

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST
CLASS III, KOLLAM.**

Present :- Smt. Dhanya M S., Civil Judge (Junior Division)

Friday 5th day of June 2026 (15th day of Jyaishta 1947)

CALENDAR CASE No. 397/2022

Complainant : State-represented by S I of Police, Kollam West
Police Station in crime No. 554/2022
(By Lekha Kumary, Assistant Public
Prosecutor Gr.I, Kollam)

Accused : 1. Sreejith, Aged 28/2022, S/o. Shashikumar
Sreeshylam, Akshaya Nagar -22, Kureepuzha ward
Kollam West Village.(No more)

3. Maniraj, Aged 47/2022, S/o kallimuthu
Bajani Kovil Street, Natham, Thazhaboor,
Kachipuram, Tamilnadu.
(Represented by Adv. Oachira N Anil Kumar)

Offence : Under sections 380, 411 and 34 of the
Indian Penal Code

Plea : Not guilty

Finding : Not guilty

Sentence or order : The accused no. 3 is found not guilty of the offences punishable under sections 380, 411 and 34 of the IPC and are acquitted under bsection 248 (1) of the Code of Criminal procedure, 1973. Their bail bond stands cancelled and they are set at liberty.

Description of accused					Date of				
Sl. No	Name of the Police station and the Crime No. of the offence	Name	Father's Name	Occupation	Residence	Aged	Occurrence	Complaint	Apprehension
1	Kollam West Police Station in crime No. 554/2022, Under sections 380, 411 and 34 of the Indian Penal Code	Sreejith	Shashikumar		Sreeshylam, Akshaya Nagar-22, Kureepuzha ward, Kollam West village.	28/2022	02.08.2022-03.08.2022	03.08.2022	20.08.2022

2	Kollam West Police Station in crime No. 554/2022, Under sections 380, 411 and 34 of the Indian Penal Code	Maniraj	Kallimuthu		Bajani Kovil Street, Natham, Thazhaboor, Kachipuram, Tamilnadu	47/2022	02.08.2022-03.08.2022	03.08.2022	20.08.2022
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Release on bail	Commitment	Commencement of trial	Commencement of evidence	Close of trial	Sentence or order	Service of copy of judgment or finding on accused	Explanation of delay	1 (Period of detention undergone during investigation in enquiry or trial for the purpose of section 428 Cr.P.C)
20.08.2022		-	26.05.2026	02.06.2026	The accused no. 3 is found not guilty of the offences punishable under sections 380, 411 and 34 of the IPC and are acquitted under section 248 (1) of the Code of Criminal procedure, 1973. Their bail bond stands cancelled and they are set at liberty.	-	-	-
20.08.2022		28.04.2025	26.05.2026	02.06.2026	The accused no. 3 is found not guilty of the offences punishable under sections 380, 411 and 34 of the IPC and are acquitted under section 248 (1) of the Code of Criminal procedure, 1973. Their bail bond stands cancelled and they are set at liberty.			

This case have been finally heard on 02.06.2026 and the court on 05.06.2026 delivered the following:-

Judgment

1. This case arose on a final report filed by the Sub Inspector of Police, Kollam West Police Station in crime no. 554/2022 against the accused no. 1 and 3 alleging offences punishable under section 380, 411 r/w 34 of the Indian Penal Code (herein after referred as IPC).
2. **The prosecution's case is brief as follows:-** The accused no.s 1 and 2 in furtherance of their common intention to commit theft, upon entering the house of one Smt. Amina at Anezhathumukku in Kureepuzha Chery and had stolen a cutting machine, a 5 meter tape, and 40 pieces of steel rod owned by the informant who was doing contract work in the said house. The accused no.3 had purchased those things from accused nos.1 and 2 knowing it to be stolen properties. Thus, all the accused has caused a loss in tune of Rs 5920/- to the informant. Thereby the accused are alleged to have committed an offence punishable under section 380, 411 r/w 34 of IPC.
3. First information statement was given before the CW6, SI Kollam West Police station on 03.08.2022. The First Information Report was registered by the CW6 on that date. Final Report was filed by the CW6 before this court and cognizance was taken by this court on 12.08.2022 for the offence punishable under sections 380, 411 r/w 34 of IPC and the case was taken on the files of this court as CC 397/2022.
4. Upon issuance of summons, the accused no. 1 and 3 appeared before the court. They were enlarged on bail. Copies of all relevant prosecution records were furnished to him. Charges framed under sections 380, 411 and 34 of IPC were read over and explained to the accused to which they pleaded not guilty and claimed to be tried.
5. On the side of prosecution, PW1 to PW3 were examined and Ext.P1 was marked. As the material witness failed to support the prosecution case, the learned Assistant Public Prosecutor gave up the remaining witnesses. Since there is no incriminating evidence against the accused, examination under

