

**IN THE COURT OF THE JUDICIAL FIRST-CLASS MAGISTRATE,
KADAKKAL**

Present: Sri. Amal. S. R, Judicial First-Class Magistrate

Dated this the Thursday, 11th day of June 2026/ 21st Jyayishta, 1948

CALENDAR CASE No.512 /2024

Complainant	:	State-represented by the Sub Inspector of Police, Chadayamangalam Police Station (Crime No.656/2024) (By APP-II, Kadakkal)
Accused	A1	Gokul, S/o Jayachandran, aged 29/2024, Kuthirapanthiyil Veedu, Plakkadu, Adichanalloor, P.O., Adichanalloor.
	A2	Rahim S/o Farook, aged 38/2024, Charuvila Puthen Veedu, Kallara P.O, Kallara.
	A3	Rajan S/o Gangadharan, aged 60/2024, Thadatharikath Veedu, Kulathumkara Cheri, Mudavanmugal, Poojappuara. (By Adv. Pranav. R. S.)
Charge	:	Offence punishable U/ss.392 and 212 r/w 34 of the Indian Penal Code.
Plea	:	Not guilty
Finding	:	Not guilty
Sentence	:	Accused Nos.1 to 3 are found not guilty of the offences punishable under Sections 392 and 212 read with Section 34 of the Indian Penal Code and are accordingly acquitted under Section 271(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023. Their bail bonds stand cancelled and sureties, if any, are discharged. The accused are presently in judicial custody in connection with another case. The production warrant issued by this Court stands recalled. They shall be released forthwith, if their detention is not required in any other case. Necessary intimation be issued to the Superintendent of the concerned Jail.

Occurrence	Complaint	Apprehension	Release on bail	Commencement of trial	Commencement of evidence	Close of trial	Sentence or order	Period of detention undergone during investigation of trial for the purpose of Section 468 of BNSS
10.05.24	29.08.24	30.05.24 -A1 & A3 28.06.24 -A2	24.12.24 -A1 & A2, 03.07.24 -A3	01.10.24 -A1 and A2, 15.10.24 -A3	07.11.24	11.06.26	11.06.26	

This case having been finally heard on 11.06.2026 the court on the same day delivered the following: -

JUDGMENT

Accused Nos. 1 to 3 are put on trial upon a final report filed by the Sub Inspector of Police, Chadayamangalam Police Station in Crime No. 656/2024 alleging commission of offences punishable under sections 392 and 212 r/w 34 of the Indian Penal Code.

2. ***The prosecution case in brief is as follows:-*** With the intention of robbing the gold chain worn by PW1, on 10.05.2024 at about 10.00 a.m., at the margin of Kaithodu – Poredam road in Kaithodu Muri of Nilamel Village, while PW1 was returning home after visiting the ration shop, accused Nos.1 and 2 arrived there on a Honda motorcycle bearing Registration No. KL-33-D-3410, wrongfully restrained her, and in furtherance of their common intention, the first accused assaulted her on her neck and forcibly pulled and broke the gold

chain weighing about 1½ sovereigns worn by her. In the course of the occurrence, she was pushed down and the accused robbed the gold chain valued at about ₹90,000/-, thereby causing loss to her. After committing the robbery, they absconded. It is further alleged that while accused Nos.1 and 2 were evading arrest after the commission of the offence, the 3rd accused knowingly harbored them. Thus, the accused are alleged to have committed the offences punishable under Sections 392 and 212 and 34 of the Indian Penal Code.

3. This case originates from the Ext.P1 First Information Statement given by PW1 which has been recorded by PW12. PW17 registered First Information Report, conducted the investigation and laid charge sheet before the court.
4. This Court took cognizance of the offences punishable under Sections 392 and 212 read with Section 34 of the Indian Penal Code and issued process against the accused under Section 227 of the Bharatiya Nagarik Suraksha Sanhita, 2023. It was reported that the accused were in judicial custody in connection with another case and lodged in jail. Accordingly, production warrants were issued to secure their presence before this Court.
5. On being produced before the Court, copies of all relevant prosecution records were furnished to the accused. Then, upon hearing the learned

Assistant Public Prosecutor and the learned counsel appearing for the accused and on finding sufficient grounds to proceed, charges for the offences punishable under Sections 392 and 212 read with Section 34 of the Indian Penal Code were framed, read over and explained to accused Nos.1 to 3 in a language known to them. The accused pleaded not guilty to the charges and claimed to be tried.

