

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-1
HARIPAD**

Present: Smt. Drisya Balakrishnan, Judicial First Class Magistrate

Dated this the 24th day of March 2026

CALENDAR CASE. No. 1104/2023

Complainant	:	State represented by the Sub Inspector of Police, Thrikkunnappuzha Police Station in Crime No. 488/2023 <i>(By Priya Rachel Abraham, APP Grade I, Haripad)</i>
Accused	:	1.Akshay Kumar 2.Mahi <i>(By Advocate Sri.K.Gopakumar)</i>
Charge	:	Offences punishable U/Ss. 394 r/w 34 of Indian Penal Code, 1860.
Plea	:	Not guilty
Finding	:	Not guilty
Sentence	:	Accused nos 1 and 2 are found not guilty of offences punishable U/Ss. 394 r/w 34 of Indian Penal Code, 1860 and they are acquitted u/s.248(1) Cr.PC.

Description of accused:-

Sl. No.	Name of Police Station and the Crime No. of the offence	Name	Father's Name	Occupation	Residence	Age
1	Thrikkunnappuzha Police Station in Crime No. 488/2023	Akshaykumar	S/o Santhosh Kumar		Santhosh bhavanam, Nallanickal muri, Arattuppuzha Village	22/23

2	- do -	Mahi	S/o Shiju		Mahi bhavanam veedu, Nallanickal muri, Arattuppuzha Village	24/23
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Date of

Occurrence	Complaint	Apprehension	Release on bail	Commitment	Commencement of trial	Close of trial	Sentence of order	Service of copy of judgment or finding on accused	Expln. of delay
22.7.2023	18.11.2023	4.8.2023	4.8.2023	NA	1.3.2025	24.03.2026	24.03.2026	-	-

This case having been finally heard on today the court on the same day delivered the following :-

J U D G M E N T

1. This case arose on the final report filed by the Sub Inspector of Police, Thrikkunnappuzha in Crime No.488/2023 of his police station. The offences alleged are punishable u/ss 394 r/w 34 of the Indian Penal Code ,1860.
2. The case of the prosecution is the following: On 22.07.2023 at 6.30 p.m. in front of 'Padmalayam House' situated at Thrikkunnappuzha - Valiyazheekal public road the accused nos 1 & 2 in furtherance of their common intention to commit offence who were travelling in motor vehicle bearing registration number KL 24 G 6980 the 2nd accused who is the pillion rider accused forcefully snatched away 3.5 sovereign gold chain and voluntarily caused hurt to her. Thereby the accused had committed offence punishable U/s 394 r/w 34 of the Indian Penal Code,1860.

3. Pursuant to the filing of the final report cognizance was taken for the offences punishable U/ss 394 r/w 34 of the Indian Penal Code,1860. The accused were enlarged on bail and defended by a counsel of their own choice. The accused was given copies of the relevant prosecution records in due compliance of s.207 Cr.P.C. After brief hearing the learned Assistant Public Prosecutor and the counsel for the accused on charge, charge punishable U/ss 394 r/w 34 of the Indian Penal Code,1860 was framed, read over and explained to them, to which they pleaded not guilty. The prosecution has examined PWs 1 to 4 and got marked Exhibits P1 to P5 to prove its case. The accused were examined u/s 313(1) (b) of the Cr.P.C with reference to the incriminating circumstances appeared against him in evidence. He denied all such evidence and reiterated innocence. No evidence was adduced from the side of defense .
4. Heard both sides.
5. The points arise for consideration are:
 1. Whether the accused persons in furtherance of their common intention to commit offence on 22/07/2023 at 6.30 p.m. committed robbery by forcefully snatching away the gold chain from the neck of the defacto complainant and voluntarily caused hurt to her and is liable to be punished u/s 394 of the Indian Penal Code ,1860?
 2. In the event of finding the accused guilty of any such offence, what shall be the proper punishment?
6. **Point No.1:-**The prosecution relies on the oral testimonies of PW1 who is the victim in this case speak about the incident of gold chain snatching.PW1 deposed that on 22/07/2023 at about 6.30 p.m, two unknown persons attempted to snatch his gold chain. PW1 further deposed that the gold chain was fallen down in the floor and it was recovered later. PW1 identified her signature in Ext P1 FIS. PW2 the husband of PW1 deposed that he came to the spot after

the alleged incident. PW3 is cited as an occurrence witness by the Prosecution but she turned hostile.

7. PW4 the Investigating Officer of this case deposed that on 22/02/2022 while he was working as Sub Inspector, Thrikunapuzha Police Station, on the basis **Ext.P1** statement he had registered the case under **Ext.P2** FIR. Then he visited the place of occurrence and prepared the **Ext. P3** scene mahasar. Thereafter he seized the vehicle used by the accused persons and submitted before this Court as per **Ext. P4** KPF form. The name and address report of the accused persons were marked as **Ext P5**. Thereafter he investigate the case took statement from the witnesses and finally submitted final report before this Court.
8. Let me now deal with each aspect of the prosecution case in seriatim. The Prosecution miserably failed to adduce any evidence to connect the accused persons with the alleged robbery PW1 failed to identify the accused persons before this Court and she had no case that the accused inflicted hurt upon her. The Prosecution failed to prove the case beyond reasonable doubt. In view of the above infirmities in the prosecution evidence I find it unsafe to hold the accused guilty of the offences alleged against him. In the result Point Nos 1 to 3 is found against the prosecution. After hearing both the sides in detail and after a careful appraisal of the oral and documentary evidence, I am of the view that the prosecution has not succeeded in bringing home the guilt of the accused.
9. **Point No:2** : Inevitable consequence of the finding on point number 1 is that the prosecution failed to prove that the accused had committed any of the offences alleged against them. They are liable to be acquitted. In the result, the accused is not found guilty for the offence punishable U/ss 394 r/w of the

Indian Penal Code,1860 and he is acquitted u/s 248(1) Cr.P.C . Interim bond made absolute for the vehicle mentioned in TR 342/2023.

[Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me, in open court, on this the 24th day of March 2026]

Judicial Magistrate of First Class-1
Haripad

APPENDIX

I. List of Prosecution/Defence/Court Witnesses

A.Prosecution witnesses

PW1	Remya	FI statement witness
PW2	Danimon	Occurrence witness
PW3	Veena Devi	Occurrence witness
PW4	Ratheesh Babu D	I.O

B.Defence witnesses: Nil

C.Court witnesses : Nil

II.List of Prosecution/Defence/Court Exhibits

A.Prosecution Exhibits:

1	Ext.P1/PW1	FI statement
2	Ext.P2/PW4	First Information Report
3	Ext.P3/PW4	Scene mahasar
4	Ext.P4/PW4	Property list (TR 342/23)
5	Ext.P5/PW4	Report

B.Defence Exhibits : Nil

C. Court Exhibits: Nil

D. Material objects: Nil

Judicial Magistrate of First Class-1
Haripad