

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

Present:- Smt. Aiswaryarani, Judicial First Class Magistrate - I

Dated this the 30th day of March, 2026.

CC. No. 926/2024

Complainant : State represented by Sub
Inspector of Police, Vallikunnam
Police Station in Crime No.
213/2024
(By APP Sr. Grade, Kayamkulam)

Accused : Jins Thomas, Aged 22/24, S/o. Thomas,
Jeevan Village, Neduvattam Muri,
Pallipad Village.
(By Adv. Pratheesh P Prasad)

Offences : Punishable u/ss. 461 and 380 of the
Indian Penal Code, 1860.

Plea : Not guilty

Finding : Not Guilty

Sentence or Order : Accused is acquitted u/s 248(1)
Criminal Procedure Code, 1973, and he is
acquitted of the said charges as provided
under Section 248(1)Cr.P.C.

Description of accused							
SL No	Name of Police Station	Name of accused	Father's name	Religion	Occupation	Residence	Age
1	Vallikunnam	Jins Thomas	Thomas			Pallipad	22/24
Date of							
Offence	Complaint	Apprehension	Release on bail	Commencement of trial	Close of Trial	Sentence or Order	
23.03.24	23.03.24	25.07.24	08.08.24	24.03.25	30.03.26	30.03.26	

The case having been finally heard on 30.03.26, the court on the same day delivered the following:-

J U D G E M E N T

The Sub Inspector of Police, Vallikunnam Police Station, filed the charge sheet against the accused for the offence punishable under Sections 461 and 380 of the Indian Penal Code, 1860.

2. Prosecution case, in brief, is as follows: On 23.03.2024 at about 4:00 PM, the accused trespassed into the shop owned by the CW1 and stole an amount of approximately Rs. 5,000, which had been kept inside a bag placed in the table drawer of the shop. Thus, the accused committed the above said offences.

3. On filing the Final Report, the case was taken on file and summons was issued to the accused pursuant to which he appeared before the Court. He was enlarged on bail. Copies of the prosecution records was furnished to them. After hearing both sides and perusing the records, charge under Sections 461 and 380 of the Indian Penal Code, 1860 were read over and explained to the accused in Malayalam, to which he pleaded not guilty and claimed to be tried.

4. From the side of the prosecution, witnesses PW1 to PW3 were examined and document Ext. P1 was tendered in evidence and marked. The learned Assistant Public Prosecutor gave up CW4 to CW11 as their evidence would not improve the prosecution case.

5. After the prosecution witness was examined since no circumstances appeared against the accused, the examination of the accused under Section 313(1)(b) of the Code of Criminal Procedure, 1973 was dispensed with. The accused was called upon to enter their defence. However, no oral or documentary evidence was adduced from the side of the defence.

6. Heard both sides and perused the records.
7. The following points arise for consideration:-
 1. *Whether the accused committed theft on 23.03.2024 at about 4:00 PM?*
 2. *Whether the accused open the table drawer on 23.03.2024 at about 4:00 PM?*
 3. *What is the order or sentence if found guilty and convicted?*
8. **Point Nos. 1 and 2:-** For the sake of convenience and brevity and to avoid repetition of facts, these points are considered together.
9. PW1, the author of Ext. P1, FIS deposed that he does not remember the incident. PW2 deposed that he does not know of the incident, and that he has not given any statement to the police. PW3 testified that PW1 is my husband's father, and he does know the incident, and he has not given any statement to the police. In view of the testimony of PW1 to PW3, the learned Assistant Public Prosecutor gave up the remaining witnesses, CW4 to CW11, as their evidence would not improve the prosecution case.
10. The witness examined by the prosecution did not support the prosecution's version. Resultantly, the facts necessary to prove the actus reus of the accused are not brought forth. The ingredients to satisfy the offences in question are not proved.
11. Furthermore, it is seen that there is nothing on record to show either the involvement or complicity of the accused in the alleged crime. The witness could not identify the accused and there is nothing on evidence to inculcate the accused. The involvement or the complicity of the accused in the alleged crime is also not proved. Therefore, the prosecution has not proved that accused committed the offences punishable under Sections 461 and 380 of the Indian Penal Code, 1860.

12. **Point No. 3:** In the light of the discussion in point numbers 1 and 2, the accused is found not guilty of the offences under Sections 461 and 380 of the Indian Penal Code, 1860.

13. In the result, the accused is acquitted of the said offence under Section 248(1) of the Code of Criminal Procedure, 1973. He is set at liberty and their sureties are discharged.

14. TR 163/24, already being released on interim custody, such custody shall be made final, after the period of appeal or revision, and if such appeal or revision is preferred, after the disposal of the same. TR 334/24, being valueless, shall be destroyed, after the period of appeal or revision, and if such appeal or revision is preferred, after the disposal of the same.

(Dictated to the C.A, transcribed by her, corrected and pronounced by me in the open court on this, the 30th day of March, 2026)

Sd/-
Judicial First Class Magistrate-I

A P P E N D I X

WITNESSES EXAMINED FOR PROSECUTION:

Prosecution witness No.	Name of Witness	Description
PW1	Varghese	Eye Witness
PW2	Achuthan	Eye witness
PW3	Lissa	Eye witness

EXHIBITS MARKED FOR PROSECUTION:-

Exhibit No.	Description of the Exhibit	Proved by/Attested by
-------------	----------------------------	-----------------------

P1	FIS dated 23.03.24	PW1
----	--------------------	-----

WITNESS AND EXHIBIT FOR DEFENCE: Nil

Sd/-

Judicial First Class Magistrate - I