6. On the side of the prosecution, PW1 to PW17 were examined, Exts.P1 to P20 were marked and MO1 was identified and marked. CW11 and CW18 were not examined by the Court. An additional witness was also examined during the course of trial. After the closure of the prosecution evidence, accused Nos.1 to 3 were questioned under Section 351(1)(b) of the Bharatiya Nagarik Suraksha Sanhita, 2023, with regard to the incriminating circumstances appearing against them in the prosecution evidence. The accused denied all such circumstances, pleaded innocence and stated that they had been falsely implicated in the case. No defence evidence was adduced on their behalf.
7. Heard both sides.
8. The points that arose for consideration are as follows: -
 - 1) *Whether the prosecution has succeeded in proving beyond reasonable doubt that on 10.05.2024 at about 10.00 a.m., at the place of occurrence, accused*

Nos. 1 and 2, in furtherance of their common intention, wrongfully restrained PW1 and committed robbery of her gold chain weighing about 1½ sovereigns, thereby committing the offence punishable under Section 392 read with Section 34 of the Indian Penal Code?

- 2) Whether the prosecution has succeeded in proving beyond reasonable doubt that the third accused, knowing or having reason to believe that accused Nos. 1 and 2 had committed the aforesaid offence, harbored them by arranging accommodation for them while they were evading arrest, thereby committing the offence punishable under Section 212 of the Indian Penal Code?*
- 3) If found guilty, what shall the punishment be if any, to be awarded?*

9. **Point No. 1 and 2:** - The prosecution case was set in motion on the basis of Ext.P1 furnished by PW1. PW12 recorded Ext.P1 as instructed by the Station House Officer. On the basis of Ext.P1 statement, PW17 registered Crime No.656/2024 under Section 392 IPC and prepared Ext.P11. PW17 conducted a major part of the investigation. He inspected the scene of occurrence and prepared Ext.P2 scene mahazar. During investigation, he arrested accused Nos.1 and 3 and prepared the relevant arrest memo, custody memo and inspection memo. He also recovered the motorcycle allegedly used for the commission of the offence from Rak Palace Hotel under Ext.P4 and forwarded the properties before the court. During the course of investigation, he formally arrested the second accused, who was then in judicial custody in

another case, recorded his disclosure statement and, based on the information allegedly furnished by him, recovered MO1 gold ingot from Saint Gold and Diamonds, Chavara, under Ext.P5. PW17 further seized the hotel register and Aadhaar copy relating to the stay of the accused from Rak Palace Hotel under Ext.P10 mahazar. PW13 examined the motorcycle involved in the case and issued Ext.P6. PW14 examined the recovered gold ingot and issued Ext.P7. CW18 finally verified the charge sheet and filed the same before the court.

10.The learned APP argued that the prosecution has succeeded in proving the guilt of the accused beyond all reasonable doubt. It was contended that the testimony of PW1 is natural and trustworthy. PW1 has categorically deposed regarding the occurrence and has identified accused Nos.1 and 2 before the Court as the persons who committed the robbery. According to the learned APP, the evidence of PW1 stands corroborated by PW2, who had seen accused Nos.1 and 2 moving around the locality on the motorcycle immediately prior to the occurrence.

11.The learned APP further argued that the recovery of MO1 gold ingot pursuant to the disclosure statement of the 2nd accused constitutes a strong incriminating circumstance against the accused. PW5 and PW6 have consistently deposed that accused No.1 had sold the stolen gold chain at Saint

Gold and Diamonds and that the chain was subsequently melted and converted into MO1. The evidence of PW11 and PW17 regarding the recovery under Ext.P5 further corroborates the prosecution case. It was argued that the absence of identifying marks on MO1 is not fatal in view of the evidence showing that the stolen chain had been melted before recovery.

