

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, RAMANKARY

Present:-Sri. Arun Kumar P, Judicial First Class Magistrate

Dated, this day the 16th day of May, 2026**C.C.No. 624/2024**

Complainant : State-represented by the Sub Inspector of Police, Ramankary Police Station in crime no. 539/2023
(By A P P- Ramankary)

accused are : A1. Jerrin Joy
A2. Jackson Joy
A3. Jaison Arackal Joy
(By Adv. Jacob George)

Offence : U/ss. 420 r/w 34 of Indian Penal Code.
Plea : Not guilty
Finding : Not guilty.
Sentence or order : Accused are acquitted u/s 248 (1) Cr.PC and are set at liberty.

DESCRIPTION OF THE ACCUSED:-

Sl. No	Accused	Father's name/Husband name	Occupation	Residence	Age
1	Jerrin Joy	Joy Devasya		Arackal Veedu, Cheranelloor Temple road, Cheranelloor Ward 11, Cheranelloor Village, Ernakulam	44/ 24
2	Jackson Joy	Joy Devasya		Arackal Veedu, Cheranelloor Temple road, Cheranelloor Ward 11, Cheranelloor Village, Ernakulam	41/ 24

3	Jaison Arackal Joy	Joy Devasya		Arackal Veedu, Cheranelloor Temple road, Cheranelloor Ward 11, Cheranelloor Village, Ernakulam	43/ 24
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DATE OF:-

Offence	Complaint	Appearance	Release on bail.	Commence- ment of trial	Close of trial	Sentence or Order.
17.01.2022 - 29.07.2023	29.07.2023	02.12.2025	02.12.2025	21.01.2026	13.05.2026	16.05.2026

This case coming on this day for consideration, the court on the same day delivered the following:

J U D G M E N T

This is a case charged by Sub Inspector of police, Ramankary in crime no. 539/2023 against the accused are alleging commission of offences punishable under sections 420 r/w 34 of Indian Penal Code.

2. ***The prosecution case in brief as follows:-*** Accused persons, with the intention and knowledge of cheating and dishonestly inducing the informant Binu Kuriyakose, causing wrongful loss to him and wrongful gain to the accused, during the period from 17/01/2022 to 29/07/2023 at places including Veliyanad and Chingavanam, obtained an amount of Rs. 6,60,000/- in the name of a company called RINGS PROMOS PVT. LTD. by offering franchise opportunities for conducting business in fish, meat, and daily essential commodities through rented shop rooms, and thereafter failed to open the shop or return the money till date.

Hence the accused are alleged to have committed the offenses under sections 420 r/w 34 of Indian Penal Code.

3. On submission of charge sheet by the investigating officer, cognizance was taken for the offence punishable u/s.420 r/w 34 of Indian Penal Code, 1860 against the accused and the case was taken on file as CC. 624/2024. On issuance of summons the accused were entered appearance and they were represented by a counsel. Copies of relevant records of prosecution case were furnished to them and thereby mandate u/s.207 of Cr.PC was duly complied with. Charge of the offence punishable u/s. 420 r/w 34 of Indian Penal Code, 1860 and it was framed and read over to the accused persons to which they pleaded not guilty and claimed to be tried.

4. From the side of prosecution, one witness was examined as PW1 and one document was marked as Ext.P1. Since the remaining witnesses will not improve the prosecution case, they were rightly given up by the learned Assistant Public Prosecutor.

5. As there is no incriminating evidence appeared against the accused are person, hence the examination u/s.313(1)(b) of Cr.PC is dispensed with.

6. No defence evidence.

7. Heard the learned Assistant Public Prosecutor and the learned counsel for the accused are.

8. **The points that arise for determination are:-**

1. *Whether accused persons had deceived PW1- Binu Kuriyakose and dishonestly dishonestly attained money and thereby committed offence punishable under section 420 r/w 34 v of Indian Penal Code?*
2. *What is the order as to sentence, if any, to be passed against the accused are?*

9. **Point No.1 .:-** .PW1 – Binu Kuriyakose is the informant and he deposed that he lost money in the alleged incident. He deposed that he had given 2 cheques to the accused persons for the purpose of taking franchisees. But he had turned hostile to the prosecution by deposing that he did not remember to whom he had handed over the money. He deposed that the matter is settled between the parties. He had identified his signature in Ext. P1 First Information Statement. He deposed that he is not interested in continuing the case. He denied that he is giving false statement before the court. Hence, his evidence is not helpful to the prosecution.

10. Since the examination of remaining witnesses will not improve the prosecution case, they were rightly given up by the learned APP.

11. The learned APP is fair enough to concede that the available materials on record are not sufficient to bring home the guilt of the accused are persons. From the materials submitted by the prosecution and oral evidence of the witnesses, I find

that the prosecution had miserably failed to establish the offences alleged against the accused persons. Hence, the points are found against the prosecution.

12. **Point No.2:-**From point no.1, it is found that the accused had not committed the offences alleged against them and hence they are not found guilty of offence punishable u/s. 420 r/w 34 of Indian Penal Code, 1860 alleged against them. Hence, they are acquitted for the aforesaid offence u/s.248 (1) of Cr.PC. The bail bond of accused are stands cancelled and they are set at liberty.

Dictated to the Confidential Assistant transcribed by her, corrected and pronounced by me in open court on this the 16th day of May, 2026.

sd/-
Judicial first Class Magistrate

APPENDIX

WITNESSES FOR PROSECUTION:-

PW1.Binu Kuriyakose

EXHIBITS FOR PROSECUTION:-

P1. First Information Report dated 229.07.2023 proved through PW1 on

WITNESSES FOR DEFENCE:-Nil

EXHIBITS FOR DEFENCE:- Nil

MATERIAL OBJECT:- Nil

sd/-
Judicial First Class Magistrate