovery of MO1 to be relied on. The identification of A3 by PW8 is also of no significance. It appears that PW8 was present in the court on the previous posting date which shows his interest towards the prosecution. So, the identification of A3 by PW8 before the court cannot be safely relied on as PW8 had no previous acquaintance with A3 even by sight.

72. Regarding the identification of MO1, PW1 to PW7 deposed that MO1 was the weapon of attack which was allegedly used by A3. The same is a deviation from Ext.P1 in which daggers were used by three persons to stab PW1, 2 and the deceased. MO1 is not a dagger and is a knife having sharp edge

on one side having a length of 27 cm. The previous statements of PW1 to PW7 show that they gave statements to the police that a double edged knife was used by A3 to stab PW1 and 2 and the deceased. The deviations made by the witnesses from their previous statements and in the trial creates doubt regarding the use of MO1 as a weapon of attack. MO1 was not sealed or labelled at the time of its recovery and when PW53 was asked about the same he pretended ignorance regarding the above requirement of law and he did not follow the same. So, the recovery of MO1 cannot be safely relied on for the above defect as well, as there was chance for substitution and tampering as contended by the defence in the light of the decisions reported in **AIR 1997 SC 2417 (Sahib Singh vs State of Punjab), (2003) 5 SCC 499 (Salim Akhtar vs State of UP), (2014) 3 SCC 412 (Vijay Kumar vs State of Rajasthan), (2019) 19 SCC 568 (Malai Chamy and others vs State of Tamil Nadu).**

73. The identification of MO1 by the witnesses in the trial also cannot be relied on as the same was based on the identification before the police as shown by them. It was admitted by the material witnesses that MO1 was shown to them

by the police and as such the identification made by the witnesses cannot be relied on. The inconsistency regarding the type of weapon whether it was a double edged dagger or a single edged knife also did not tally each other. So, there is no consistent case for the prosecution regarding the weapon of attack. MO1 is stated to be having a hand guard which did not conform to MO1 which has no hand guard. So, MO1 cannot be relied on as the weapon of attack and the recovery of the same from a place accessible to all cannot be used as an incriminating circumstance against A3 in the light of the decisions reported in **AIR 2024 SC 1692 (Reghunath vs State of Karnataka)** and **2025 KHC 1138 (State of Keala vs Parimal Sahu)**

74. Regarding A4 it is the allegation of the prosecution that he used MO2 to hit PW2 and brandished the same to object the witnesses from approaching the accused. Recovery of MO2 at the instance of A11 and the identification of the same by the witnesses in the trial is pressed into service as an incriminating circumstance against A4.

75. It is the evidence of PW1 to 7 that A4 hit PW2 with MO2 on his left shoulder and he brandished the same as alleged by the prosecution. But above allegation did not find a place in Ext.P1. The above overtact alleged against A4 was a peculiar one as against the overtacts alleged against the other accused. There is no reliable explanation for the prosecution and PW1 for the above omission in Ext.P1. The deviations made from Ext.P1 are significant like the omission in respect of the above overtacts of A4 which creates doubt regarding the above allegation. No identification features of MO2 were stated by the witnesses in their previous statements and they admitted MO2 as they were shown the helmet by the police during the investigation. So the above identification of MO2 and other material objects by witnesses has no reliability in a criminal trial as held in the decisions reported in **(2014) 3 SCC 412 (Vijay Kumar vs State of Rajasthan)**, **2024 KHC online 571 (State of Kerala vs Gireesh Kumar)** and **2024(2) KLD 561 (Nazeer vs State of Kerala)** relied on by the learned counsel for the accused. So, the decisions relied on by the learned Special Prosecutor reported in **2023(2) KHC 229 (Sabu v State of Kerala)**, **AIR 2024 SC 2297**

(Anees Vs State of NCT), (2005) 7 SCC 714 (A.N Venkatesh v State of Karanataka) cannot be applied to the facts of the case and the same will not come to rescue of the prosecution. MO2 was not recovered from A4 and it was not recovered at his instance. So, in no event MO2 can be relied on as an incriminating circumstance against A4 in the facts and circumstances of the case.

76. The recovery of MO6 series dress allegedly worn by A4 at the time of occurrence also cannot be relied on against him. PW51, the then SI of Police effected recovery of MO6 series as per Ext.P21 mahazar. MO6 series was recovered based on Ext.P21(a) statement alleged to have been given by A4 when he was in the custody of PW51. PW51 also did not record the statement alleged to have been given by A4 as per law and the recovery made based on Ext.P21(a) also cannot be relied on. The identification of MO6 series by the witnesses as shown to them by the police and their failure to state the details of the dress worn by A4 at the time of the occurrence in their previous statements vitiate the identification made before the court. So, the recovery of MO6 series at the instance of A4 and the identification of the

same as the dress worn by A4 at the time of occurrence cannot be relied on as an incriminating circumstance against him.

77. Regarding A6 the prosecution relies on the recovery of MO9 series dress allegedly worn by him at the time of alleged occurrence which was recovered by PW51 as per Ext.P20 based on his statements marked as Ext.P20(a). PW51 obtained the police custody of A6 on 05.08.2012 and recorded his statements , the relevant portion of which is marked as Ext.P20(a) and recovered MO9 series as per Ext.P20 in which PW19 is one of the attestors. The above statement was also not recorded as per law and not in the presence of two independent witnesses. So, the recovery of MO6 series and its identification before the court based on the previous identification made as shown by the police and their failure to state the details of the dress worn by A6 in their previous statements cannot be relied on.

78. Regarding A8 and A9 the prosecution relies on the recovery of MO11 series, MO12 series which they allegedly worn at the time of the incident and its identification by the witnesses. A8 and A9 were arrested by PW52 on 18.08.212 as per Ext.P131

and Ext.P132. MO11 series and MO12 series were seized by PW52 and produced the same before the court as the dress worn by them at the time of occurrence. The same were identified by the witnesses. But it cannot be relied on for the reason that the witnesses did not state the details of the dress worn by A8 and A9 at the time of occurrence and the identification was made as the witnesses were shown the MO11 series and MO12 series by the police. So, the recovery of MO 11 series and MO12 series cannot be relied on as an incriminating circumstance against A8 and A9 to connect them with the occurrence alleged in the case.

79. Regarding A8 and A11 the prosecution relies on the recovery of MO13 and MO14 bykes in which they allegedly reached the place of occurrence. The SI of police Venomony said to have been effected recovery of MO13 bike as per Ext.P32 mahazar based on the information given by A8 when he was in custody of the police following his arrest in connection with this case. The said SI of police stated to have recovered MO13 based on Ext.P32(a) statement allegedly given by A8. Ext.P32(a) was not properly recorded and the same stands not proved as the person who recorded the same was not examined. So, the

recovery of MO13 stands not proved. So the identification of MO13 by the witnesses in the trial cannot be relied on as they were shown MO13 by the police during the investigations and the identification marks and registration number were not stated in the previous statements of the witnesses. So, the recovery of MO13 and its identification by the witnesses cannot be relied on as an incriminating circumstance against A8 to connect him with the occurrence. The evidence of PW27 who is one of the attestors in Ext.P32 is insufficient to prove the recovery of MO13 without the examination of the person who recovered MO13.

80. Regarding the recovery MO14 which was allegedly used by A11 to reach the place of occurrence PW51 deposed that A11 gave Ext.P31(b) portion of the statement of A11 and based on the same A11 pointed out MO14 in which MO28 and MO29 were kept in the MO30 cover as hanged in the rear view mirror was recovered as per Ext.P31. Ext.P31(b) was not properly recorded and the vehicle was shown to the witnesses before its production before the court. None of the witnesses stated the registration mark of MO14 in their previous statements and as such the identification made by the witnesses before the court

cannot be safely relied on, to connect A11 with the occurrence alleged in the case. The supporting evidence of PW26 who is one of the attestors in Ext.P29 to Ext.P31 also will not improve the case of the prosecution to connect A11 with the occurrence.

4. Identification of the accused by the witnesses with their photographs and directly during the investigation and in the trial:-

81. The prosecution also relies on the circumstance that A1 to A6 and A8 to A13 were identified by PW1 to 7 and other witnesses during the investigation and the trial. The identification of A14 to A20 was also projected against them which will be considered later. It is true that A1 to A6 and A8 to A13 were identified by PW1 to 7 and the other witnesses during the investigation and in the trial. It is the case of the prosecution that A1, A2, A6 and A13 were students in the Christian college, Chengannur and A3 to A5 and A8 to A12 used to come to the college for the activities of Campus front. On the other hand the defence contended that A1 and A2 were identified only for the reason that they were the students and the campus front workers

in the college. It is contended that A6 and A13 were falsely implicated and identified for the only reason that they had allegiance towards the campus front workers in the college. Regarding the other accused , it is contended that, they were falsely implicated and identified by the witnesses as they were shown by the police to the witnesses and their photographs were also shown by the police. The failure to conduct the Test Identification Parade (for short TIP) is also projected as a reason to reject the dock identification.

82. Regarding the identification of A1 and A2 there is corroboration from the circumstance that their names appear in Ext.P1 itself. So, the identification of A1 and A2 can be relied on subject to the establishment of their guilt. Regarding the identification of A6 and A13 also the evidence of the witnesses can be relied on as they were the students in the same college and their name also appear in their previous statements. It is true that the names of A6 and A13 did not find a place in Ext.P1 which is not fatal to the case of the prosecution as it is not expected that everything should be stated in the FIS. But it is pertinent to note that Ext.P1 is silent regarding the involvement of any other

students in the college. The same is a doubtful circumstance in the case of the prosecution regarding the identity of A6 and A13. Their identification by PW2 to 7 is also doubtful in the facts and circumstances of the case as they appear to have been shown the photographs of A6 and A13 and they were shown to the witnesses after their arrest.

83. Regarding the other accused the identification appears to have been made as they were identified as the accused as their photographs were shown to the witnesses by the police during the investigation. The claim of PW1 to 7 that the other accused also used to come to the college for the activities of campus front is not made out from the evidence on record. If PW1 had any clue regarding the identity of the other accused it should have been mentioned in Ext.P1 that they were known to him by sight. The evidence on record also shows that the campus front had no unit in the college previously and the first function of the campus front was on 16.07.2012 , the date of occurrence. So, there was no chance for the other accused to come the college to have acquaintance with the witnesses by sight.