12. It was also argued that the prosecution has established that accused Nos.1 and 2 were staying in Rak Palace Hotel with the assistance of accused No.3 after the occurrence. The evidence of PW8, PW9, PW15, PW16 and PW17 coupled with Exts.P8, P9, P10 and P11 would show that accused No.3 facilitated the stay of the other accused while they were absconding after commission of the offence. According to the learned APP, this evidence is sufficient to attract the offence punishable under Section 212 IPC against accused No.3. The learned APP further argued that minor omissions brought out in cross-examination are only natural and do not affect the core of the prosecution case. It was argued that the delay in lodging Ext P1 has been satisfactorily explained by PW1 and PW12 and that such delay alone is not sufficient to discard the otherwise reliable evidence adduced by the prosecution. Hence, the learned APP prayed for conviction of accused Nos.1 and 2 for the offence punishable under Section 392 read with Section 34 IPC and accused No.3 for the offence punishable under Section 212 IPC.

13. *Per contra*, the learned counsel appearing for the accused vehemently opposed the prosecution case and contended that the prosecution has failed to establish the guilt of the accused beyond reasonable doubt. The foremost contention advanced is that there is an unexplained and inordinate delay of 19 days in recording Ext P1. Though the alleged occurrence took place on 10.05.2024, Ext.P1 was admittedly recorded only on 29.05.2024. According to the learned counsel, such an abnormal delay creates serious doubt regarding the genesis and authenticity of the prosecution case.

14. It was further argued that the prosecution has failed to prove the identity of the assailants. PW1 admittedly stated that the persons involved in the occurrence were wearing helmets. No Test Identification Parade was conducted during investigation. The identification of accused Nos.1 and 2 for the first time before the Court, after a considerable lapse of time, is inherently unsafe and cannot form the sole basis for conviction. The learned counsel also pointed out that PW2 had not witnessed the occurrence and that his evidence only shows that he had seen two persons riding a motorcycle in the locality.

15. The learned counsel further submitted that the prosecution has not produced any reliable evidence to prove that PW1 was the owner of the allegedly stolen gold chain. No purchase bill, valuation certificate or other documentary

evidence was produced to establish ownership, weight or value of the chain. It was also pointed out that though PW1 alleged that she sustained injuries during the occurrence, no wound certificate, body note or medical evidence was collected or produced by the prosecution.

16. The learned counsel attacked the alleged recovery of MO1 by contending that the recovered article is only a melted gold ingot and not the stolen chain itself. PW11 admitted that there were no identifying marks on MO1 to connect it with the alleged stolen ornament. PW17 also admitted that MO1 was recovered in melted form and that its identity could not be independently verified. It was further argued that the alleged disclosure statements of the accused were not separately recorded and that the mandatory safeguards relating to recovery under Section 27 of the Evidence Act have not been satisfactorily established.

17. The learned counsel also contended that the investigation suffers from serious lapses. PW17 admitted that he did not notice any signs of struggle at the scene of occurrence. Though the prosecution attempted to connect the accused with motorcycle No. KL-01 BH 1176 allegedly involved in another crime, PW17 admittedly did not verify the FIR relating to the alleged theft of that motorcycle. These omissions, according to the defence, demonstrate that the investigation was perfunctory and unreliable.

18. With respect to accused No.3, it was argued that there is absolutely no evidence to show that he harbored accused Nos.1 and 2 knowing them to be offenders. The evidence regarding stay in the hotel is insufficient to establish the ingredients of Section 212 IPC. The prosecution has failed to prove the requisite knowledge or intention on the part of accused No.3. On the above grounds, the learned counsel submitted that the prosecution has failed to establish its case beyond reasonable doubt and that the accused are entitled to the benefit of doubt and consequent acquittal.

19. Accused are charged with the offence punishable under Section 392, 212 r/w with Section 34 of the Indian Penal Code. Now I shall look into the arguments and counter arguments.

20. To establish an offence under Section 392 IPC, the prosecution must prove that the accused committed robbery as defined under Sections 390 and 391 IPC. The essential ingredients to be established are: *(i) that the accused committed theft of movable property; (ii) that in order to commit the theft, or while committing the theft, or while carrying away the property obtained by theft, the accused voluntarily caused or attempted to cause to any person death, hurt, wrongful restraint, or fear of instant death, instant hurt or instant wrongful restraint; and (iii) that the property was dishonestly taken from the*

possession of another without that person's consent. Since the allegation against accused Nos.1 and 2 is that they acted conjointly, the prosecution must further establish that they acted in furtherance of their common intention so as to attract Section 34 IPC.

