

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

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

Monday 25<sup>th</sup> day of May 2026 (4<sup>th</sup> day of Jyaishta 1947)

**CALENDAR CASE No. 432/2019**

Complainant : State-represented by S I of Police, Kollam West  
Police Station in crime No. 886/2011  
(By Lekha Kumary, Assistant Public  
Prosecutor Gr.I, Kollam)

Accused : 1. Padmakumariamamma, Aged 60/12,  
S/o. Gopalan Nair, Kalanchazhikathu Veedu,  
Near Kaval Junction, Thangassery, Kaikulangara  
Cheri, Kollam West Village. (No more)  
**(Represented by Adv. S Renjith Kumar)**

2. Gopalan Nair, Aged 80/11,  
S/o Parameshwaran Pilla,  
Kalanchazhikathu Veedu,  
Near Kaval Junction, Thangassery,  
Kaikulangara Cheri, Kollam West Village.

3. Mini, Aged 37/13, S/o Gopalan Nair  
Kalanchazhikathu Veedu,  
Near Kaval Junction, Thangassery,  
Kaikulangara Cheri, Kollam West Village.

4. Manoj, Aged 35/2013, S/o Unnikrishnan,  
Kalanchazhikathu Veedu,  
Near Kaval Junction, Thangassery, Kaikulangara  
Cheri, Kollam West Village.

**(Represented by Adv. Vayanakam K Somasekharan Pillai)**

Offence : Under sections 419, 420, 120(b) r/w 34 of the  
Indian Penal Code

Plea : Not guilty

Finding : Not guilty

Sentence or order : The accused no. 2 to 4 are found not guilty of the  
offences punishable under sections 419, 420, 120(b) r/w 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.

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. 886/2011, Under sections 419, 420, 120(b) r/w 34 of the Indian Penal Code.	Padmakumariamma	Gopalan nair		Kalanchazhikathu Veedu, Near kaval Junction, Thangassery, Kaikulangra Cherry, Kollam West Village.	60/12	01.03.2000	11.11.2011	03.12.2012
2	Kollam West Police Station in crime No. 886/2011, Under sections 419, 420, 120(b) r/w 34 of the Indian Penal Code.	Gopalan Nair	Gopalan Nair		Kalanchazhikathu Veedu, Near kaval Junction, Thangassery, Kaikulangra Cherry, Kollam West Village.	80/11	01.03.2000	11.11.2011	05.04.2013
3	Kollam West Police Station in crime No. 886/2011, Under sections 419, 420, 120(b) r/w 34 of the Indian Penal Code.	Mini	Gopalan Nair		Kalanchazhikathu Veedu, Near kaval Junction, Thangassery, Kaikulangra Cherry, Kollam West Village.	37/13	01.03.2000	11.11.2011	05.04.2013
4	Kollam West Police Station in crime No. 886/2011, Under sections 419, 420, 120(b) r/w 34 of the Indian Penal Code.	Manoj	Unnikrishnan		Kalanchazhikathu Veedu, Near kaval Junction, Thangassery, Kaikulangra Cherry, Kollam West Village.	35/13	01.03.2000	11.11.2011	05.04.2013

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)
03.12.2012		21.03.2025	18.04.2026	22.05.2026	The accused no. 2 to 4 are found not guilty of the offences punishable under sections 419, 420, 120(b) r/w 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.			
05.04.2013		21.03.2025	18.04.2026	22.05.2026	The accused no. 2 to 4 are found not guilty of the offences punishable under sections 419, 420, 120(b) r/w 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.			
05.04.2013		24.05.2024	18.04.2026	22.05.2026	The accused no. 2 to 4 are found not guilty of the offences punishable under sections 419, 420, 120(b) r/w 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.			
05.04.2013		24.05.2024	18.04.2026	22.05.2026	The accused no. 2 to 4 are found not guilty of the offences punishable under sections 419, 420, 120(b) r/w 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 22.05.2026 and the court on 25.05.2026 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. 886/2011 against the accused no. 1 to 4 alleging offences punishable under section 419, 420, 120(b) r/w 34 of the Indian Penal Code (herein after referred as IPC).
2. **The prosecution's case is brief as follows:-** The accused Nos. 1 and 2, in furtherance of their common intention and with the intent to deceive the de facto complainant, conspired together. Pursuant to this conspiracy, accused Nos. 1, 3, and 4 fraudulently sold the property which was in the joint ownership of accused Nos. 1, 3, 4, and Witness No. 5. In order to effectuate the fraudulent sale to the de facto complainant, accused No. 2 arranged for another person to impersonate Witness No. 5, thereby enabling accused Nos. 1, 3, and 4 to execute the sale deed in favor of Witness No. 1. By such deceit, the accused misled Witness No. 1 and dishonestly induced him to purchase the property. Thus, accused Nos. 1 to 5 are alleged to have committed offences punishable under Sections 419, 420, 120B, and 34 of the Indian Penal Code.
3. First information statement was given before the CW9, SI Kollam West Police station on 11.11.2011. The First Information Report was registered by the CW9 on that date. Final Report was filed by the CW10 before this court and cognizance was taken by this court on 05.09.2019 for the offence punishable under sections 419, 420, 120(b) r/w 34 of IPC and the case was taken on the files of this court as CC 432/2019.
4. Upon issuance of summons, the accused no. 1 to 4 appeared before the court. They were enlarged on bail. Copies of all relevant prosecution records were furnished to them. Charges framed under sections 419, 420, 120(b) r/w 34 of IPC were read over and explained to the accused no. 1 to 4 to which he pleaded not guilty and claimed to be tried.

5. On the side of prosecution, PW1 and PW2 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 to 4 in furtherance of their common intention fraudulently sold the property jointly owned with witness no 5 to defacto complainant and thereby inducing him to part with the property, attracting section 420 of IPC?
  - 2) Whether the accused no. 1 to 4 by suppressing the co-ownership of witness no. 5 and misrepresenting themselves as the owner personated and thereby committed an offence punishable under section 419 of IPC?
  - 3) Whether accused no. 1 to 4 entered into criminal conspiracy to deceived defacto complainant and by impersonating witness no.5 in this case thereby committed an offence punishable under section 120(b) of IPC?
  - 4) Sentence or order?
8. **Point no. 1 to 3** : In this case accused no.1 is reported as no more and death certificate of the accused no.1 is already produced. considering the brevity and convenience the point no:1 to 3 is considered together. In this case PW1 is the defacto complainant and her FIS statement was marked as Ext P1. Whereas she categorically denied that the accused persons in this case committed any of the alleged act as per the prosecution and thereby turns hostile to the prosecution case.
9. CW2 is examined as PW2 in this case. She also stated that she is not aware with alleged incident 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. 2 to 4 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. 2 to 4 are found not guilty of the offences punishable under sections 419, 420, 120(b) r/w 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 25<sup>th</sup> day of May , 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	Abdul Kabeer	Eye Witness
PW2	Mayakuttappan	Other Witness

**B. Defence Witness**

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

## 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	CMP signed by complainant CW1	PW1- 18.04.2026

## 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**

