

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE ,
KUNNAMANGALAM**

Present: Smt. Athira M.

JUDICIAL FIRST CLASS MAGISTRATE, KUNNAMANGALAM

Dated this the 03rd Day of June 2026

CC 222/2025

Complainant : State represented by the Sub Inspector of Police,
Medical College Police Station,
Crime No.149/2025
(By Smt. Sinya K, APP, Gr.II)

Vs

Accused

1. Ajay M, Aged 24/25
S/o Murukan, Sivabhavan, Kallar, Puthukayil,
Pambanar, Karadikuzhi, Pattumala Estate,
Peerumed, Idukki
2. Muhammed Arafath, Aged 24/25
S/o Aboobacker, Kanjirakkodan, Kallurutty,
Thiruvambady, Kozhikode
3. Adithyan M C, Aged 18/25
S/o Madhu, Pandikottummam, Thiruvambady,
Kozhikode

Offence : U/s. 303(2) 3(5) of BNS

J U D G M E N T

The accused was charge sheeted by the Sub Inspector of Police, Medical College Police Station, in Cr. No. 149/25, for the offence punishable under section 303(2), 3(5) of Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as the BNS).

2. The prosecution case in brief is as follows: On 12-02-25 at about 03:30 P M, the accused in furtherance of their common intention, committed theft of Motor Cycle bearing Reg No KL 57 V 4308 of the defacto

complainant, which was parked in front of the Medical College Super Specialty Hospital Road. Therefore, the accused are said to have committed the offence punishable u/s 303(2), 3(5) of BNS.

3. All together there are three accused. The 2nd accused absconded and non-bailable warrant is pending against him. The 1st accused was arrested and produced before this court on 05-03-25 and since then he is in judicial custody. On completion of the investigation, charge sheet was filed before this court. Upon taking cognizance, the case was taken on file as CC 222/25. On production of the accused, copies of the relevant prosecution records were furnished to him in compliance of Section 230 of the Bharatiya Nagarika Suraksha Sanhita, 2023 (hereinafter referred to as the BNSS). After considering the police report and the documents submitted along with final report and after hearing both sides, on being satisfied that there are sufficient grounds to proceed against the accused, for the offence alleged, charge was framed, read over and explained to the 1st accused for the offences punishable U/s. 303(2), 3(5) of BNS, to which he pleaded not guilty and it was posted for evidence . In the meantime, the 1st accused intended to plead guilty, and filed a petition to that effect stating that he is pleading guilty of the offence charged against him. The consequences of the same was explained to the 1st accused and thereafter the charge framed was again read over to him in the language known to him to which he pleaded guilty.

4. I am satisfied that the plea is made voluntarily and knowing the consequences. Hence, the 1st accused is found guilty u/s. 303(2) of BNS

and he is convicted under section 271(2) of BNSS. Considering the facts and circumstances of the case, I am of the view that this is not a fit case to invoke the benevolent provisions of the Probation of Offenders Act as the accused has criminal antecedents. Hence, the 1st accused is heard on the question of sentence. He pleaded leniency in his sentence and also prayed to allow set off for the term already detained in jail. The offence alleged against the accused is serious in nature. However, considering the period of detention undergone by him, I am of the view that a lenient view can be adopted.

In the result, the 1st accused is sentenced to undergo Simple Imprisonment for a period of two years and fine of Rs.5000/- for the offence punishable u/s 303(2) r/w 3 (5) of the BNS. In default of payment of the fine of Rs. 5000/-, he shall undergo simple imprisonment for a period of one month. The period of detention undergone by the accused shall be allowed to be set off u/s 468 of BNSS. The property in PR No. 236/25, is retained. Case against other accused is split up and refiled as CC 469/25.

(Pronounced by me in open court, this the 03rd June, 2026.)

Judicial First Class Magistrate,
Kunnamangalam.