21.The prosecution mainly relies upon the evidence of PW1. PW1 deposed that on 10.05.2024 at about 10.30 a.m., while she was proceeding towards her house through the road near the mobile tower at Kaithodu, two persons came on a motorcycle and moved around the locality twice. According to her, when she attempted to enter a nearby house, the pillion rider suddenly snatched the gold chain worn by her and both persons fled from the scene on the motorcycle. PW1 identified accused Nos.1 and 2 before the Court as the persons involved in the occurrence. She further deposed that the stolen chain weighed about one and a half sovereigns and was worth approximately ₹90,000/-.

22.The Court has carefully scrutinized the evidence of PW1. There is no reason to believe that PW1 had any previous enmity or motive to falsely implicate the accused. At the same time, the Court cannot lose sight of the fact that the accused were admittedly strangers to PW1. The evidence of PW1 itself shows that the occurrence was sudden in nature and was completed within a very

short span of time. According to her, the assailants came on a motorcycle, moved around the locality and thereafter snatched the chain and escaped. Thus, the opportunity available to PW1 to observe and remember the physical features of the offenders was naturally limited. In such circumstances, the identity of the offenders assumes crucial importance in the case.

23.A significant circumstance affecting the prosecution case is the delay in lodging Ext P1. The occurrence allegedly took place on 10.05.2024. However, Ext.P1 was admittedly furnished only on 29.05.2024. PW1 herself admitted during cross-examination that the statement was given 19 days after the occurrence. PW12, who recorded Ext.P1, and PW17, who registered the crime, have also admitted this fact. The importance of prompt reporting of a criminal offence is well recognised. Conversely, when there is considerable delay in approaching the police, the Court is expected to examine the prosecution case with greater caution.

24.PW1 attempted to explain the delay by stating that there were no male members available in her house. However, the evidence of PW1 itself shows that her grandson returned home on the very evening of the occurrence. No convincing explanation has been offered by the prosecution as to why the complaint was not lodged immediately or at least within a reasonable period

thereafter. The delay of nineteen days remains substantially unexplained. Though delay alone may not be sufficient to reject the prosecution case, it assumes considerable significance when the case substantially depends upon identification evidence.

25. The next important aspect relates to the identification of the accused. PW1 identified accused Nos. 1 and 2 before Court as the persons involved in the occurrence. However, admittedly no Test Identification Parade was conducted during investigation. The prosecution has no case that PW1 was acquainted with the accused before the occurrence. Thus, the accused were strangers to PW1. In such cases, a Test Identification serves as a safeguard to verify whether the witness is capable of correctly identifying the offenders. The absence of such a procedure assumes importance in the facts of the present case.

26. The Court is conscious of the settled principle that identification of an accused before Court constitutes substantive evidence. However, where the accused were previously unknown to the witness and no Test Identification Parade was conducted, the evidentiary value of dock identification becomes considerably weakened. The possibility of the witness having seen the accused during investigation or court proceedings cannot be completely ruled

out. Thus, as a matter of prudence, courts ordinarily seek corroboration before acting solely upon such identification. In the present case, no such reliable corroboration is forthcoming.

27. The prosecution relies upon the evidence of PW2 to support the testimony of PW1. PW2 deposed that at about 10.00 a.m. on the date of occurrence he had seen two persons travelling on a motorcycle near Kaithodu Junction and that they had moved around the locality twice. He identified accused Nos.1 and 2 before Court. At first glance, the evidence appears to support the prosecution case. However, a careful reading of the testimony of PW2 reveals that he is not an eyewitness to the occurrence. PW2 admitted during cross-examination that he had not witnessed the chain-snatching incident and that he came to know about the occurrence only from public. Thus, his evidence merely establishes that he had seen two persons on a motorcycle in the locality. Such evidence does not establish that those persons committed the robbery alleged by the prosecution. Thus, the testimony of PW2 does not materially strengthen the prosecution case regarding the identity of the offenders.