84. It is the admitted case of the prosecution and the witnesses that the accused and their photographs were shown to them. The prosecution has no case that any attempt was made to conduct a TIP to confirm the identity of the other accused who were not the students in the college. Since A3 to A5 and A8 to A12 were not known to the witnesses previously, the prosecution should have conducted the TIP to give corroboration to the identification made before the court. So, the identification of the above accused cannot be relied on in the light of the decisions reported in **(1998) 4 SCC494 (Muhammed Iqbal M Sheik and others vs State of Mharashtra), (2023) 14 SCC 41(Ranvir Singh etc v. The State of Madhyapradesh), 2024 KHC 6421 (Allarakha Habib Memon etc Vs State of Gujarath)**. It is settled law that the procedure adopted by the investigating officer showing the accused to the witnesses while they were in custody is unfair and the same cannot be the sole basis of the identification before the court. The above proposition of law is well settled in the following decision relied on by the learned counsel for the accused reported in **(1982) 1 SCC 700 (Mohanlal Gangaram Gehani vs State of Maharashtra), (1998) 5 SCC 103(Shaik**

Umar Ahamad Shaik and another vs State of Maharashtra), 2024 ICO 439 (Arun Sukumaran vs State of Kerala), 2004 KHC 1195 (D.Gopalakrishnan vs Sadanand Naik) and 2024 KHC 7269 (Shammy Kumar M vs State of Kerala).

85. In the light of the above decisions the identification of the other accused by the witnesses cannot be relied on. In that view of the matter the decision relied on by the learned Special Public Prosecutor reported in **2017 Supreme(SC) 1366 (Anwar@Addhu vs State of NCT of Delhi)** will not cure the illegality in the facts and circumstances of the case. In the above case the delay in conducting the TIP was considered by the apex court and held that the same was not fatal and the identification before the court can be relied on. The same is not the factual matrix in this case in which no attempt was made by the prosecution to conduct the TIP to give corroboration to the dock identification. So, the above decision will not come to the rescue of the prosecution.

86. The effect of the identification of A1, A2, A6 and A13 will be discussed later while considering the commission of offences alleged against the accused.

5. **Motive:-** The prosecution also relies on the motive as one of the circumstances to give credibility to its case and to connect the accused with the same. It is the allegation of the prosecution that ABVP workers objected the formation of the Campus Front Unit in Christian college, Chengannur and the Campus front workers had enmity towards the ABVP workers including the deceased who was an office bearer of the Chengannur Town committee of ABVP and he used to come to the college for the activities of ABVP unit in Christian College, Chengannur. It is also alleged that the deceased campaigned against the 'Love Jihad' in his locality and for that reason also the campus front workers had enmity towards him. On the other hand the accused contended that the deceased never came to the college previously for the activities of ABVP with whom they had no enmity. They contended that the ABVP workers who were not the students of the college came to the college to object the activities of the campus front and they unleashed violence against the campus

front workers and the deceased sustained hurt in the commotion accidentally. They also disputed the alleged previous enmity on account of the alleged Love Jihad.

87. PW1 to 7 gave evidence regarding both counts to establish the motive. PW1 explained his omission to state about the Love Jihad in Ext.P1 as it was due to his perplexed state of mind and the mental condition. PW1 deposed that the deceased campaigned against the love jihad in respect of the daughter of one Mr.Aravindakshan, who was a teacher.

88. Even if it is admitted that the deceased campaigned against love jihad, how it will cause enmity for the accused towards him is not made out. The prosecution has no case that the campus front has an ideology supporting love jihad and they were associated with such activities. The organizational enmity towards the deceased is also not made out from the testimony of any other witnesses. If the campus front had no unit in the college the campus front workers and outsiders associated with that organization should not have had any enmity towards the deceased in particular. PW10 also has no case that campus front

workers had any enmity towards deceased on account of organizational dispute or for the reason that he campaigned against love jihad. No particular incident could be brought out by the prosecution to suggest that there was any reason for the campus front workers to have ill will towards the deceased. The evidence of PW1 to 7 that the ABVP workers objected the formation of the unit of campus front in Christian college alone is insufficient to hold that the accused had the intention to kill the deceased and the other ABVP workers. If they had such an intention or common object they should have had weapons with them. So there is every reason to doubt the motive alleged by the prosecution.

89. On the other hand the version of the defence that the ABVP workers had the intention to object the activities of the campus front in Christian college and they assembled to object the activities of the campus front and unleashed violence is more probable in the facts and circumstances of the case. The circumstance that the ABVP workers were numbering 20 and the campus front workers were less in number also supports the above view. The version of the prosecution witnesses that ABVP

resolved to object the activities of campus front in the christian college also leads to that inference. So, the motive alleged by the prosecution is insufficient to approve its case. It is true that the accused could not establish their contention that CPM workers and others had enmity towards the deceased and they have no case that the deceased and other ABVP workers were attacked by any other person. But the same will not give any mileage to the prosecution in establishing its case.

90. PW23 was examined to prove that the deceased as the member of the Town committee of ABVP. PW23 was Organizing Secretary Pathanamthitta Vibhagh of ABVP which is inclusive of Alappuzha and Pathanamthitta District. He proved that the deceased was the member of the Town Committee of ABVP. He has no case that the campus front workers had any enmity towards the deceased on account of the organizational feud or for the reason of alleged 'Love Jihad'. He proved that the deceased was directed to go to Christian College Chengannur on 16.07.2012 along with other workers. But he admitted that he did not give statement in that regard to the police. He admitted that he

gave statement to the police that PW5 was directed to go to the Christian college as he was the office bearer of the organization.

91. The evidence of PW23 shows that the deceased was the member of the town committee of ABVP, Chengannur. Eventhough PW23 claimed that the deceased was directed to go to Christian College Chengnanur along with other workers he had no such case during the investigation. His previous statement was to the effect that PW5 was deputed to got to the Christian College which did not tally with the evidence before the court. PW23 has no case that the deceased had any threat from the campus front workers on account of the organizational dispute or due to his involvement in anti love jihad campaign as alleged by the prosecution. If the deceased had any such threat as alleged by the prosecution, PW23 should have got knowledge about the same and he should have stated the same to the police. So, the evidence of PW23 also suggest that the motive alleged by the prosecution is not made out.

6. Consistency of the medical evidence with the other ocular evidence.:-

92. The prosecution also relied on the medical evidence to prove its case by contending that the same is tallying with the ocular evidence. Regarding the injury sustained by the deceased the prosecution relies on the evidence of PW42 and Ext.P48 wound certificate prepared by him. PW42 was the Adhoc Medical Officer in Taluk Hospital, Chengannur. On 16.07.2012 at 11.a.m he examined the deceased who came with the alleged history of fall which was doubtful. He had an injury on his abdomen having size of 3x3cm and his pulse was weak and BP was low. He was referred to higher centre considering the emergency situation. He proved that the weapon like MO1 can cause the injury sustained by the deceased. According to him the patient told the cause of injury and there was only one injury noted in the body of the deceased. According to him the injury noted can be caused with a sharp edged object which can cause a spindle shaped injury. He proved that the green inked entry in Ext.P48 was not made by him. He admitted that he was not shown any weapon by the Investigating Officer though his statement was recorded.

93. The evidence of PW42 and Ext.P48 prove that the deceased sustained hurt on his abdomen and it was reported that

he sustained hurt in a fall which was found unbelievable. The medical evidence also shows that the injury sustained by the deceased can be caused with MO1. The failure to note the other injuries which were not fatal is immaterial as the condition of the deceased was very serious. So, the medical evidence supports the case of the prosecution that the injury sustained by the deceased can be caused with MO1. The effect of the alleged cause of injury stated in Ext.P48 can be considered later in the light of the other evidence in that regard.

94. PW43 was the Casualty Medical Officer in Medical College Hospital, Kottayam. On 16.07.2012, (it is mistakenly noted in the deposition as 06.07.2012) he attended the deceased who was brought with the alleged history of stab injury posterior abdominal wall left side, a stab wound of size 1x 5 cm was found and the patient was in hypotension. He was shifted to emergency theater for exploratory laparotomy. He had retroperitoneal haematoma and deodinal injury 3rd part. He was shifted to surgical ICU and he expired at 2.45 a.m on 17.07.2012. He proved Ext.P49 as the medical certificate issued by him in that regard. He admitted that he noted only one injury in Ext.P49. He proved

that the injury became fatal as the blood loss was severe and that the injury can be caused by a stab or other type of trauma in the abdomen.

95. The evidence of PW43 also establishes that the deceased succumbed to the stab injury sustained to his abdomen which caused retroperitoneal haematoma and deodinal injury 3rd part. The same also confirms the allegation of the prosecution that PW1 was stabbed and he succumbed to the injury. But the failure on the part of the prosecution to bring out through the evidence of PW43 that the injury noted in Ext.P49 can be caused with MO1 is fatal to the case of the prosecution. Eventhough the same was brought out through the evidence of PW42, the same cannot be safely relied on as he could not examine the wound in detail. Since PW43 conducted the surgery to repair the wound he was the only person competent to depose about the weapon of attack. The evidence of PW39, the doctor who conducted the autopsy that he gave statement to the police that “Death was due to the stab injury sustained to the abdomen since the injury No.1 is significantly modified, the exact nature of weapon used cannot be stated”. So the identification of MO1 as the weapon of attack

which caused injury No.1 to the deceased is not an opinion based on the nature of the wound sustained by the deceased. So, the above opinion of PW39 regarding MO1 cannot be safely relied on. However the evidence of PW43 and Ext.P49 confirm the allegation of the prosecution regarding the cause of death.

