

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF FIRST CLASS
CHOTTANIKKARA**

Present:- Sri. Krishna Prabhan.R, Judicial Magistrate of First Class, Chottanikkara

Friday, 05th day of June, 2026 / 15th day of Jyaishta, 1948

CC 331/2025

Complainant : State represented by the Sub Inspector
of Police, Ambalamedu in Cr.No.
356/2025

(By APP, Chottanikkara)

Accused : Kunjumon.C.B, Age:48/25, S/o.Thankamma,
Kochuparambil House, 491, Clint Road,
Ambalamedu.P.O, Puthencruz Village, Ernakulam.
(In custody)

Offences : u/s. 331(3) and 305(a) and 238 of the Bharatiya
Nyaya Sanhita, 2023.

Plea : Guilty

Finding : Guilty

Sentence or Order : Accused is sentenced to undergo simple imprisonment
for six months and to pay fine of Rs.1,000/- for the
offence u/s. 331(3) of the Bharatiya Nyaya Sanhita,
2023. In default of payment of fine, the accused shall
undergone simple imprisonment for five days.
Accused is sentenced to undergo simple imprisonment
for six months and to pay fine of Rs.1,000/- for the
offence u/s.305(a) of the Bharatiya Nyaya Sanhita,
2023. In default of payment of fine, the accused shall
undergone simple imprisonment for five days.
Accused is further sentenced to undergo simple
imprisonment for six months for the offence u/s.238 of
the Indian Penal Code. Set off is allowed and the
sentences shall run concurrently.

Description of Accused

Name	Age	Father's/ Husband's name	Calling	Residence	Taluk
Kunjumon.C	48/25	Thankamma	-	Ambalamedu	--

Dates of

Occurrence	Complaint	Apprehension	Release on bail	Commence ment of trial	Close of trial	Sentence or order
21.06.25	10.01.25	22.06.25	custody	05.06.26	05.06.26	05.06.26

This case having been finally heard on this day, the Court delivered the following:-

J U D G M E N T

1. This is a case instituted on a police report filed by the S.I of Police, Ambalamedu police station in Crime No. 356/25 alleging that the accused had committed the offences punishable u/s.331(3) and 305(a) and 238 of the Bharatiya Nyaya Sanhita, 2023.
2. **The case of the prosecution in nutshell is as follows:-** On 21.06.2025, at about 6:55 a.m., at Karuvayalithazham near Puthencruz, the accused committed house-breaking during the night and committed theft of a mobile phone valued at ₹20,000 belonging to CW1. Thereafter, the accused caused the disappearance of evidence by concealing the stolen mobile phone at an unknown location. Thus, the accused committed the aforesaid offences.
3. Accused was produced before the court and copies of all relevant records

furnished to him. After complying section 207 Cr.P.C and after preliminary hearing, charge for the offences u/s. 331(3) and 305(a) and 238 of the Bharatiya Nyaya Sanhita, 2023. was framed, read over and explained to the accused to which he pleaded guilty.

4. The points that arise for determination are:-

- 1) Whether on 21.06.2025 at 06.55 a.m. at Karivelithazham near Puthencruz, accused committed house breaking by night in order to commit an offence as alleged?
- 2) Whether on the same date and at the time and place, accused committed theft of a mobile phone which belonged to CW1 from his house as alleged?
- 3) Whether accused caused disappearance of evidence as alleged?
- 4) In the event of conviction, what is the sentence to be awarded upon the convicted accused?

5. **Point No. 1:** Today accused submitted that he is ready to plead guilty. Consequence of pleading guilty was explained to him and he expressed willingness. I am satisfied that the plea has been made voluntarily and hence the plea is accepted. By considering the plea of the accused and on perusal of prosecution records, the accused is found guilty for the offences u/s. 331(3) and 305(a) and 238 of the Bharatiya Nyaya Sanhita, 2023 and convicted thereunder. Considering the facts and circumstances of the case, I am of the opinion that this is not a fit case to invoke the benevolent provisions of Probation of Offenders Act. Will heard both sides on

question of sentence.

**Sd/-
Judicial Magistrate of First Class,
Chottanikkara**

1. Heard. On perusal of the available materials, it can be seen that maximum sentence is not necessary. Accused is sentenced to undergo simple imprisonment for six months and to pay fine of Rs.1,000/- for the offence u/s. 331(3) of the Bharatiya Nyaya Sanhita, 2023. In default of payment of fine, the accused shall undergone simple imprisonment for five days. Accused is sentenced to undergo simple imprisonment for six months and to pay fine of Rs.1,000/- for the offence u/s.305(a) of the Bharatiya Nyaya Sanhita, 2023. In default of payment of fine, the accused shall undergone simple imprisonment for five days. Accused is further sentenced to undergo simple imprisonment for six months for the offence u/s.238 of the Indian Penal Code. Set off is allowed and the sentences shall run concurrently.

Dictated to the Confidential Assistant transcribed and typed by her, corrected by me and pronounced in the open Court on this day, the 05th day of June, 2026.

**Sd/-
Judicial Magistrate of First Class
Chottanikkara**

APPENDIX

<u>Witnesses examined for the prosecution</u>	:	Nil
<u>Exhibits marked for the prosecution</u>	:	Nil
<u>Witnesses examined for the defence</u>	:	Nil
<u>Exhibits marked for the defence</u>	:	Nil

5

Material objects marked

: Nil

Sd/-

**Judicial Magistrate of First Class
Chottanikkara**

// True Copy //