

In November 2021, 'A', 'B', 'C', 'D', and 'E' were part of a group that assembled outside a commercial building to protest against a new municipal policy. The assembly initially started peacefully but escalated when several protesters, including 'A', 'B', 'C', 'D', and 'E', started throwing rocks at the building, resulting in significant property damage and injuries to two security guards working inside. The police charged 'A', 'B', 'C', 'D', and 'E' under sections of the law concerning membership in an unlawful assembly with a common object to commit vandalism and assault. During the trial, 'D' and 'E' argued that their intention was only to participate in a peaceful protest and that they did not throw any rocks or engage in violence.

Evidence presented includes video footage of the protest, testimonies from other protesters, and statements from the injured security guards. The footage shows 'D' and 'E' in the vicinity of those throwing rocks but does not clearly capture their actions.

As the judge presiding over this case, you are required to draft a judgement.

**IN THE COURT OF SESSIONS, DISTRICT COURT**

**State vs. 'A', 'B', 'C', 'D', and 'E'**

**Session Case No.:** XYZ of 2021

**Under Sections:** 141, 143, 145, 147, and 149 of the Indian Penal Code

**Date of Judgment:** [Insert Date]

**Presiding Judge:** Hon'ble Justice [Insert Name]

**Prosecution:** Government of [State]

**Accused:** 'A', 'B', 'C', 'D', and 'E'

Charge: Being members of an unlawful assembly with the common object of committing vandalism and assault.

**JUDGMENT**

This court is presented with the matter of determining the culpability of five accused, 'A', 'B', 'C', 'D', and 'E', under various sections of the IPC concerning unlawful assembly. The charges stem from an incident that occurred during a protest outside a commercial building against a new municipal policy.

**Background**

The assembly began peacefully but escalated into violence, with certain members, including 'A', 'B', and 'C', accused of throwing rocks, causing property damage and bodily harm to two security

guards. 'D' and 'E' have been charged under the same sections, though they claim to have participated solely in a peaceful manner and deny involvement in any violent acts.

**Prosecution's Submissions**

The prosecution argues that all accused were part of an assembly that had the express intent to disrupt peace and engage in destructive acts, as evidenced by the escalation of the protest into violence. It is contended that the very presence of 'D' and 'E' at the scene, in close proximity to the violent acts and as part of the assembly, makes them complicit under Section 149 of the IPC, which implicates members of an unlawful assembly in the acts executed by any of its members.

**Defence's Submissions**

The defence for 'D' and 'E' insists that their intent was solely to participate in a peaceful demonstration against the municipal policy and that they had no knowledge of or contribution to the planning of any violent acts. They emphasise the absence of direct evidence showing 'D' and 'E' engaging in or inciting violence, supported by video evidence and witness testimonies. The defence argues that without clear proof of shared intent to engage in violence, 'D' and 'E' cannot be held guilty merely by association.

**Evidence and Analysis**

Video Footage (Section 65B of the Indian Evidence Act): The footage submitted shows 'D' and 'E' within the vicinity of the incident but does not capture them participating in the violence. This is pivotal in assessing their individual culpability.

Witness Testimonies (Sections 134 and 138 of the Indian Evidence Act): Several protesters corroborated that 'D' and 'E' were passive during the incidents of violence. Their presence at the location was not accompanied by violent actions or encouragement thereof.

**Legal Principles Applied**

Section 141 IPC defines an unlawful assembly. The court must determine if 'D' and 'E's presence constituted agreement to the common object.

Section 149 IPC implicates all members of an unlawful assembly in the acts committed by any members thereof if such acts were known to be likely.

**Conclusion**

Upon review of the evidence and arguments presented, this court finds a distinction in the level of involvement among the accused. While 'A', 'B', and 'C' are clearly shown to partake in violent actions, the prosecution has not established beyond a reasonable doubt that 'D' and 'E' shared the common object of the assembly to commit violence.

**Order**

'A', 'B', and 'C' are adjudged Guilty and will be sentenced accordingly. 'D' and 'E', however, are found Not Guilty and are acquitted of the charges under Sections 143, 145, 147, and 149 of the IPC.

Delivered by:  
[Insert Judge's Name]

**De Facto IAS**  
Criminal Law Judgement Writing

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[Insert Judicial Title]

[Insert Date of Judgement]