96. The evidence of PW39 who was the Associate Professor, Medical College Hospital, Kottayam also confirms the allegation of the prosecution that the deceased died due to the stab injury sustained to the abdomen. He conducted the autopsy of the deceased on 17.07.2012 and prepared Ext.P43 postmortem certificate. He also proved that MO1 can cause the incised penetrating wound found in the body of the deceased. According to him MO1 was shown to him by the police. He admitted that he was given statement that the injury NO.1 was significantly modified, the exact nature of the weapon used cannot be stated. He admitted that the injury was a spindle shaped one that can be caused by using a sharp double edged weapon or a pointed weapon. He proves that track of the wound was directed forward and upward to the right. He denied the suggestion that if a person falls down forcibly to a sharp edged weapon, the injury was

possible as the track of the wound was directed forwards, upwards and to the right. He admitted that penetrating stab wound can be caused from a perpendicular angle or oblique angle. He admitted that he has not seen the medico legal certificate of the deceased and at the time of the post mortem, the injuries were undergone surgical interventions. He denied the suggestion that a spindle shaped injury and the injury No.1 is not possible with MO1. He admitted that he had given statements to the police that injury NO.1 can be inflicted with a double edged knife or a single edged knife with pointed tip.

97. The evidence of PW39 also shows the allegation of the prosecution that injury NO.1 which resulted in the death of the deceased can be caused with MO1. The version of PW39 that the injury can be caused with MO1 or a double edged weapon creates doubt regarding the nature of the weapon. The earlier version of the material witnesses that the deceased and PW1 and 2 were attacked with a double edged weapon also creates doubt regarding the nature of the weapon with which PW1, 2 and the deceased were allegedly stabbed.

98. PW44 was the Medical Officer in Cheriyan Memorial Hospital, Chengannur who attended PW2 who had an injury of size 4x2 cm in the posterior aspect of the body caused in an assault. Ext.P50 is the wound certificate of PW2. He also attended PW1 who had two wounds. One on the occipital area back of the left ear and another one of the size 2x 3 cm below the 1st wound. He prepared Ext.P51 wound certificate in respect of PW1 and proved that the injuries sustained by PW1 and 2 can be caused with MO1. He admitted that MO1 was not shown to him by the police though his statement was recorded. He admitted that the nature of the injury is not noted in Ext.P50 and he admitted that the injuries noted in Ext.P51 were cut injuries and he was not sure that the same were incised wounds. He denied the suggestion that the injuries noted in Ext.P51 is possible in a fall on blunt object.

99. The evidence of PW44 shows that PW1 and 2 had the injuries as alleged by the prosecution but the type of the injury and the nature of the weapons with which the same were caused was not stated to PW44. The cause stated was assault which did not confirm the allegation of the prosecution that the same was due to the attack made with MO1. It is pertinent to note that PW1

had a definite allegation that he was stabbed on his back with MO1. But Ext.P50 did not confirm the above allegation as the type of the injury noted therein are cut injuries. The failure to note the depth of the wound in Ext.P50 suggests that it was a cut injury and not a stab injury. Likewise PW1 also has a definite allegation that he was also stabbed on the left side of his head and back of the left ear which also did not correspond to the cut injuries noted in Ext.P51. PW1 and 2 have no case that they were cut with MO1 and the prosecution also has no such allegation. So, the medical evidence did not confirm the allegation of the prosecution that PW1 and 2 were stabbed with MO1. The failure to state the alleged cause of the injury to PW44 also leads to the conclusion that PW1 and 2 were not stabbed as alleged by the prosecution. Otherwise PW1 and 2 should have stated that fact to PW44 at the time of their examination. The alleged cause of injury as noted in Ext.P50 and Ext.P51 as proved by PW44 also establishes that PW1 and 2 had no case that they were stabbed with a knife as they attempted to prove in the trial, as alleged by the prosecution. So, there is doubt regarding the allegation of the prosecution that

PW1 and 2 were stabbed with MO1 which is not made out from the medical evidence as noted above.

100. PW40 was the Senior Medical Officer in Century Hospital, Mulakkuzha who examined PW1 and 2 and prepared Ext.P45 and Ext.P46 certificates. He proved that PW1 had sutured wounds over the back of left ear and left side of occipital region of the scalp. The alleged history is assault which he approved. PW2 had a sutured wound over the back of right lower chest who had breathing difficulty with abdominal pain and the X-ray and ultra sound scan showed haemothorax left side. He also admitted that the nature and size of the injuries were not noted in Ext.P45 and Ext.P46 as well.

101. The evidence of PW40 , Ext.P45 and Ext.P46 did not establish that PW1 and 2 sustained stab injuries or incised wounds as alleged by the prosecution. Eventhough PW40 deposed tht PW2 had haemothorax it was not suggested that the same was due to the stab injury. So, there is no evidence to show that PW1 and 2 sustained stab injuries as alleged by the prosecution.

102. PW41 was the Professor in Cardiac Surgery in Amrutha Institute of Medical Science. He proved that PW2 was admitted in the Hospital on 19.07.2012 and diagnosed as left haemothorax following thoracic trauma. The alleged history was assault and the CT scan showed fracture 10th rib with haemothorax and left lower lobe of the lung contusion with minimal pleural effusion. He proved Ext.P47 as the discharge certificate of PW2 and he had bronchoscopy of the lung for the persistent collapse of the lung. He admitted that the medical condition stated in Ext.P47 can be caused due to the blood in the chest cavity which can be caused only by an injury. He approved the suggestion that the injury can be caused due to a fall. He also approved the suggestion of the prosecution that a stab injury will also produce blood in the chest cavity.

103. The evidence of PW41 and Ext.P47 prove that PW2 had rib fracture with the alleged history of assault. He had haemothorax with left lower lobe of lung collapse and focal lung contusion with minimal pleural effusion. It is made out from the evidence of PW2 that he was pushed down to the canal allegedly by A5 at the time of the occurrence. The same

correspond to the approval of the suggestion by PW41 that the injury can be due to a fall. But the prosecution appears to have no such case as it was suggested in the re-examination that a stab injury will always produce blood in the chest cavity which cannot be digested at all. As noted earlier there is no medical evidence to show that PW2 sustained any stab injury as alleged by the prosecution. The focal lung contusion with minimal pleural effusion shows that the same was due to the fracture of the 10th rib which can be caused in a fall. To that extent alone the medical evidence confirms the case of the prosecution regarding the injury sustained by PW2.

104. Regarding the alleged false version of the deceased in respect of the cause of his injury the prosecution examined PW11 who claimed to have gone to the Taluk hospital, Chengannur on getting information at about 11 a.m on 16.07.2012 and that ABVP workers sustained stab injuries in Christian College, Chengannur. He saw the deceased at the casualty and he arranged an ambulance to take the deceased to the Medical College Hospital, Kottayam. In the ambulance the deceased told that he was stabbed by campus front workers with a knife and to

inform the matter to his brother. The deceased was found talking to Vipin CW21 over mobile phone that not to inform his parents about the incident that if his mother knows about the same there will be problem and that he informed the doctor that he sustained hurt in a fall. The deceased became unconscious when he was about to reach the Medical College Hospital and he succumbed to the injury at 2.45 a.m. He was a staff in the Maruthi showroom, Chengannur as Sales Supervisor. There was attendance register and he did not mark his leave in the register on 16.07.2012 as he did not come back to Chengannur on that day. He admitted that as per the attendance register he was on full day duty on 16.07.2012. He admitted that his showroom was at a distance of 8 KM for the Christian college and he was an RSS worker at the relevant time. He also admitted that at the time of inquest he gave statement that ABVP workers sustained stab injury at 11.30 a.m which according to him was a mistake due to his bad mental condition, which he corrected in his additional statement which was recorded after one month. He submitted that at the time of inquest, he did not give statement that the deceased was conscious that he was stabbed by campus front workers with knife and the

person who stabbed him was known to him. He also admitted that he did not give statement that ‘inform the matter to the brother, not to tell to the parents, campus front workers numbering 10-14 stabbed him from behind. If the mother knows there will be problem and hence he stated in the hospital that he sustained hurt in a fall’. He also admitted that he did not give statement that the deceased talked to Vipin, CW21 over mobile phone. He denied the suggestion that he gave false version in his additional statement based on deliberations and legal advice. He denied the suggestion that he did not go to Taluk Hospital, Chengannur or accompanied the deceased to Medical College Hospital, Kottayam, and he was on full time duty in the Maruthi show room on 16.07.2012. He also denied the suggestion that the deceased did not talk to him or talked over mobile phone.

105. Eventhough PW11 has stated that the deceased talked to him and over the mobile phone to Vipin he had no such case in his statement given to the police at the first instance. If such a statement was made by the deceased and PW11 had the alleged conversation he should have disclosed the same to the police at the time of the inquest or immediately thereafter. The

version of the prosecution is that PW11 waited for one month to give such a vital information to the police. The above conduct of PW11 itself is sufficient to hold that his above version and the story of the prosecution is a cooked up one. There is no medical evidence to show that the deceased was capable of making a phone call at the relevant time as his pulse rate and BP was very low when he was brought to the casualty of the Taluk Hospital, Chengannur. The prosecution has not produced any document to show that the deceased made any phone call to Vipin and the said person is also not examined for the reasons best known to the prosecution and thereby withheld the vital evidence which is sufficient to draw adverse inference. So, the claim of the prosecution that the deceased talked to PW11 while he was travelling in the ambulance and he made a phone call to Vipin, CW21 which was overheard by PW11 cannot be believed at all.

106. It is the first version of PW11 that he came to know about the incident at 11.30 a.m. He should have taken atleast 10 to 15 minutes to reach the Taluk Hospital, Chengannur from his place of work which was at Kuttoor. So, the claim of PW11 that he got information at 11 a.m and reached the hospital in 5 minutes

which is a new story which did not tally with his previous statement that he got knowledge at 11.30 a.m. So, there is every reason to doubt the claim of PW11 that he accompanied the deceased to the Medical College Hospital and he was told about the incident by the deceased and he heard the conversation between the deceased and Vipin. The

prosecution should have examined the ambulance Driver and CW20, the nurse who accompanied the deceased to the hospital to prove that PW11 accompanied the deceased to the Medical College Hospital. So, the explanation offered by the prosecution for the previous statement of the deceased regarding the cause of the injury cannot be accepted.