28. The evidence of PW4 is also of limited assistance to the prosecution. PW4 deposed that while he was near Kaithodu Chirakkonam, he heard the cries of PW1 and thereafter approached her. According to him, PW1 informed him

that two persons on a motorcycle had snatched her chain. Thus, PW4 admittedly reached the place only after the occurrence. He did not witness either the actual snatching or the identity of the offenders. Also, PW4 was declared hostile by the prosecution. Thus, his testimony did not provide any corroboration regarding the involvement of accused Nos.1 and 2.

29. Another aspect which requires consideration is the allegation regarding the use of force. PW1 stated that the assailant struck her neck and that she sustained an injury. She further stated that she had shown the injury mark to the police. However, no medical evidence whatsoever has been produced before the Court. PW12 admitted that no body note was prepared. No wound certificate has been produced. No doctor has been examined. PW17 has also not offered any explanation regarding the failure to collect medical evidence. Though absence of medical evidence is not always fatal to a prosecution case, it becomes relevant when the prosecution alleges use of force as one of the ingredients constituting robbery and when the case otherwise suffers from several infirmities.

30. The prosecution heavily relies upon the recovery of MO1 gold ingot. According to PW17, acting upon the disclosure statement allegedly furnished by the second accused, a gold ingot weighing about 11.97 grams was

recovered from Saint Gold and Diamonds, Chavara. PW5 deposed that accused No.1 and a woman had sold a gold chain weighing about 12 grams in the jewellery shop and that the chain was subsequently melted. PW6 also supported this version and identified MO1 as the gold ingot obtained after melting the chain. PW11 attested the recovery mahazar and PW17 spoke about the recovery during investigation.

31.The Court has carefully examined this circumstance. It is true that recovery of stolen property at the instance of an accused may constitute a strong incriminating circumstance. But the facts of the present case stand on a different footing. What was recovered is not the gold chain allegedly worn by PW1. The recovered article is only a gold ingot obtained after melting a gold ornament. Once the ornament was melted, all identifying features disappeared. PW11 admitted during cross-examination that the gold ingot did not contain any identifying mark. PW17 also admitted that MO1 was recovered in melted form and that its identity could not be independently verified. Thus, the Court is unable to ascertain whether MO1 actually originated from the chain allegedly stolen from PW1.

32.The weakness of the recovery evidence becomes clearer when the evidence regarding ownership of the alleged chain is examined. PW17 admitted that

PW1 did not produce any bill, receipt, valuation certificate, photograph or any other document relating to the chain. Thus, the prosecution has not produced any independent material regarding the exact weight, design, purity or identity of the alleged chain. Once the chain was melted and converted into a gold ingot, it became impossible to establish its identity with certainty. Thus, the recovery of MO1 does not connect accused Nos.1 and 2 with the alleged robbery.

33.The Court also notices another serious deficiency in the prosecution case.

PW5 admitted that the jewellery maintained stock registers and records relating to purchase transactions. He further admitted that such records were available and were shown to PW17. However, no such records have been produced before Court. If the prosecution version were true, the relevant records would have constituted the best evidence to prove that accused No.1 had sold a gold chain in the jewellery shop. The omission to produce such records creates a substantial gap in the prosecution case. No explanation has been offered by PW17 regarding this omission.

34.The prosecution also attempted to connect the accused with the crime through the evidence relating to the motorcycle. PW10 deposed that his motorcycle had been taken away by unknown persons and that he identified the second

accused as one among them. However, PW17 admitted during cross-examination that he had not even verified the FIR relating to the theft of the motorcycle. The failure to investigate and verify this further weakens the chain of circumstances sought to be established by the prosecution.

35. The cumulative effect of these circumstances cannot be overlooked. Each of the above circumstances creates doubt regarding the prosecution case. When considered together, the doubt becomes substantial. The evidence adduced by the prosecution may create suspicion regarding the involvement of the accused. However, suspicion, however grave, cannot substitute proof. The cardinal principle governing criminal trials is that the prosecution must establish the guilt of the accused beyond reasonable doubt. If a reasonable doubt arises from the evidence on record, the accused is entitled to the benefit of such doubt. So, after a careful and anxious consideration of the entire evidence on record, this Court is of the view that the prosecution has failed to establish beyond reasonable doubt that accused Nos.1 and 2 committed the offence punishable under Section 392 read with Section 34 IPC.

