

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

Present: Sri. Ajikrishnan S, Judicial First Class Magistrate  
Tuesday, the 28<sup>th</sup> day of April 2026

**C C No.129/2018**

Complainant : State- Rep. by Sub Inspector of Police,  
Koyilandy Police Station,  
in crime No. 544/2003.  
[By Sri. Latheesh M,  
Asst. Public Prosecutor Gr-I, Koyilandy]

Accused : 1. Chandran, S/o Narayanan, aged 28/03,  
Karadiyott (H), Malampuzha,  
Palakkad district.  
2. Raji, S/o Vakkachan, aged 30/03,  
Pullamkunnu (H), Malampuzha,  
Palakkad district.  
[By Adv. L G Lijeesh]

Offence : U/SS. 379 r/w 34 IPC.  
Plea : Not guilty.  
Finding : Not guilty.  
Sentence or order : Both accused are acquitted u/s 271(1) BNSS.

***DESCRIPTION OF THE ACCUSED***

<b>Sl. No</b>	<b>Name</b>	<b>Father's name</b>	<b>Occupation</b>	<b>Residence</b>	<b>Age</b>
1.	Chandran	Narayanan	Farmer	Malampuzha	28/03
2.	Raji	Vakkachan	Farmer	Malampuzha	30/03

***DATE OF:***

<b>Offence</b>	<b>Complaint</b>	<b>Apprehension of accused</b>	<b>Release on bail</b>
08.10.2003	08.10.2003	12.02.2018	12.02.2018
<b>Commencement of trial</b>	<b>Close of trial</b>	<b>Sentence/Order</b>	<b>Explanation of delay</b>
22.09.2025	28.04.2026	28.04.2026	No delay

This case having been finally heard on 28.04.2026, the court on the same day delivered the following:

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

1. The accused are facing trial for the offence punishable under S. 379 r/w 34 of the Indian Penal Code (hereinafter 'IPC'). The final report was filed by the Sub Inspector of Police, Koyilandy police station.
2. **The prosecution case**, in brief, is as follows: at 03.00 am on 08.10.2003, the accused persons, in furtherance of their common intention, committed theft of four sandal trees worth Rs.5000/- from the premises of Sree Pisharikavu temple, Kollam. Hence, the accused are alleged to have committed the aforesaid offence.

### **Prefatory proceedings**

3. Upon filing the final report, the case was taken on file as CC No. 582/2005 against accused Nos. 1 to 3. Case against accused No.1 was disposed of on 30.04.2008 and case against accused Nos. 2 and 3 was split up and refiled as CC No.276/2008. Subsequently, the case was transferred to the register of long pending cases as LP No. 05/2012. When both accused surrendered before this court, the case was refiled as CC No. 129/2018. On appearance of the accused, copies of relevant prosecution records were furnished to them. After hearing, charge was framed for the offence punishable under S. 379 r/w 34 IPC. read over and explained to both accused, and to which they pleaded not guilty.

### **Evidence in the case**

4. From the side of the prosecution, PW1 to PW5 were examined and Exts. P1 to P8 were marked. The material witnesses did not support the prosecution

case. Hence, the learned APP gave up the examination of the remaining witnesses. As there were no incriminating circumstances, questioning of the accused u/S. 351(1) (b) BNSS was dispensed with. No defence evidence was adduced.

5. Heard both sides. Perused the records.

6. **The points arise for consideration** are:

- i. Whether at 03.00 am on 08.10.20023, the accused persons, in furtherance of their common intention, committed theft of four sandal trees worth Rs.5000/- from the premises of Sree Pisharikavu temple, Kollam and thereby committed the offence punishable under S. 379 r/w 34 of IPC?
- ii. If found guilty and convicted, order as to sentence?

7. **Point No. (i)**: PW1 was the Peon of Sree Pisharikavu temple at the relevant time. He deposed that when he came to open the office of the temple, he saw persons gathered in the premises of Pisharikavu temple. He went there and found that four sandal trees were cut and removed by somebody. PW2 was the Security of Pisharikavu temple at the relevant period. He deposed that one sandal tree was found missing from the temple. PW3 and PW4 were the Police Constables of Koyilandy police station at the relevant time. They signed as witnesses in Ext.P1 seizure mahazar. PW5 was the Sub Inspector of Police, Koyilandy police station at the relevant time. He deposed that CW9 Gopi registered Ext. P2 FIR in this case and conducted investigation of the case. He conducted the further investigation. Exts.P2 to P8 were marked through him. Ext.P3 is the first information statement given to the police regarding the alleged incident. Ext.P4 is the scene mahazar. Ext.P5 is the property list prepared for producing the sandal wood before the court.

Ext.P6 is the report to add the name and full address of the accused. Exts.P7 and P8 are the arrest and inspection memos of the accused respectively. CW11 completed the investigation and filed final report.

8. I have considered the evidence adduced and other materials on record. The scrutiny of the evidence adduced would show that there are no eyewitnesses to the incident. PW1 and PW2 deposed that they did not see the alleged incident. The evidence of PW1 and PW2 is not sufficient to prove the role of the accused in committing the alleged offence. There is no evidence or material to connect the accused with the offence alleged. Hence, the prosecution has failed to prove the offence alleged against the accused.

**Point No. (i) is found against the prosecution.**

9. **Point No. (ii):** In view of the findings in point No.(i), this point does not arise for consideration. Both accused are found not guilty of the offence punishable under S. 379 r/w 34 IPC. They are liable to be acquitted of the said offence. The point is found accordingly.

10. **In the result:**

1. Both accused are acquitted under S. 271(1) BNSS of the offence punishable under S. 379 r/w 34 IPC. Their bail bonds stand cancelled, and they are set at liberty.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in the open court on this, the 28<sup>th</sup> day of April 2026).

Judicial First Class Magistrate  
Koyilandy

**APPENDIX****List of Prosecution/Defence/Court Witnesses****Prosecution Witnesses**

<b><u>Rank</u></b>	<b><u>Name</u></b>	<b><u>Whether Eye witness, Expert witness, Medical witness, Other witness</u></b>
PW1 (CW2)	C Venugopalan	Other witness
PW2 (CW3)	Ratnakaran	Other witness
PW3 (CW8)	Abdul Majeed, PC, Koyilandy PS	Other witness-seizure mahazar
PW4 (CW7)	Sreedharan, PC, Koyilandy PS.	Other witness- seizure mahazar
PW5 (CW10)	C D Sreenivasan, SI of Police, Koyilandy PS	Other witness-investigation

**Prosecution Exhibits**

<b><u>Sl. No.</u></b>	<b><u>Exhibit Number</u></b>	<b><u>Description</u></b>
1.	Ext.P1/PW3	Seizure mahazar, dated 15.12.2003.
2.	Ext.P2/PW5	FIR in Crime No.544/2003 , dated 08.10.2003 of Koyilandy PS.
3.	Ext.P3 /PW5	Complaint, dated 08.10.2003.
4.	Ext.P4/PW5	Scene mahazar, dated 08.10.2003.
5.	Ext.P5/PW5	Property list, dated 16.03.2005.
6.	Ext.P6/PW5	Report to add name and address of accused, dated 15.12.2003.
7.	Ext.P7/PW5	Arrest memo, dated 15.12.2003.
8.	Ext.P8/PW5	Inspection memo, dated 15.12.2003.

**Defence Witnesses** -Nil**Exhibits marked for defenc** -Nil**Court Witnesses and Exhibits** -Nil**Material objects marked** -Nil

Judicial First Class Magistrate  
Koyilandy