107. The legal effect of the 1st version of the deceased regarding the alleged cause of his injury is to be considered. Admittedly the deceased told to PW42 that he sustained hurt in a fall which was doubted by the doctor as mentioned in Ext.P48. The accused contended that the above version of the deceased is admissible and relevant u/s 32(1) and Section 8 of the Indian Evidence Act. It is contended that the above version of the

deceased confirms the case of the defence that the he sustained hurt in a fall. The learned counsel for the accused placed reliance on the decisions reported in **AIR 1939 PC 47 (Pakala Naryana Swami vs King Emperor)**, **(1996) 10 SCC 360 (State of UP vs Ramesh Prasad Misra and another)** and **(1991) 1 SCC 166 (Ashok Kumar VS State of Rajasthan)** to argue that the above version of the deceased is the earliest and contemporaneous one and it creates doubt regarding the alleged cause of the injury and the incident alleged in the case.

108. It is argued that the deceased made the above version to the doctor to save the real person from whom he sustained hurt which can only be one of his associates. It is also pointed out that if the deceased was stabbed by any campus front worker on account of organizational or any other enmity he should have stated the real cause of his injury to the doctor. On the other hand the learned Special Prosecutor submitted that it was a deliberate mistake committed by the deceased to see that his mother did not come to know about the fact that he sustained hurt in an attack. It is pointed out that the deceased was not in expectation of death at the relevant time and his statement

contained in Ext.P48 cannot be treated as a dying declaration. The circumstance that the medical evidence did not confirm the above version contained in Ext.P48 is also relied on by the learned Special Prosecutor to argue that the above circumstance is not relevant u/s 8 of the Indian Evidence Act as well. The learned Special Prosecutor relied on the decision reported in **2021(4) KLT 390 (Johny vs State of Kerala)** to argue that the statement of the deceased made to PW11 on his way to the Medical College Hospital and the phone call made by the deceased to his brother as deposed by PW11 are relevant u/s 6 of the Indian Evidence Act which also establishes that the first version of the deceased was a mistake and he gave a true account of the incident to P11 which is to be acted upon. It appears that the deceased gave a false version regarding the cause of his injury. The medical opinion of the doctors who attended the deceased and conducted the autopsy clearly show that the deceased sustained hurt due to a stab injury and it was not due to an accidental fall. PW39 has given sufficient reason to rule out the chance for the injury in an accidental fall. So, the only probability is that the deceased sustained stab injury in an attack. If the

deceased was stabbed by the campus front workers on account of previous enmity he should have stated that fact to the doctor. Why the deceased did not state the same to the doctor create doubt regarding the motive, the cause of the injury and the person who inflicted the same. It may be true that the deceased might have thought that the injury might not have been fatal and he was not in expectation of death. That may be the reason why he gave false statement regarding the cause of the injury to the doctor. So, the previous statement of the deceased contained in Ext.P48 is not a statement covered u/s 32(1) of the Indian Evidence Act.

109. The evidence of PW11 that the deceased made statement to him that he was stabbed by the campus front workers and the deceased informed his brother that he told the doctor that he sustained hurt in a fall is found to be unreliable. So, the above explanation offered by the prosecution is only to be rejected as not proved.

110. The above conduct of the deceased in giving such a false statement has got relevance u/s 8 of the Indian Evidence Act. That should have been made with the intention to save the

real culprit if the deceased had sustained hurt from a friendly hand or else to see that his parents did not get information regarding the real incident. In either case there is doubt regarding the alleged cause of injury as the first version of the deceased did not tally with the case of the prosecution. So, the above conduct of the deceased also creates doubt regarding the genuineness of the case of the prosecution regarding cause of the injury sustained by the deceased.

111. Regarding the offence alleged against accused it is the allegation of the prosecution that the accused formed into an unlawful assembly with their common object to do away with the life of the deceased and other ABVP workers and they committed rioting at the place of occurrence which is at a distance of 75 metre from the front gate of the Christian College Chengannur on 16.07.2012 at about 10.45 a.m. It is alleged that A3 was armed with a deadly weapon and he stabbed the deceased on his left flank with MO1 Knife resulting deep penetrating injury and he succumbed to the same while undergoing treatment in Govt. Medical College Hospital, Kottayam. It is also alleged that A3 stabbed PW1 and 2 with MO1 knife resulting bleeding injury

and thereby attempted to kill him. It is alleged that the accused wrongfully restrained PW1 to 7 and voluntarily caused hurt by slapping, fisting and stamping them. It is also alleged that A4 hit PW2 with MO2 helmet on his left shoulder resulting hurt.

112. Regarding the alleged unlawful assembly, the prosecution could not establish the identity of any one other than A1, A2, A6 and A13. It is also not made out that the accused had the intention to kill the deceased, PW1 and PW2. The previous enmity is also not made out to hold that the accused formed into an unlawful assembly with their common object as alleged by the prosecution. It is true that the persons numbering more than 5 were present at the place of occurrence which alone is insufficient to hold that they assembled together with their common object as alleged by the prosecution. Since the identity of the other accused is not made out the offence punishable u/s 143 of IPC is not attracted. Likewise for the very same reason and for the reason that the prosecution could not establish that A3 was also a member of the unlawful assembly and he was armed with MO1, the accused cannot be found guilty for the offence punishable u/s 144 of IPC. The offence punishable u/s 147 of IPC is also not

made out as the prosecution could not clearly establish that A1, A2, A6 and A13 committed rioting and A3 and A4 committed rioting armed with deadly weapon. The identity of 5 or more persons and use of MO1 and 2 by A3 and A4 are also not established. So, the offence punishable under section 147 and 148 of IPC are also not made out.

113. Regarding the offence punishable u/s 342 of IPC the prosecution could not establish that A1, A2, A6 and A13 or any one of the other accused wrongfully confined PW1 to 7 and the deceased from proceeding to any circumscribing limit to attract the above offence. So the prosecution failed to establish the offence punishable u/s 342 r/w Section 149 of IPC. Since the prosecution could not establish the genesis of the case and it did not present the actual incident transpired at the spot. The interested versions of PW1 to 7 cannot be relied on to hold that they were fisted, slapped and kicked by the accused to constitute the offence punishable u/s 323 r/w Section 149 of IPC.

114. Regarding the offence punishable u/s 324 and 307 of IPC, the prosecution could not establish that A3 stabbed PW1 and

2 with the common object of the unlawful assembly to kill them and that A4 hit PW2 with MO2. The identity of the above accused and the use of MO1 and 2 are also could not be established. The stab injury alleged to have been inflicted on PW1 and PW2 is also not made out from any medical evidence as discussed earlier. So, the offences punishable u/s 324 and 307 r/w Section 149 of IPC is also not made out.

115. The prosecution also relies on the circumstance that MO1 knife, MO10(a) pants of A1, MO6(a) pants of A4 and MO12(a) jeans pants of A9 contained blood. The same is confirmed from the evidence of PW47 and Ext.P54 and Ext.P55. It is noted in Ext.P55 that MO1 contained blood which is insufficient to ascertain the origin and group. As per Ext.P54, MO10(a) pants of A1 was found to have contained human blood, the group of which could not be ascertained.. Likewise MO6(a) and MO12(a) also contained blood, the origin and group could not be detected. The above circumstance alone is insufficient to prove the guilt of A1, A3, A4 and A9 in the yardstick of proof beyond reasonable doubt. At the most the circumstance that MO10(a) contain human blood is a circumstance to hold that there is doubt

against A1 which alone is insufficient to find him guilty. The prosecution has no case that A1 stabbed the deceased or PW1 and 2. His presence at the spot is made out from the evidence on record which is not seriously disputed by the accused as well.

116. It is the allegation of the prosecution that A1 was the leader of the Campus front and the accused formed into an unlawful assembly under his leadership. It is alleged that A1 exhorted to stab the deceased to death and he exhorted to stab other ABVP workers as well. Eventhough PW1 to PW7 gave evidence in the above line the same did not tally with the 1st version contained in Ext.P1 in which it is stated that A1 exhorted to hack to death. There is considerable difference between hack to death and stab to death which are made by the prosecution according to the situation as per their choice. In Ext.P1 it was alleged that the assailants are armed with swords, sword stick and daggers and to suit that situation the allegation is made that A1 exhorted to hack to death. Then the prosecution has given a go bye to the 1st version and presented a new case that A3 alone was armed with a knife and to suit the same the term 'stabbed to

death' is employed. The same is a doubtful circumstance to destroy the case against A1.

117. The prosecution also relies on the circumstance that blood stains were detected from the motorcycles bearing Reg. No.KL-31A-528 of the make Hero Honda and KL-26B-577 which were recovered at the instance of A5 and A4 respectively. The said fact was deposed by PW31 and the same was reported in Ext.P34 as well. But the cotton gauze with alleged blood stains in the above bikes were sent for FSL examination in which it was not confirmed that the same contained blood stain as deposed by PW31. So, the above circumstance pressed into service against A4 and A5 also cannot be relied on to establish their identity and complicity with the occurrence in the case.

118. Prosecution also relies on the testimony of PW49, the Regulatory authority of vodafone company and the documents produced by him which are marked as Ext.P56 series to Ext.P68 series to connect some accused with A1 and some of the witnesses. He produced Ext.P56 customer application of A1, his call data records and 65B certificate in respect of his mobile

phone No.9656047232. It is noted in Ext.P56(a) that several calls were made to and from the mobile phone with No.9747227125 which was issued in the name of one Fathima Beevi, Thulasi Bhavanam , Pandalam as stated in Ext.P58. The address of Fathima Beevi some what tally with the address of A5. Two SMS received from the mobile phone No.9746743413 in the mobile number of A1 on 16.07.2012 at 12:05:54 and two SMS received from the mobile No.8891499940 on 16.07.2012 at 17:54 and 19:24 are also noted therein. It is further noted that several calls were made between the mobile number of A1 and the mobile No.9656955473 in between 10.07.2012 to 16.07.2012. One call was seen made between the mobile number of A1 and the mobile No.9847036500 on 15.07.2012 at 21:58. The above number is issued to A11 Shameer Rawther as per Ext.P60. The calls made between the mobile No. of A1 and the mobile No.9656955473 are also noted in Ext.P56(a). Some other customer application forms, call details and Section 65B certificates were marked through PW49. Ext.P56(a) shows that the mobile phone of A1 was within the same tower location from 9:07 to 11.00 a.m on 16.07.2012. But the tower under which, the mobile phone of A1

was located during that time is not mentioned. It is made out that A1 was present at the place of occurrence in between 9:07 to 11.00 a.m. To that extent alone Ext.P56(a) has got relevance. The calls made between the mobile phone of A1 and the mobile phone number of Fathima Beevi and A11 are not much relevant in deciding the complicity of A1. The SMS and other calls seen made and received in the mobile number of A1 has no relevance as far as the case is concerned.

