

IN THE COURT OF JUDICIAL MAGISTRATE OF THE FIRST CLASS-I,
CHERTHALA

Present:-Smt. Sherin K George, Judicial Magistrate of the First Class-I
Dated this the 26th day of March, 2026

C. C. No.295/2023

Complainant : State-represented by Sub Inspector of
Police, Cherthala police station in Crime
No.1440/2014.

[By APP, Cherthala-I]

Accused : Prasanth M (custody)
(By Adv. Sri. K B Harshakumar)

Offences : under sections 406 and 420 of IPC

Plea : Not guilty

Finding : Not guilty

Sentence/order : Accused is acquitted under section
248(1) of Cr.P.C.

DESCRIPTION OF ACCUSED

Sl. No.	Name	Father's/ Husband's name	Occupation	Residence	Age
1	Prasanth M	Madhava Vadhayar	...	Hari Ohm Nivas, Mayithara, Cherthala.	37/ 2014

DATE OF: -

Occurrence	Complaint	Appearance	Released on bail	Commence- ment of trial	Close of trial	Sentence or order
11/04/2005	04/06/2024	22/03/2023	custody	26/02/2026	26/03/2026	26/03/2026
Service of copy of judgment or finding			Explanation for delay.			
....					

This case having been finally heard and this day the court
delivered the following:

J U D G M E N T

The accused stands facing trial for the offences punishable under sections 406 and 420 of IPC charge sheeted by the Sub Inspector of Police, Cherthala Police Station in crime No.1440/2014.

2. The gist of the prosecution case is as follows:-With an intention to cheat CW1, on 11/04/2005, the accused forced to take loan of Rs.1,00,000/- from Dhanalekshmi Bank, Ernakulam and he has not remitted the said amount. Thereby, the accused is alleged to have committed the above said offences.

3. Initially Final Report was filed before the court and the case was taken on file as **C.C.No.972/2014**. Cognizance was taken for the offences punishable under sections 406 and 420 of IPC. Later, accused was absconding and case against him is transferred to L.P.register as L.P.No.35/2017. On 22/03/2023, accused was arrested and produced before the court and case was refiled as **C.C.No.295/2023 and** he was remanded to judicial custody. On 13/04/2023, accused was granted bail but not executed the same. Accused is still in judicial custody. Copies of all relevant records were furnished to him and thereby mandate under Section 207 Cr.P.C. was complied with. After hearing on framing of charge, charge under sections 406 and 420 of IPC was framed, read over and explained to him to which he pleaded not guilty and claimed to be tried.

4. From the side of prosecution, PW1 was examined and marked Exbt.P1. Since there was no incriminating circumstances against the accused, examination of accused under section 313(1)(b) of Cr.P.C. was dispensed with.

5. Heard both sides. Perused the records.

6. The points that arise for consideration are:

1. Whether the prosecution could prove that the accused, committed the offence under section 406 of IPC?
2. Whether the prosecution could prove that the accused, cheated PW1 and thereby committed the offence under section 420 of IPC?
3. If found guilty, order as to sentence?

7. **Point Nos.1 and 2:-**For the sake of convenience, these points are considered together. The informant was examined as PW1. PW1 deposed before the court that he had given a statement to the police regarding the same. Through him, Exbt.P1 First Information Statement got marked. PW1 further deposed that he has no complaint against the accused. Since PW1 turned hostile to the prosecution, the learned Asst. Public Prosecutor gave up the examination of remaining witnesses in the case and he is justified in doing so. From discussion, I am of the view that, the prosecution failed to adduce any evidence to link the accused with the offence in any manner so as to establish the guilt of the accused. Hence, point Nos.1 and 2 are found against the prosecution.

8. **Point No.3:**-In view of my finding on point Nos.1 and 2, this point does not arise for consideration. Hence, the accused is found not guilty for the offences punishable under section 406 and 420 of IPC and he is acquitted under section 248(1) of Cr.P.C.

In the result:

Accused is acquitted under section 248(1) of Cr.P.C. for the offences punishable under sections 406 and 420 of IPC and he is set at liberty. Accused shall be released forthwith from custody if his continued custody is not necessary with respect to any other case.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 26th day of March, 2026.

Sherin K George,
Judicial Magistrate of the First Class-I,
Cherthala.

APPENDIX

Witnesses for Prosecution:

PW1 : Sajimon

Exhibits for Prosecution:

P1 : First Information Statement marked through PW1

Defence witness: Nil

Defence exhibit: Nil

Sherin K George,
Judicial Magistrate of the First Class-I,
Cherthala.