section 313(1)(b) of Cr.P.C was dispensed with. No defence evidence was adduced.

6. Heard both sides and perused the records.

7. **Points arose for the consideration are :-**

- 1) Whether the accused no. 1 and 2 in furtherance of their common intention committed house trespass into the residence of defacto complainant and thereby committed theft of a cutting machine and 40 steel rods belonging to the defacto complainant and committed offence punishable under section 380 r/w 34 of IPC?
- 2) Whether the accused no.3 in this case in furtherance of their common intention that A1 having purchased the above said stolen properties from accused no.1 and 2 with the knowledge that they were stolen. Thereby committed an offence punishable under section 411 of IPC?
- 3) Sentence or order?

8. **Point no. 1 to 3** : During the course of the trial, it was reported that Accused No.1 had expired, and the death certificate was duly produced before this Court. Consequently, the proceedings against Accused No.1 stand abated. And in this case, Accused No. 2 is a juvenile. In view thereof, the discussion herein is confined to the role and liability of Accused No.3.” Considering the brevity and convenience the point no:1 to 2 is considered together. In this case the defacto complainant is examined as PW1 his statement to police was marked as Ext P1 were as he stated in his examination in chief that the properties alleged to have stealed by the accused persons were not stealed it was lost be him and the defacto complainant has no complaints regarding the accused persons in this case. Thereby PW1 turns hostile to the prosecution version of the case.
9. PW2 and PW3 in this case are cited as occurrence witness they also denied the prosecution version of the case and denied that they have not witnessed any incident as enumerated by the prosecution in this case. Thereby turns hostile.

10. Because the material witnesses did not offer any incriminating evidence against the accused to prove the offence alleged by the prosecution the learned Assistant Public Prosecutor found it proper to give up the remaining witnesses. Accordingly, the evidence was closed. There is no evidence available on record to show that the accused that is the person who committed the offence alleged by the prosecution moreover, from the testimony of the PW1 it is seen that the PW1 and the accused nos. 1 and 3 have settled the matter out of court. In this circumstance, point Nos.1 to 3 are found against the prosecution.

In the result, the accused no.3 is found not guilty of the offences punishable under sections 380, 411 and 34 of the IPC and are acquitted under section 248 (1) of the Code of Criminal procedure, 1973. Their bail bond stands cancelled and they are set at liberty.

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

Civil Judge (Jr.Division), Kollam

APPENDIX
List of Prosecution / Defence / Court Witnesses

A. Prosecution Witnesses

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
PW1	Sajeev	Defacto Complainant
PW2	Riyas	Eye Witness
PW3	Nishad	Eye Witness

B. Defence Witness

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
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	Nil	
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C.Court Witnesses

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
	Nil	

List of Prosecution / Defence / Court Exhibits

A. Prosecution Exhibits

Sl.No	Exhibits No	Description of the Exhibits	Proved by/ Attested by
1	P1	First Information Statement	PW1- 26.05.2026

B. Defence Exhibits

Sl.No	Exhibit Number	Description
	Nil	

C. Court Exhibits

Sl.No	Exhibit Number	Description
	Nil	

D. Material Objects

Sl.No	Material object	Description
	Nil	

Civil Judge (Jr.Division), Kollam

