

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 11<sup>th</sup> day of March, 2026

**C. C. No.1008/2023**

Complainant : State-represented by Sub Inspector of  
Police, Cherthala police station in Crime  
No.962/2023.  
[By APP, Cherthala-I]

Accused : Shameer  
(By Adv. Sri. P S Jyothis)

Offences : under sections 406, 419 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	Shameer	Subair	...	Velamparambu House, CMC 4, Cherthala, P.O.	38/ 2023

**DATE OF: -**

Occurrence	Complaint	Appearance	Released on bail	Commence- ment of trial	Close of trial	Sentence or order
14/02/2023	05/08/2023	10/07/2023	14/11/2023	30/09/2023	11/03/2026	11/03/2026
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, 419 and 420 of IPC charge sheeted by the Sub Inspector of Police, Cherthala Police Station in crime No.962/2023.

2. The gist of the prosecution case is as follows:-The accused, pretending to be a police officer, approached the driver of vehicle number KL 08-BZ-6242 with the intention of cheating him and taking his mobile phone. He told the driver that his own mobile phone battery had run out and convinced him to stop the vehicle around 8 p.m., saying he needed to go to the station immediately. He then asked for the driver's mobile phone to take a photo of a file in his possession. After receiving the phone, the accused got out of the vehicle and ran away, thereby deceiving the first witness. Thereby, the accused is alleged to have committed the above said offences.

3. Final Report was filed before the court and the case was taken on file as **C.C.No.1008/2023**. Cognizance was taken for the offences punishable under sections 406, 419 and 420 of IPC. Accused appeared before the court and he was enlarged on bail. 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, 419 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 to PW5 were 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, committed the offence under section 419 of IPC?
3. Whether the prosecution could prove that the accused, cheated PW1 and thereby committed the offence under section 420 of IPC?
4. If found guilty, order as to sentence?

7. **Point Nos.1 to 3:-**For the sake of convenience, these points are considered together. The informant was examined as PW5. PW5 deposed before the court that his mobile phone lost in the incident but he does not remember whether he gave a statement to the police. Through him, Exbt.P1 Property list got marked. PW1 to PW3 turned

adverse to the prosecution by deposing that they did not witness the incident. Since PW1 to PW5 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 to 3 are found against the prosecution.

8. **Point No.4:**-In view of my finding on point Nos.1 to 3, this point does not arise for consideration. Hence, the accused is found not guilty for the offences punishable under section 406, 419 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, 419 and 420 of IPC. Bail bond executed by the accused stands cancelled and he is set at liberty.

*Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 11<sup>th</sup> day of March, 2026.*

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

**APPENDIX**

**Witnesses for Prosecution:**

PW1 : Sajeesh  
PW2 : Ameer  
PW3 : Govindaraj  
PW4 : Ramees  
PW5 : Vilas

**Exhibits for Prosecution:**

P1 : Property list marked through PW5

**Defence witness:** Nil

**Defence exhibit:** Nil

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