36. Further to establish an offence under Section 212 IPC, the prosecution must prove that: *(i) some person had committed an offence; (ii) the accused harbored or concealed such offender; (iii) at the time of such harboring or*

concealment, the accused knew or had reason to believe that the person harbored had committed the offence; and (iv) the harboring or concealment was with the intention of screening the offender from legal punishment.

37. At the outset, it has already been found while considering Point No.1 that the prosecution has failed to establish beyond reasonable doubt that accused Nos.1 and 2 committed the offence of robbery alleged against them. Once the prosecution fails to satisfactorily prove the principal offence, the foundation upon which the charge under Section 212 IPC rests becomes considerably weakened. Yet, even assuming for the sake of argument that the principal offence stood established, the Court is required to independently examine whether the ingredients of Section 212 IPC have been proved against the third accused.

38. The prosecution relies mainly upon the evidence of PW8, PW9, PW15, PW16 and PW17 together with Exts.P8, P9, P10 and P11 to establish the charge against the third accused. According to the prosecution, accused Nos.1 and 2 stayed at Rak Palace Hotel after the occurrence and the third accused had facilitated such stay.

39. PW8, who was the Manager of Rak Palace Hotel at the relevant time, deposed that on 28.05.2024 a person by name Gokul took a room in the hotel by

producing the identity card of Rajan. He also identified Ext.P4 relating to the motorcycle and mobile phone allegedly seized from the hotel premises. However, a careful reading of the evidence of PW8 shows that he nowhere states that the third accused informed him that accused Nos.1 and 2 had committed any offence. Nor does PW8 state that the third accused requested him to provide accommodation for the purpose of shielding the accused from police action.

40. Similarly, PW9, who was working as an assistant in the hotel, merely stated that accused No.1 and accused No.3 had come to the hotel and taken a room. His evidence is confined to the fact of occupation of the room. PW9 does not speak about any conversation, conduct or circumstance from which knowledge of the alleged offence on the part of the third accused can be inferred. The evidence of PW9 therefore only proves the presence of the accused persons at the hotel and nothing more.

41. The prosecution also relies upon the hotel records seized during investigation. PW15 proved the seizure of the hotel ledger and Aadhaar copy under Ext.P10 mahazar. PW16, the present manager and custodian of the records, produced the guest register and identified the entry showing occupation of a room in the name of Rajan. However, these documents merely establish that a room was

taken in the hotel and that an entry exists in the hotel register. The records do not indicate that the third accused was aware that accused Nos.1 and 2 had committed a robbery. Neither do the records reveal any intention on the part of the third accused to shield them from arrest or prosecution.

42.The Court is of view that there is no evidence to show that the third accused arranged the room after acquiring knowledge about the alleged offence. The prosecution has not adduced any evidence regarding the relationship between the accused, the circumstances under which the room was taken, or any conduct of the third accused suggesting consciousness of guilt. No witness has deposed that the third accused attempted to conceal the identity of accused Nos.1 and 2, mislead the authorities, assist them in evading arrest, or provide them shelter after learning about their alleged involvement in the offence.

43.The evidence of PW17 is also insufficient to establish the ingredients of Section 212 IPC. Though PW17 deposed that accused Nos.1 and 2 were staying in the hotel and that records relating to such stay were seized, he has not stated the basis on which he concluded that the third accused had knowledge of the alleged robbery. The investigation does not appear to have collected any material demonstrating such knowledge. It is well settled that

mere association with an offender or mere provision of accommodation is not sufficient to attract S. 212 IPC. The prosecution must prove that the person providing shelter knew or had reason to believe that the person harboured had committed an offence and that the shelter was provided with the intention of screening him from legal punishment. Knowledge and intention are therefore essential ingredients of the offence and must be established through reliable evidence.

44. In the present case, the prosecution has not produced any direct or circumstantial evidence from which such knowledge and intention can be safely inferred. The evidence merely indicates that a room was taken in a hotel and that the accused persons stayed there. From these facts alone, the Court cannot jump to the conclusion that the third accused harboured accused Nos.1 and 2 with the intention of screening them. In the absence of evidence proving knowledge of the alleged offence and intention to shield the offenders, the essential ingredients of Section 212 IPC remain unproved.