119. Regarding the evidentiary value of Ext.P56 series to Ext.P68 series, it can be seen that PW49 was incompetent to prove the same and as such the same stands not proved. Mr. Ramachandran who issued the above documents is alive as deposed by PW49. The said person is not examined to prove the above documents which are not proved as per law. So, the same cannot be relied on for any purpose in the light of the decisions reported in **(2010) 9 SCC 209(Madan Mohan Singh and others vs Rajni Kant and others)** and **AIR 1961 SC1808 (The State of Bombay vs Kathi Kalu Oghad and others)** relied on by the learned counsel for the accused.

120. Likewise the evidence of PW50 and Ext.P69 series to Ext.P71 series are also not proved and unreliable. Ext.P69(b) is the customer application of A13 Afsal in respect of his mobile phone No.8891180041 and Ext.P69 is the CDR of that mobile phone number for the period of 01.07.2012 to 30.07.12. Ext.P70 series are the CDR sec 65 B certificate and customer application in respect of the mobile phone No.8891499940 which was issued in the name of Shefeek who is A3. Ext.P71 series are the CDR, Section 65B certificate and customer application form in respect of mobile NO.9037 408268 which was issued in the name of A15, Shubin Habeeb. The CDR of the above accused is insufficient to hold that the above accused were involved in the case as their tower location could not be detected as no request was made by the Investigating Officer during the stage of investigation. Eventhough PW50 deposed that Sheela who issued Ext.P69 series to Ext.P71 series is no more as she died in an accident, PW50 has no case that he has got acquaintance with the signature of Sheela and as such he is incompetent to prove the above documents. So, Ext.P69 series to Ext.P71 series also cannot be relied on. Accordingly, the points are found against the prosecution.

121. Point Nos.10 & 11:- It is the definite allegation of the prosecution that A3 stabbed the deceased with MO1 in prosecution of the common object of the unlawful assembly. It is already found that the prosecution could not establish that the accused formed into an unlawful assembly as alleged by the prosecution and A3 stabbed the deceased with MO1. The identity of A3 and MO1 is also not established. So the allegation of the prosecution that A3 stabbed the deceased with MO1 in prosecution of the common object of the unlawful assembly is not made out. Since the prosecution could not establish the above allegation levelled against the accused in general and A3 in particular it is not established that A3 has caused the death of the deceased. In that view of the matter it is unnecessary to consider whether the act of the accused will come within the scope of any of the exceptions in Section 300 of IPC. So, the offence punishable under s 302 of IPC is not made out. Accordingly, the points are found against the prosecution.

122. Point No.13:-One of the allegations levelled against the accused is that A1,A3 to A6 and A9 conspired each other on 15.07.2012 at about 8.45 pm in the courtyard of the house of A1

situated at Mangaram to form the unit of campus front in Christian college, Chengannur on account of their political rivalry towards deceased and other ABVP workers. It is alleged that the accused took steps in furtherance of the criminal conspiracy hatched by them and they formed into an unlawful assembly on 16.07.2012 in front of the Christian College, Chengannur.

123. The only evidence adduced by the prosecution is the oral testimony of PW9 who claimed to have seen A1 and A3 to A6 along with another were found discussing each other in courtyard of the house of A1 situated at Muttar in Pandalam village on 15.07.2012 at about 8.30 p.m . On the next day he came to know about the clash in Christian college and stab injuries sustained by three students. Out of whom Vishal died on the next day. A1 and A3 to A6 were known to him previously. He identified A1, A3 and A6. He wrongly identified A2 as A4 and A4 as A5. He claimed that he is undergoing treatment for his eyes. He admitted that he was the ward member of BJP in Pandalam Panchayath and he has been working in BJP from 1997 onwards. He admitted that he did not feel anything unnatural on seeing the accused in the house compound of A1. He claimed to

have given statements that the accused were discussing about something and that the above accused were known to him previously for a long period of time. He also denied the suggestion that it was unnecessary for him to travel through that place to reach his house and that he was falsely cited as a witness and that he never saw the accused and they were not known to him previously. He was questioned by the police on 25.07.2012 and 3, 4 months thereafter.

124. The evidence of PW9 is insufficient to hold that he saw A1, A3 to A6 and A9 were found conspiring each other in the courtyard of the house of A1 on 16.07.2012. The failure of PW9 to identify A4 and A5 and the identification of A2 as A4 clearly show that the claim of PW9 that A1 and A3 to A6 were known to him for a long period of time is incorrect. PW9 and the prosecution has no case that A1, A3 to A6 and A9 were got identified by the witness through a test identification parade or otherwise. PW9 had no case in his previous statement that A1, A3 to A6 and A9 were known to him previously for a long time and that they were discussing about something. So, the presence of some of the alleged conspirators in the courtyard of the house of

A1 is insufficient to hold that they conspired each other and hatched a conspiracy to commit any of the offences alleged in the case. Even as per the version of the prosecution A1, A3 to A6 and A9 conspired each other to establish the unit of the campus front by any means. That does not mean that the above accused had the common object to kill the deceased and the other ABVP workers as alleged by the prosecution. The decision to establish the unit of a students organization in a campus cannot be termed as an illegal act. There is nothing in the evidence of PW9 to show that he heard the discussion among the alleged conspirators and he felt anything unusual on seeing them at the place of the alleged conspiracy. Likewise there is nothing to show that the alleged conspirators made and designed to execute their plan to establish the unit of campus front by any illegal means. In the trial also the prosecution could not establish the identity of A3 to A5 to the satisfaction of the court. PW9 also failed to identify A4 and A5 before the court. The prosecution also failed to establish that the alleged conspirators did anything in furtherance on their conspiracy hatched by them to constitute the offence punishable u/s 120B of IPC. The mere presence of some of the accused in

the courtyard of the house of A1 alone is insufficient to hold that they were hatching a conspiracy as alleged by the prosecution. It is the case of the prosecution that A1 and A3 to A6 and A9 were the workers of the campus front and their presence in the house of A1 alone is insufficient to hold that there was meeting of their minds to do any illegal act or to do any legal act by illegal means. PW9 was incompetent to speak about the matters discussed among the alleged conspirators. The prosecution also could not establish that the alleged conspirators and the accused had enmity towards deceased and ABVP workers in the college. The same also creates doubt regarding the criminal conspiracy allegedly hatched by A1, A3 to A6 and A9. The evidence of PW9 is insufficient to approve the above claim of the prosecution. So, the charge for the offence punishable u/s 120B of IPC is also not made out. Accordingly, the point is found against the prosecution.

125. **Point No.14:-** It is also the allegation of the prosecution that A15, A16, A18 and A19 along with A17 made arrangements for A3, A4 and A7 to hide out in the house of A15 and later A15 along with A18 and A19 shifted them to the house of A14 and A16. It is alleged that A20 provided transportation

facility to A8, A10 and A12 for their escape with the knowledge that they were the accused in the case.

126. No direct evidence is adduced by the prosecution to prove the charge levelled against A15 to A19 and the prosecution could not prove that A3, A4 and the juvenile in conflict with law took shelter in the house of A15 and they were shifted to the house of A14 and A16. Likewise the allegation against A20 is also not made out with any direct evidence. The only circumstance proved in support of the above allegation is the recovery of the Volks Wagen car bearing Reg.No. KL-25C-1616 which was allegedly recovered at the instance of A15 as per Ext.P15. When the above vehicle was inspected by PW31, she detected blood stains from the car as noted in Ext.P34 report and as deposed by her. The same was not confirmed in the FSL report which is marked as Ext.P54. As per Ext.P54 and the evidence of PW47, it is not made out that blood stains were detected from the car as alleged by the prosecution. So, the above circumstance also cannot be relied on to hold that the above car was used for the conveyance of A8, A10 and A12 as alleged by the prosecution. No other circumstance is proved by the prosecution

to establish that A14 to A19 harboured A3, A4 and A7, and A20 helped A8, A10 and A12 by arranging transportation facility for their escape. So, the offence punishable u/s 212 of IPC is not made out against the above accused. Accordingly, the point is found against the prosecution.

127. **Point No.15:-** From the above discussion made in points 1 to 14, the court is of the considered view that the prosecution has failed to prove the charges levelled against the accused beyond reasonable doubt. As there is elements of doubt in the prosecution case the accused are entitled to its benefit. It follows that the accused are not guilty. Accordingly, the point is found against the prosecution.

128. **Point No.16:-** In view of the findings on points 1 to 15, the accused are found not guilty for the offences punishable u/ss 143, 144, 147, 148, 323, 324, 342, 307, 302 and 212 r/w section 149 and Section 120B of IPC and they are acquitted of the said offences u/s 235(1) of Cr.P..C. The accused are set at liberty and the bail bonds executed by them stand cancelled. MOs are ordered to be preserved for the trial against the juvenile in conflict with law.

(Dictated to the C.A, transcribed and typewritten by her, corrected and pronounced by me in open court on this the 30th day of December , 2025).

Sd/-
POOJA P.P
ADDITIONAL SESSIONS JUDGE-III,
MAVELIKARA.

