

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST
CLASS - I, KOTTARAKKARA.**

Present :- Sri. Arjun Raj. E. R., Judicial Magistrate of the 1st Class.

Wednesday, 10th day of June 2026/ 20th Jyaishta 1948

CALENDAR CASE No.111/2019

Complainant : State-represented by the Sub Inspector of Police,
Kottarakkara Police Station in Crime No.2868/2018.
(By Smt. Shyla Mathai, A.P.P. Gr. - I, Kottarakkara)

Accused : Thomas, S/o Kunjukunju (Custody)
(By Adv. K. V. Rajendran)

Offence : Under section 392 of the Indian Penal Code.

Plea : Not guilty

Finding : Not guilty

Sentence or order : Accused is found not guilty of the offence punishable under section 392 of the Indian Penal Code and is acquitted under section 248(1) of the Code of Criminal Procedure. Release the accused forthwith if his further detention is not required in any other case.

Date of

Occur- rence	Compl- aint	Appreh- ension	Release on bail	Comme- ncement of trial	Comme- ncement of evidence	Close of trial	Sentence or order	Period of deten- tion undergone during investi- gation of trial for the purpose of Section 428 of Cr.P.C.
24.12.18	05.02.19	27.12.18 12.01.26	02.02.19 Custody	26.07.21	25.05.26	09.06.26	10.06.26	From 27.12.18 to 02.02.19 From 12.01.26 onwards

Description of accused

Sl. No.	Name	Age	Father's name	Residence	Taluk
1	Thomas	33/18	Kunjukunju	St. Thomas Bhavan, Puliyila, Nallila.P.O., Pallimon Village.	Kollam

This case having been finally heard on 09.06.2026 and the Court on 10.06.2026 delivered the following: -

JUDGMENT

This case arose on a final report filed by the Sub Inspector of Police, Kottarakkara Police Station in Crime No.2868/2018 against the accused alleging offences punishable under section 392 of the Indian Penal Code (hereinafter “IPC”).

2. **The prosecution case, in brief, is as follows:-** On 24.12.2018 at 07.00 p.m., within the compound of Kottarakkara Taluk Headquarters Hospital, the accused, with the intention and preparation to commit theft of property belonging to the defacto complainant, unlawfully obtained the purse of CW1 containing ₹6,420/-, an Aadhaar card, and passport-size photographs. The accused then absconded from the scene of crime with the stolen items. Thus, the prosecution alleges that the accused committed offences punishable under section 392 of IPC.

3. First Information Statement was given before the Women Senior Civil Police Officer, Kottarakkara Police Station on 27.12.2018. First Information Report was registered by the 6th witness on that date. Final Report was filed by the 6th witness before this court and cognizance was taken by this court on 05.02.2019 for the offences punishable under section 392 of IPC and the case was taken on the files of this court as CC 111/2019.
4. Accused was produced before the court on production warrant and was remanded to custody since 12.01.2026. When the accused was produced before the court, copies of relevant prosecution records were furnished to the accused under Section 207 of the Code of Criminal Procedure (hereinafter “Cr.P.C.”). Upon perusal of the prosecution records and after hearing both parties, charge was framed against accused under section 392 of IPC. When the charge was read over and explained to the accused, he pleaded not guilty and claimed to be tried.
5. On the side of prosecution, PW1 was examined and Ext.P1 was marked. As the material witnesses 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.
6. Heard both sides and perused the records.

7. Points that arose for consideration are:-

1. Whether the accused, on 24.12.2018 at 7.00 p.m. within the compound of Kottarakara Taluk Headquarters Hospital, committed robbery of the items belonging to PW1 and thereby committed the offence punishable under section 392 of IPC?
2. If the accused is found guilty, what is the order as to sentence?

8. **Point No.1** :- PW1 was the de facto complainant who has stated that she had lost her purse with some amount, Aadhar card and other things. It was through her Exhibit P1 First Information Statement was marked. However, she turned hostile by stating that she is unaware of the accused and also failed to identify the accused standing in the dock. Learned Assistant Public Prosecutor was accorded permission under section 154 of Indian Evidence Act and proviso to section 162 (1) Cr.P.C. As the material witness turned hostile to the prosecution case, the remaining witnesses were given up by the prosecution.

9. The material witness examined by the prosecution did not support its case. There is no evidence on record to substantiate the allegation that the accused committed the offence as alleged. PW1 had failed to identify the accused involved in the offence and thereby weakening the prosecution case. Therefore, upon a thorough evaluation of the evidence on record, this Court is of the considered view that the prosecution has failed to prove the guilt of the

accused beyond reasonable doubt. Accordingly, this point is answered against the prosecution.

10. **Point No.2** :- In view of the findings on point number 1, there is no question of passing any sentence against the accused.

11. In the result, the accused is found not guilty of the offence punishable under section 392 of IPC and is acquitted under section 248(1) of Cr.P.C. Release the accused forthwith if his further detention is not required in any other case.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this, the 10th day of June, 2026.

Sd/-
Judicial Magistrate of 1st Class-I, Kottarakkara.

APPENDIX

List of Prosecution/Defence/Court Witnesses

A. Prosecution Witnesses

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
PW1	Sangeetha	De facto complainant

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.	Exhibit Number	Description
1.	P1	First Information Statement dated 27.12.2018 marked through PW1 on 25.05.2026.

B. Defence Exhibits

Sl.No.	Exhibit Number	Description
	Nil	

C. Court Exhibits

Sl.No.	Exhibit Number	Description
	Nil	

D. Material Objects

Sl.No.	Exhibit Number	Description
	Nil	

Sd/-

Judicial Magistrate of 1st Class-I, Kottarakkara.

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Judicial Magistrate of 1st Class-I, Kottarakkara.