

**IN THE COURT OF THE JUDICIAL I CLASS MAGISTRATE,  
KOLENCHERRY**

**Present : Smt. Jaicy Augustine  
Judicial 1<sup>st</sup> Class Magistrate  
Tuesday the 2<sup>nd</sup> day of June, 2026 /12<sup>th</sup> Jyaishta, 1948**

**CC No 680 of 2025**

Complainant : State represented by the Sub Inspector of Police,  
Puthencruz Police Station  
(Crime No. 717/24 of Puthencruz Police Station.)  
**(By A.P.P. Kolenchery)**

Accused :A1 Althaf, S/o Najeeb, age 28/25  
Karithara House, Vazhoor, Manimala P.S.,  
Kottayam.

A2 Joy Joseph, S/o Joseph, age 57/25,  
Kollakkad House , Poovarani Desam,  
Kottayam, Kottayam East P.S **(In Custody)**  
(By Adv. C P Thomas (Legal Aid Counsel) for A2)

offence : Under section 331(4), 334(1), 305, 3(5) of BNS.

Plea : A2 pleaded guilty

Finding : A2 found guilty

Sentence/  
Order a) The second accused is hereby convicted by exercising the powers  
u/s 264 BNSS for the offence punishable under section 331(4),  
334(1), 305, 3(5) of BNS.

b) The second accused is sentenced for the offences punishable  
under section 331(4), to undergo simple imprisonment for eight  
months and one week and to pay a fine of ₹ 7,000/- (Rupees  
Seven Thousand only) to be paid as compensation to the defacto  
complainant and for the offence under 334(1) to undergo simple  
imprisonment for eight months and one week and for offence  
under section 305 to undergo simple imprisonment for eight  
months and one week and to pay a fine of ₹ 7,000/- (Rupees  
Seven Thousand only) to be paid as compensation to the defacto  
complainant . In default of payment of fine he shall also undergo  
simple imprisonment for 10 days each. Sentence shall run  
concurrently.

c) The second accused is entitled to get set off under Section 468 of  
BNSS from 29.09.2025 till 02.06.2026 (today) as against  
substantive sentence.

- d) The case against first accused is split up and refiled as CC CC No.750 of 2025.

### **DESCRIPTION OF THE ACCUSED**

| Name       | Age   | Father's Name | Calling | Residence                                                                            | Taluk |
|------------|-------|---------------|---------|--------------------------------------------------------------------------------------|-------|
| Althaf     | 28/25 | Najeeb        | -       | Karithara House, Vazhoor, Manimala P.S., Kottayam.                                   | -     |
| Joy Joseph | 57/25 | Joseph        | -       | Kollakkad House , Poovarani Desam, Kottayam, Kottayam East P.S ( <b>In Custody</b> ) | -     |

### **DATES OF**

| Offence        | Complaint       | Apprehension / Appearance           | Release on bail                   | Commencement of trial |
|----------------|-----------------|-------------------------------------|-----------------------------------|-----------------------|
| 10.07.2024     | 12.12.2025      | A1 on 12.07.2024 & A2 on 29.09.2025 | A1 on 23-09-2024<br>A2 in Custody | A2 on 02.06.2026      |
| Close of trial | Sentence/ Order | Served copy of judgment on accused  | Explanation of delay              |                       |
| 02.06.2026     | 02.06.2026      | 02.06.2026                          | NIL                               |                       |

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

### **J U D G M E N T**

1. This is a case charge sheeted by the Sub Inspector of Police, Puthencruz Police Station in Crime No: 717/24 of Puthencruz Police Station against the accused alleging offence punishable under section 454, 380 of the Indian Penal Code.
2. **The Prosecution Case:-** The accused, in furtherance of their common intention to commit theft at 00:30 a.m. on 10.07.2024, criminally trespassed into the office room of Thiruvallukunnathu Sree Mahadeva Temple situated at Pankode Kara of Aikkaranadu North Village by break opening the locks of the office room and committed theft of a hand bag with ₹ 15,000/- (Rupees Fifteen Thousand only) kept inside the bag and ₹ 800/- (Rupees Eight Hundred only) which was kept in a steel bowl on the table of office room and thereby committed worth ₹ 15,800/- (Rupees Fifteen Thousand Eight Hundred only) Therefore the prosecution.