APPENDIX:**WITNESS EXAMINED FOR PROSECUTION:-**

PW1(CW1)	:	12.12.2023, 05.01.2024, 09.01.2024, 11.01.2024, 17.01.2024.	Vishnu prasad @ Vishnu
PW2(CW2)	:	13.12.2023, 18.01.2024, 23.01.2024, 31.01.2024.	Sreejith@ Ambili
PW3(CW3)	:	14.12.2023, 06.02.2024, 08.02.2024, 17.02.2024	Vijaya Prathap
PW4(CW4)	:	14.12.2023, 20.07.2024	Vinu Sekhar
PW5(CW5)	:	15.12.2023, 02.03.2024	Vishnu
PW6(CW7)	:	15.12.2023, 22.07.2024.	Rahul

PW7(CW8)	:	16.12.2023,	
		23.07.2024.	Vinuraj
PW8(CW58)	:	31.01.2024,	
		08.04.2025.	Kannan @ Deepesh G Nair
PW9(CW9)	:	24.07.2024	Gopinathan Nair
PW10(CW16):		30.07.2024	Vijayamma
PW11(CW22)	:	30.07.2024	Sreenath
PW12(CW11)	:	31.07.2024	Shyju Samuel
PW13(CW10)	:	31.07.2024	Akhil
PW14(CW30)	:	31.07.2024	Rajesh
PW15(CW33)	:	02.08.2024	Anukumar
PW16(CW36)	:	05.08.2024	Sreekanth
PW17(CW38)	:	05.08.2024	Rajagopal
PW18(CW15)	:	05.08.2024	Raju
PW19(CW40)	:	06.08.2024	Chandra Babu
PW20(CW42)	:	06.08.2024	Shibu
PW21(CW25)	:	06.08.2024,	
		24.02.2025	Vinayakan

PW22(CW39) :	06.08.2024	Irshad
PW23(CW21) :	12.08.2024	Manoj
PW24(CW45) :	12.08.2024	Renjith
PW25(CW48) :	12.08.2024	Renjith
PW26(CW49) :	12.08.2024	Arun Raj
PW27(CW51) :	19.08.2024	Renjith
PW28(CW67) :	21.08.2024	Madhusoodhanan
PW29(CW68) :	21.08.2024	Aneesh Eappen
PW30(CW23) :	23.08.2024	Dr. Jacob George
PW31(CW66) :	23.08.2024	Mary Sherin P.N
PW32(CW53) :	23.08.2024	Sadhasivan
PW33(CW84) :	29.08.2024	Koshy George
PW34(CW85) :	29.08.2024	Thomas Zacharia
PW35(CW56) :	29.08.2024	George
PW36(CW86) :	30.08.2024	P.Sarath
PW37(CW69) :	24.09.2024	Ibrahim Kutty
PW38(CW88) :	24.09.2024	Shafeek
PW39(CW59) :	15.10.2024	Dr.V.M.Rajeev
PW40(CW63) :	25.10.2024	Dr.Philip John
PW41(CW64) :	25.10.2024	Dr.P.Manoj

PW42(CW61) :	25.10.2024	Dr.Riju Nair
PW43(CW65) :	04.11.2024	Dr.Chandramohan.V
PW44(CW62) :	04.11.2024	Dr.P.C.Cheri
PW45(CW77) :	06.11.2024	M.Babu
PW46(CW78) :	06.11.2024	Venugopala Pillai
PW47(CW75) :	11.11.2024	Sreevidhya K.V
PW48(CW81) :	19.11.2024	S.Binu
PW49(CW72) :	03.01.2025	Captain Sanal V.R
PW50Addtl.witness:	15.01.2025	Anwar Azeez
PW51(CW79) :	27.01.2025	Manjulal.S
PW52(CW80) :	17.02.2025, 18.02.2025, 05.03.2025, 06.03.2025, 07.03.2025, 12.03.2025. 19.03.2025, 21.03.2025, 25.03.2025, 03.04.2025.	R.Jose
PW53(CW82) :	19.05.2025, 02.06.2025, 03.06.2025.	S.T. Suresh kumar
PW54(CW89) :	09.06.2025, 18.07.2025.	K.C. Baburaj

PW55(CW83) : 27.06.2025 M.V.Rajendran

WITNESS EXAMINED FOR DEFENCE:-

DW1 29.08.2025 Pradeep S

EXHIBITS MARKED FOR PROSECUTION:-

Ext.P1	:	16.07.2012	First Information Statement
Ext.P1(a)	:	16.07.2012	Body note of CW1
Ext.P1(b)	:	16.07.2012	Body note of CW2
Ext.P2	:	02.12.2012	Recovery Mahazar(Knife)
Ext.P2(a)	:	02.12.2012	Report
Ext.P3	:		Portion of 161 statement of Shyju Samuel(CW11)
Ext.P4	:		Portion of 161 statement of Shyju Samuel(CW11)
Ext.P5	:		Portion of 161 statement of Shyju Samuel(CW11)
Ext.P6	:		Portion of 161 statement of Shyju Samuel(CW11)
Ext.P7	:		Portion of 161 statement of Akhil(CW10)
Ext.P8	:		Portion of 161 statement of Akhil (CW10)
Ext.P9	:		Portion of 161 statement of Akhil (CW10)
Ext.P10	:		Portion of 161 statement of Akhil (CW10)

Ext.P11	:		Portion of 161 statement of Akhil (CW10)
Ext.P12	:	17.07.2012	Inquest report
Ext.P13	:	19.07.2012	Vehicle mahazar Hero Honda Karizma motor cycle (KL 31-A-528)
Ext.P13(a)	:	19.07.2012	Portion of confession statement of A5
Ext.P13(b)	:	19.07.2012	Report
Ext.P14	:	20.07.2012	Seizure Mahazar (Yamaha Fazer motor cycle (KL-26 B 577)
Ext.P14(a)	:	20.07.2012	Report
Ext.P14(b)	:	20.07.2012	Portion of Seizure Mahazar
Ext.P15	:	25.07.2012	Mahazar(Mobile phone(black berry) & Car (Volkswagen Polo Tdi))
Ext.P15(a)	:	25.07.2012	Report
Ext.P16	:	16.07.2012	Portion of 161 statement of Raju(CW15)
Ext.P17	:	16.07.2012	Portion of 161 statement of Raju(CW15)
Ext.P18	:	16.07.2012	Portion of 161 statement of Raju(CW15)
Ext.P19	:	25.07.2012	Seizure Mahazar(Dress of A1)
Ext.P19(a)	:	25.07.2012	Report
Ext.P20	:	05.08.2012	Seizure Mahazar(Dress of A6)

Ext.P20(a)	:	05.08.2012	Relevant Portion of confession statement of A6)
Ext.P20(b)	:	05.08.2012	Report
Ext.P21	:	26.07.2012	Mahazar
P21(a)	:	26.07.2012	Report
P21(b)	:	26.07.2012	Relevant portion of confession statement of A4
Ext.P22	:	16.07.2012	Scene Mahazar
Ext.P22(a)	:	16.07.2012	Report
Ext.P23	:	12.03.2013	Porion of 161 statement of Irshad(CW39)
Ext.P24	:		CMP 7664/13 of JFCM, Chengannur
Ext.P25	:	30.11.2013	Bond for return of property
Ext.P26	:	12.03.2013	Portion of 161 statement of Irshad(CW39)
Ext.P27	:	12.03.2013	Portion of 161 statement of Irshad(CW39)
Ext.P28	:	09.08.2012	Mahazar(shoulder bag of A11)
Ext.P28(a)	:	09.08.2012	Report
Ext.P29	:		Bio-data of A11
Ext.P30	:	18.08.2012	Mahazar (dress of A8 & A9)

Ext.P30(a)	:	18.08.2012	Report
Ext.P31	:	21.08.2012	Mahazar (Motor cycle, Helmet, pant & shirt of A11)
Ext.P31(a)	:	21.08.2012	Report
Ext.P31(b)	:	21.08.2012	Relevant portion of confession statement of A11
Ext.P32	:	25.08.2012	Mahazar(Hero Honda Glamour motor cycle KL-30B 7451)
Ext.P32(a)	:	25.08.2012	Relevant portion of confession statement of A8
Ext.P33	:	17.09.2014	Scene plan
Ext.P34	:	14.09.2012	Crime scene examination report
Ext.P35	:	26.08.2012	Mahazar (Yamaha FZ-S motor cycle KL23/F 3298)
Ext.P35(a)	:	26.08.2012	Relevant portion of confession statement of A9
Ext.P36	:	26.07.2012	Vehicle Inspection report
Ext.P37	:	31.07.2012	Vehicle inspection report
Ext.P38	:	13.09.2012	Vehicle inspection certificate
Ext.P38(a)	:	13.09.2012	Registration particulars(KL 30B-7451 Glamour Euro 2000 Motor Cycle)

Ext.P38(b)	:	13.09.2012	Registration particulars(KL 30A-5101 Bajaj Pulsor Motor Cycle)
Ext.P39	:	02.12.2012	Seizure Mahazar(dress of A3)
Ext.P39(a)	:	02.12.2012	Report
Ext.P40	:	19.07.2016	Conspiracy Scene Mahazar
Ext.P40(a)	:	19.07.2012	Report
Ext.P41	:		Portion of 161 statement of Shefeek(CW 88)
Ext.P42	:		Portion of 161 statement of Shefeek(CW 88)
Ext.P43	:	17.07.2012	Post mortem certificate
Ext.P44	:	20.11.2012	Chemical Analysis report
Ext.P45	:	24.07.2012	Wound certificate of Vishnu Prasad M(CW 1)
Ext.P46	:	24.07.2012	Wound certificate of Sreejith M.S
Ext.P47	:		Discharge summary of Sreejith M.S. (19.07.2012 to 31.07.2012)
Ext.P48	:	16.07.2012	Wound certificate of Vishal
Ext.P49	:		Medical certificate of Vishal Kumar
Ext.P50	:	16.07.2012	Wound certificate of sreejith @ Ambili
Ext.P51	:	16.07.2012	Wound certificate of Vishnu prasad

Ext.P52	:	16.07.2012	First Information Report
Ext.P53	:	16.07.2012	Mahazar(Dress of CW1 and 2)
Ext.P53(a)	:	17.07.2012	Correction Report
Ext.P54	:	28.10.2013	FSL Report
Ext.P55	:	20.05.2014	FSL Report
Ext.P56	:		Customer application form & ID proof of Nasim A (S/o. Abdul Karim) Mob.No. 9656047232
Ext.P56(a)	:		Call Details Records (Mob.No. 9656047232) (01.07.12 to 30.07.2012)
Ext.P56(b)	:		65B (4) certificate
Ext.P57	:		Customer application form and ID proof of Shamnad M,S/o. Muhammed Haneefa Mob No. 9562524336
Ext.P57(a)	:		Call Datails Record (Mob No. 9562524336) (01.07.12 to 30.07.2012)
Ext.P57(b)	:		65B(4) certificate
Ext.P58	:		Customer Application Form and ID proof of Fathima Beevi,W/o. Sainudeen Mob.No.9747227125
Ext.P58(a)	:		Call Details Record (Mob.No.9747227125) (01.07.12 to 30.07.2012)
Ext.P58(b)	:		65B(4) certificate

- Ext.P59 : Customer Application Form and ID
proof of Ali Khan.S, S/o. Sulaiman
(Mob. No 9544213263)
- Ext.P59(a) : Call Details Record (Mob. No 9544213263)
(01.07.12 to 30.07.2012)
- Ext.P59(b) : 65B(4) certificate
- Ext.P60 : Customer Application Form and ID
proof of Shemeer Rawther
S/o. Sajahan Rawther (Mob.No. 9847036500)
- Ext.P60(a) : Call Details Record (Mob.No9847036500)
(01.07.12 to 30.07.2012)
- Ext.P60(b) : 65B(4) certificate
- Ext.P61 : Customer application form and ID
proof of Shemeer Rawther, (Mob. 9961884058)
- Ext.P61(a) : Call Details Record (Mob. 9961884058)
- Ext.P61(b) : 65B(4) certificate
- Ext.P62 : Customer application form and ID proof of
Sirajudeen S/o. Hassan kutty Rawther
(Mob. No. 9747266773)
- Ext.P62(a) : Call Details Record (Mob. No. 9747266773)
(08.07.2012 to 25.07.2012)
- Ext.P62(b) : 65B(4) certificate
- Ext.P63 : Customer application form and ID proof
of sajad, S/o.Ansari
(Mob. No. 9605886639)

- Ext.P63(a) : Call Details Record (Mob. No. 9605886639)
(01.07.2012 to 24.07.2012)
- Ext.P63(b) : 65B(4) certificate
- Ext.P64 : Customer application form and ID
proof of Safeer. A , S/o. Abdul Salam
(Mob.No 9847133107)
- Ext.P64(a) : Call Details Record (Mob.No. 9847133107)
(08.07.2012 to 16.07.2012)
- Ext.P64(b) : 65 B(4) certificate
- Ext.P65 : Customer application form and
ID proof of Shameer H , S/o. Habeebulla
(Mob No. 9747570578)
- Ext.P65(a) : Call Details Record (Mob No. 9747570578)
(08.07.2012 to 25.07.2012)
- Ext.P65(b) : 65 B(4) certificate
- Ext.P66 : Customer application form and ID
proof of Sajeev S/o. Hussain Rawther
(Mob. 9947753806)
- Ext.P66(a) : Call Details Record (Mob. 9947753806)
(08.07.2012 to 25.07.2012)
- Ext.P66(b) : 65 B(4) certificate
- Ext.P67 : Customer application form and ID
proof of Aneesa, D/o. Abdul Salam.
(Mob. 9605406160)

Ext.P67(a)	:	Call Details Record (Mob. 9605406160) (08.07.2012 to 25.07.2012)
Ext.P67(b)	:	65 B(4) certificate
Ext.P68	:	Customer application form and ID proof of Sandhya, D/o. Sukumaran.M, (Mob. 9656912098)
Ext.P68(a)	:	Call Details Record(Mob. 9656912098) (01.07.2012 to 30.07.2012)
Ext.P68(b)	:	65 B(4) certificate
Ext.P69	:	Call Details Record (Mob.8891180041) (01.07.2012 to 30.07.2012)
Ext.P69(a)	:	65 B(4) certificate
Ext.P69(b)	:	Customer application form of Afsal. A, S/o. Aboobaker
Ext.P69(c)	:	Copy of secondary school leaving certificate
Ext.P70	:	Call Details Record (Mob.8891499940) (01.07.2012 to 30.07.2012)
Ext.P70(a)	:	65B (4) certificate
Ext.P70(b)	:	Customer application form and ID proof of Shafeek S, S/o. Shahul Hameed
Ext.P71	:	Call Details Record(Mob. 9037408268) (08.07.2012 to 25.07.2012)
Ext.P71(a)	:	65B (4) certificate
Ext.P71(b)	:	Customer application form and ID proof

Shibin Habeeb, S/o. Habeeb

Ext.P72	:	18.07.2012	Search memo (House of A4)
Ext.P72(a)	:	18.07.2012	Search list (House of A4)
Ext.P73	:	19.07.2012	Search memo(House of A1)
Ext.P73(a)	:	19.07.2012	Search list (House of A1)
Ext.P74	:	16.07.2012	Property list(TR 223/12)
Ext.P75	:	16.07.2012	Property list(TR 220/12)
Ext.P76	:	16.07.2012	Property list(TR 219/12)
Ext.P77	:	17.07.2012	Section adding Report
Ext.P78	:	17.07.2012	Section adding Report
Ext.P79	:	17.07.2012	Search memo(House of A3)
Ext.P79(a)	:	17.07.2012	Search list(House of A3)
Ext.P80	:		Property list(TR 231/12)
Ext.P81	:	19.07.2012	Address report (A1& A5)
Ext.P82	:	19.07.2012	Arrest memo (A5)
Ext.P82(a)	:	19.07.2012	Inspection memo (A5)
Ext.P82(b)	:	19.07.2012	Arrest intimation to counsel(A1 & A5)
Ext.P83	:	19.07.2012	Property list (TR 244/12)
Ext.P84	:	19.07.2012	Arrest memo (A1)
Ext.P84(a)	:	19.07.2012	Inspection memo (A1)

Ext.P85	:	19.07.2012	Remand report memo (A1 & A5)
Ext.P86	:	19.07.2012	Report(Production of Inquest report)
Ext.P87	:	19.07.2012	Search memo (House of A5)
Ext.P87(a)	:	19.07.2012	Search list (House of A5)
Ext.P88	:	19.07.2012	Search memo (House of A11)
Ext.P88(a)	:	19.07.2012	Search list (House of A11)
Ext.P89	:	19.07.2012	Property list(TR 239/12)
Ext.P90	:	20.07.2012	Arrest memo (A4)
Ext.P90(a)	:	20.07.2012	Inspection memo (A4)
Ext.P90(b)	:	21.07.2012	Arrest intimation to counsel(A4)
Ext.P91	:	20.07.2012	Property list(TR 243/12)
Ext.P92	:	20.07.2012	Address report (A4)
Ext.P93	:	20.07.2012	Section adding report
Ext.P94	:	20.07.2012	Property list (TR 238/12)
Ext.P95	:	21.07.2012	Remand report (A4)
Ext.P96	:	20.07.2012	Search memo (House of A8)
Ext.P96(a)	:	20.07.2012	Search list (House of A8)
Ext.P97	:	21.07.2012	Correction Report (Vehicle number of Yamaha fazer motor cycle)
Ext.P98	:	21.07.2012	Property list(TR 230/12)

Ext.P99	:	23.07.2012	Custody order (order in CMP.3383/12 of JFCM-I,Chengannur)
Ext.P100	:	23.07.2012	Mahazar (Flex banner chappal & rope)
Ext.P101	:	23.07.2012	Property list (TR 229/12)
Ext.P102	:	24.07.2012	Search memo(House of A7)
Ext.P103	:	24.07.2012	Search list(House of A7)
Ext.P104	:	24.07.2012	Search memo(House of A6)
Ext.P105	:	04.08.2012	Search list(House of A6)
Ext.P106	:	24.07.2012	Search memo(House of A15)
Ext.P107	:	24.07.2012	Search list(House of A15)
Ext.P108	:	24.07.2012	Search memo(House of A16)
Ext.P109	:	24.07.2012	Search list(House of A16)
Ext.P110	:	24.07.2012	Search memo(House of A14)
Ext.P111	:	24.07.2012	Search list(House of A14)
Ext.P112	:	28.07.2012	Search memo(House of A10)
Ext.P113	:	28.07.2012	Search list(House of A10)
Ext.P114	:	25.07.2012	Report
Ext.P115	:	25.07.2012	Arrest memo(A15)
Ext.P115(a)	:	25.07.2012	Inspection memo(A15)
Ext.P115(b)	:	25.07.2012	Arrest intimation to counsel(A15)

Ext.P116	:	25.07.2012	Property list (TR 241/12)
Ext.P117	:	25.07.2012	Remand application (A15)
Ext.P118	:	25.07.2012	Property list(TR 235/12)
Ext.P119	:	26.07.2012	Property list(TR 236/12)
Ext.P120	:	26.07.2012	Arrest memo(A6)
Ext.P120(a)	:	26.07.2012	Inspection memo(A6)
Ext.P120(b)	:	27.07.2012	Arrest intimation to counsel(A6)
Ext.P121	:	26.07.2012	Property list (TR 242/12)
Ext.P122	:	27.07.2012	Address report (A6)
Ext.P123	:	27.07.2012	Property list (TR 237/12)
Ext.P124	:		Report(Adress of A1 to A13)
Ext.P125	:	05.08.2012	Property list (TR 251/12)
Ext.P126	:	27.07.2012	Remand application (A6)
Ext.P127	:	09.08.2012	Arrest memo (A11)
Ext.P127(a)	:	09.08.2012	Inspection memo(A11)
Ext.P127(b)	:	10.08.2012	Arrest Intimation to counsel(A11)
Ext.P128	:	10.08.2012	Address report (A11)
Ext.P129	:	09.08.2012	Property list(TR 258/12)
Ext.P130	:	10.08.2012	Remand report (A11)
Ext.P131	:	18.08.2012	Arrest memo (A8)