3. On the basis of the first information statement provided by the defacto complainant Krishnakumar, Puthencruz Police registered Crime No. 717/24 under section 331(4), 334(1), 305, 3(5) of BNS. The first accused was arrested and produced before the court on 12.07.2024 and remanded to judicial custody. Subsequently he was released on bail on 23.09.2024. In pursuance to the summons, first accused did not appear upon process and warrant issued. The formal arrest of second accused was conducted on 29.09.2025 and he was remanded to judicial custody. Since then he is in judicial custody.
4. After completion of the investigation, final report was filed under section 173(2) of the Code of Criminal Procedure and the cognizance was taken for the offence punishable under sections 331(4), 334(1), 305, 3(5) of BNS. Thus the case was taken on file as C.C.No 680 of 2025. Since the second accused is not represented by a counsel of his own choice, a legal aid counsel was appointed. When the second accused produced on production warrant from Special Sub Jail, Poojappura via video conference on 06.03.2026, after serving the copies of the prosecution records and after hearing both sides, the charge was framed u/s. 251 BNSS alleging offence punishable under Sections 331(4), 334(1), 305, 3(5) of BNS. The charge was read over and explained to the second accused and he pleaded not guilty and claimed to be tried and the accused was remanded to judicial custody. Since then he has been in judicial custody. Thereafter, on 02.06.2026 when the accused was produced via video conferencing, he requested to read over the charge against him once more by expressing his intention to withdraw from his claim to face trial. He also submitted that earlier, when charge was read over, he did not properly understand the same and hence the did not plead guilty. The accused also expressed his intention to plead guilty now and the charge was read over and explained to the accused once more today. Then the accused pleaded guilty. Sufficient reflection time was given to the accused and a warning was also given to the accused regarding the consequence of such a plea. But the accused preferred to stick on his plea. Since the plea is voluntarily in nature the same is accepted. Accordingly, the

accused is found guilty for the offences punishable under Sections 331(4), 334(1), 305, 3(5) of BNS. Considering the nature of the offence, the accused is not entitled to get the benefit of the benevolent provisions of the Probation of Offenders Act, 1958. Heard on sentence. Accused pleaded for mercy.

**In the result:-**

- a) The second accused is hereby convicted by exercising the powers u/s 264 BNSS for the offence punishable under section 331(4), 334(1), 305, 3(5) of BNS.
- b) The second accused is sentenced for the offences punishable under section 331(4), to undergo simple imprisonment for eight months and one week and to pay a fine of ₹ 7,000/- (Rupees seven Thousand only) to be paid as compensation to the defacto complainant and for the offence under 334(1) to undergo simple imprisonment for eight months and one week and for offence under section 305 to undergo simple imprisonment for eight months and one week and to pay a fine of ₹ 7,000/- (Rupees seven Thousand only) to be paid as compensation to the defacto complainant . In default of payment of fine he shall also undergo simple imprisonment for 10 days each. Sentence shall run concurrently.
- c) The second accused is entitled to get set off under Section 468 of BNSS from 29.09.2025 till 02.06.2026 (today) as against substantive sentence.
- d) The case against first accused is split up and refiled as CC No.750 of 2025.

(Dictated to the confidential assistant, transcribed and prepared in computer, corrected by me and pronounced in open Court on this the 2<sup>nd</sup> day of June, 2026.).

**Jaicy Augustine**  
**Judicial First Class Magistrate**  
**Kolenchery**

APPENDIX

Nil

**Judicial First Class Magistrate**  
**Kolenchery**

**TABULAR FORM AS PER RULE 132 OF THE CRIMINAL RULES OF PRACTICE**

|                        |                                                                                                             |                                                                                    |       |
|------------------------|-------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|-------|
| 1                      | Serial Number                                                                                               | CC 680/2025                                                                        |       |
| 2                      | Name of the Police Station and the Crime No. of the offence                                                 | Puthencruz Police Station<br>Crime No.717/24                                       |       |
| Description of accused |                                                                                                             |                                                                                    |       |
| 3                      | 4                                                                                                           | 6                                                                                  | 7     |
| Name (and Rank)        | Father's Name                                                                                               | Residence                                                                          | Age   |
| Althaf (A1)            | Najeeb                                                                                                      | Karithara House, Vazhoor, Manimala P.S., Kottayam.                                 | 28/25 |
| Joy Joseph(A2)         | Joseph                                                                                                      | Kollakkad House , Poovarani Desam, Kottayam, Kottayam East P.S <b>(In Custody)</b> | 57/25 |
| Date of                |                                                                                                             |                                                                                    |       |
| 8                      | Occurrence                                                                                                  | 10.07.2024                                                                         |       |
| 9                      | Complaint                                                                                                   | 12.12.2025                                                                         |       |
| 10                     | Apprehension                                                                                                | A1 on 12.07.2024 & A2 on 29.09.2025                                                |       |
| 11                     | Release on bail                                                                                             | A1 on 23-09-2024<br>A2 in custody                                                  |       |
| 12                     | Comitment                                                                                                   | -                                                                                  |       |
| 13                     | Commencement of trial                                                                                       | 02.06.2026                                                                         |       |
| 14                     | Close of trial                                                                                              | 02.06.2026                                                                         |       |
| 15                     | Sentence or order                                                                                           | 02.06.2026                                                                         |       |
| 16                     | Service of copy of judgment or finding on accused                                                           | 02.06.2026                                                                         |       |
| 17                     | Explanation of delay                                                                                        | nil                                                                                |       |
| 18                     | Period of detention undergone during investigation, inquiry or trial for the purpose of Section 428 Cr.P.C. | A2 from 29.09.2025 till 02.06.2026                                                 |       |

**Judicial First Class Magistrate  
Kolenchery**