Ext.P131(a) :	18.08.2012	Inspection memo (A8)
Ext.P131(b) :	18.08.2012	Arrest intimation to counsel (A8 &A9)
Ext.P132 :	18.08.2012	Arrest memo (A9)
Ext.P132(a) :	18.08.2012	Inspection memo (A9)
Ext.P133 :	18.08.2012	Address report (A8 & A9)
Ext.P134 :	18.08.2012	Property list (TR 272/12)
Ext.P135 :	18.08.2012	Remand report (A8 & A9)
Ext.P136 :	19.08.2012	Arrest memo (A10)
Ext.P136(a) :	19.08.2012	Inspection memo (A10)
Ext.P136(b) :	20.08.2012	Arrest intimation (A10)
Ext.P137 :	20.08.2012	Address report (A10)
Ext.P138 :	19.08.2012	Property list(TR 267/12)
Ext.P139 :	19.08.2012	Report(Mobile)
Ext.P140 :	20.08.2012	Remand report (A10)
Ext.P141 :	25.08.2012	Property list(TR 282/12)
Ext.P142 :	26.08.2012	Property list(TR 283/12)
Ext.P143 :		Forwarding note
Ext.P143(a) :		Forwarding note
Ext.P143(b) :		Forwarding note

Ext.P144	:		Report(Mobile phone)
Ext.P144(a)	:	14.08.2012	Report(Mobile phone)
Ext.P144 (b):	:	14.08.2012	Report(Mobile phone)
Ext.P145	:	03.09.2012	3 rd party kychit
Ext.P146	:	23.07.2012	Report and affidavit for Custody of A1, A4 & A5
Ext.P146(a)	:	20.07.2012	Report/Application for production warrant of A1, A5
Ext.P147	:	21.08.2012	Application for production warrant of A8, A9 & A10.
Ext.P148	:	01.08.2012	Custody order of A6(order in CMP. 3497/2012 of JFCM-I, Chengannur)
Ext.P149	:	23.07.2012	Custody order of A11(order in CMP. 3958/2012 of JFCM-I, Chengannur)
Ext.P150	:	27.07.2012	Report (Mobile of A15)
Ext.P151	:	20.09.2012	Address report(A16 to A19)
Ext.P152	:	24.07.2012	Property list(TR 240/12)
Ext.P153	:	18.08.2012	Property list (TR 268/12)
Ext.P154	:		Report(Mobile phone)
Ext.P155	:	21.08.2012	Property list(TR 266/12)
Ext.P156	:	04.08.2012	Search memo

Ext.P157	:	14.08.2012	Application for production warrant(A11)
Ext.P158	:	19.10.2012	Arrest memo (A17)
Ext.P159	:	19.10.2012	Inspection memo (A17)
Ext.P160	:		Custody memo (A17)
Ext.P161	:	19.10.2012	Arrest memo (A19)
Ext.P162	:	19.10.2012	Inspection memo (A19)
Ext.P163	:		Custody memo (A19)
Ext.P164	:	19.10.2012	Report(Adding A17 & A19)
Ext.P165	:	19.10.2012	Remand application(A17&A19)
Ext.P166	:	02.11.2012	Arrest memo (A12)
Ext.P167	:	02.11.2012	Inspection memo (A12)
Ext.P168	:		Custody memo (A12)
Ext.P169	:	03.11.2012	Address report(A12)
Ext.P170	:	03.11.2012	Remand report (A12)
Ext.P171	:	21.11.2012	Arrest memo (A2)
Ext.P172	:	21.11.2012	Inspection memo(A2)
Ext.P173	:	21.11.2012	Custody memo/ (Register of arrestee)(A2)
Ext.P174	:	21.11.2012	Address report(A2)
Ext.P175	:	21.11.2012	Remand report(A2)

Ext.P176	:	26.11.2012	Arrest memo (A3)
Ext.P177	:	26.11.2012	Inspection memo(A3)
Ext.P178	:	26.11.2012	Address report(A3)
Ext.P179	:	26.11.2012	Remand application(A3)
Ext.P180	:		Application for production warrant (A3)
Ext.P181	:		Custody application (A3)
Ext.P182	:		Property list (TR 396/12)
Ext.P183	:	02.12.2012	Property list(TR 389/12)
Ext.P184	:		Forwarding note
Ext.P185	:	05.03.2013	Arrest memo (A20)
Ext.P186	:	05.03.2013	Inspection memo (A20)
Ext.P187	:	05.03.2013	Report(A20)
Ext.P188	:		Remand Report (A20)
Ext.P189	:	05.03.2013	Recovery Mahazar (KL-04K 26 Hero Honda passion plus Motor cycle)
Ext.P189(a)	:	05.03.2013	Report
Ext.P190	:	05.03.2013	Property list (TR 96/13)
Ext.P191	:	12.03.2013	Seizure Mahazar (Documents of KL-04K 26 Hero Honda passion plus Motor cycle)

Ext.P191(a) :	12.03.2013	Report
Ext.P192 :		Form 15
Ext.P193 :	28.06.2013	Arrest memo (A13)
Ext.P194 :	28.06.2013	Inspection memo (A13)
Ext.P195 :	29.06.2013	Arrest notice (A13)
Ext.P196 :	29.06.2013	Address report(A13)
Ext.P197 :		Remand application(A13)
Ext.P198 :	01.10.2012	Report (Taking charge of investigation)
Ext.P199 :	01.10.2012	Report (Taking charge of investigation)
Ext.P200 :	19.09.2015	Application for demanding knife
Ext.P200(a) :		Official memorandum
Ext.P201 :	30.09.2015	Application seeking permission for examining knife
Ext.P202 :	19.07.2016	Form 15(Photos)
Ext.P202(a) :	19.07.2016	Report of Photos
Ext.P203 :	22.04.2017	Correction report
Ext.P204 :	14.04.2014	Report (Taking charge of investigation)

Ext.P205 : 20.10.2014 Application

EXHIBITS MARKED FOR DEFENCE:-

Ext.D1	:		Portion of 161 Statement of Vishnu prasad(CW1)
Ext.D2	:		Portion of 161 Statement of Vishnu prasad(CW1)
Ext.D3	:	26.08.2012	Portion of 161 Statement of Vishnu prasad(CW1)
Ext.D4	:	16.07.2012	Portion of FIS
Ext.D5	;		Portion of 161 statement of Sreejith(CW2)
Ext.D6	:		Portion of 161 statement of Vijayaprathap(CW3)
Ext.D7	:		Portion of 161 statement of Vijayaprathap(CW3)
Ext.D8	:		Portion of 161 statement of Vijayaprathap(CW3)
Ext.D9	:		Portion of 161 statement of Vijayaprathap(CW3)
Ext.D10	:	17.07.2012	Portion of 161 statement of Vishnu(CW5)
Ext.D11	:	17.07.2012	Portion of 161 statement of Vishnu(CW5)
Ext.D12	:	25.10.2012	Portion of 161 statement of Vinu Sekhar(CW4)
Ext.D13	:		Portion of 161 statement of Vinu Sekhar(CW4)
Ext.D14	:		Portion of 161 statement of Rahul(CW7)
Ext.D15	:	03.10.2012	Portion of 161 statement of Vijayamma(CW16)
Ext.D16	:		Print out of photograph (subject to objection)

MATERIAL OBJECTS

MO1	:	Knife
MO2	:	Helmet
MO3	:	Banner
MO4	:	Shirt of CW1
MO4(a)	:	Dhothi of CW1
MO5	:	Shirt of CW2
MO6	:	Shirt of A4
MO6(a)	:	Pant of A4
MO7	:	Shirt (Brown) of A3
MO7(a)	:	Jeans of A3
MO8	:	Election ID card of A3
MO9	:	Shirt (Blue) of A6
MO9(a)	:	Jeans (Blue) of A6
MO10	:	Shirt of A1(white)
MO10(a)	:	Pant of A1(black)
MO11	:	Shirt of A8 (Biscuit colour)
MO11(a)	:	Dhothi of A8
MO12	:	Shirt(Check) of A9
MO12(a)	:	Pant (Blue) of A9
MO13	:	Honda Glamour Motor Cycle KL30/B/-7451

MO14	:	Bajaj Pulsor 180 Motor Cycle KL 30/A 5101 of A11
MO15	:	Mobile phone (Black berry)of A15
MO16	:	Shoulder Bag
MO17	:	Jeans of A11
MO18	:	Pant (Black) of A11
MO19	:	T Shirt (Black) of A11
MO20	:	Shirt (White check) of A11
MO21	:	Banyan (White) of A11
MO22	:	Mobile Phone (Onida) of A11
MO23	:	Lungi of A8
MO24	:	Plastic cover of A9
MO25	:	Bag(back pack) of A9
MO26	:	Mobile Phone(Nokia X2 (Red))
MO27	:	Nokia mobile phone (5235)
MO28	:	Pant of A11
MO29	:	Shirt of A11
MO30	:	Cover (Alukkas) A11
MO31	:	A piece of cotton gauze with brown stain
MO32	:	A piece of cotton gauze with brown stain
MO33	:	A piece of cotton gauze with brown stain

MO34	:	A piece of cotton gauze with dark brown stain
MO34(a)	:	Cover with a label in which MO 34 received from Forensic lab
MO35	:	A piece of cotton gauze with dirty brown stain
MO36	:	A piece of cotton gauze with dirty brown stain
MO37	:	A piece of cotton gauze with dirty brown stain
MO38	:	A piece of cotton gauze with dirty brown stain
MO39	:	A piece of cotton gauze with dirty brown stain
MO40	:	A piece of cotton gauze with dirty stain
MO41	:	A piece of cotton gauze with dirty stain
MO42	:	A piece of cotton gauze with dirty brown stain
MO43	:	Full sleeve shirt (Rose colour) of A7
MO44	:	Jeans pant (Blue colour) of A7
MO45	:	Mobile phone (Nokio) of A5
MO46	:	Mobile phone(samsung) of A4
MO47	:	Pair of chappals
MO48Series	:	Coir with Flag
MO49	:	Mobile phone of A6
MO50	:	Mobile phone of A10

Id/-**ADDITIONAL SESSIONS JUDGE-III**