45. Upon careful evaluation of the entire evidence on record, this Court finds that the prosecution has failed to establish beyond reasonable doubt that accused persons committed the offence punishable under Section 392, 212 r/w 34 of IPC. Consequently, all the accused are entitled to the benefit of doubt and Point Nos.1 and 2 are found against the prosecution.

46.**Point No.3:** -In view of the finding in Point No. 1 and 2, Accused number 1 to 3 are found not guilty of the offences punishable under Sections 392 and 212 read with Section 34 of the Indian Penal Code and are accordingly acquitted under Section 271(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023. Their bail bonds stand cancelled and sureties, if any, are discharged. The accused are presently in judicial custody in connection with another case. The production warrant issued by this Court stands recalled. They shall be released forthwith, if their detention is not required in any other case. Necessary intimation be issued to the Superintendent of the concerned Jail.

Office is directed to issue release memo and shall make necessary uploads in DCMS.

As regards MO1, produced as per Thondy No. 211/2024, PW1 has claimed ownership over the same and no rival claimant has come forward claiming entitlement thereto. Though the prosecution has failed to establish the guilt of the accused beyond reasonable doubt, the materials on record indicate that MO1 represents the gold recovered during investigation in connection with the occurrence. Hence, after the expiry of the statutory appeal period and subject to the result of any appeal, if preferred, MO1 is ordered to be released to PW1 on proper identification and acknowledgment.

As regards Item No.1 vehicle produced as per Thondy No.175/2024, the interim release granted as per order dated 16.01.2025 in CMP No.17/2025 is hereby made absolute.

As regards Item No.2 mobile phone produced as per Thondy No.175/2024, the same was not marked during trial and no person has come forward claiming entitlement thereto. As the said article is not required for any further proceedings in this case, it shall, after the expiry of the appeal period and subject to the result of any appeal, if preferred, be confiscated to the State and disposed of in accordance with the relevant rules and standing orders.

Dictated to the Confidential Asst., transcribed and typed by her, corrected and pronounced by me in open court on this the 11th day of June, 2026

Sd/-

Judicial Magistrate of the I Class, Kadakkal

APPENDIX
List of Prosecution/Defence/Court Witnesses

A. Prosecution Witnesses

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
PW1	Rajamma (CW1)	De facto complainant
PW2	Aneesh (CW2)	Other Witness
PW3	Sadananadan (CW6)	Mahazar Witness
PW4	Sunitha (CW3)	Other witness
PW5	Salim (CW4)	Other witness
PW6	Pookkunju (CW5)	Mahazar witness
PW7	Muhammad Haneefa (CW7)	Mahazar witness
PW8	Anandu (CW8)	Mahazar witness
PW9	Shahan Sha (CW9)	Mahazar witness
PW10	Muhammad. S. M. (CW10)	Other witness
PW11	Renjith.S (CW12)	Police witness
PW12	Ullas.U (CW15)	Police witness
PW13	Deepu.D. G. (CW16)	Expert witness
PW14	Maniyan Achari(CW13)	Expert witness
PW15	Venu (CW14)	Police witness
PW16	Sajad (Additional witness)	Other witness
PW17	Manoj (CW17)	Police witness

B. Defence Witness

Rank	Name	Whether Eyewitness, Police Witness, Expert witness, Medical Witness, Other witness
	NIL	

C. Court Witnesses

Rank	Name	Whether Eyewitness, Police Witness, Expert witness, Medical Witness, other witness
	NIL	

List of Prosecution/Defence/Court Exhibits

A. Prosecution Exhibits

Sl.No.	Exhibit numbers	Description
1.	P1	First Information Statement dated 29.05.2024 marked through PW1 on 07.11.2024
2.	P2	Scene Mahazar dated 30.05.2024 marked through PW3 on 07.11.2024
3.	P3	Relevant portion of 161 of Cr.P.C. statement of PW4 marked through PW4 on 14.11.2024
4.	P4	Seizure mahazar dated 30.05.2024 marked through PW8 on 28.11.2024
5.	P5	Recovery Mahazar dated 28.06.2024 marked through PW11 on 04.06.2025
6	P6	AMVI certificate dated 11.06.2024 marked through PW13 on 27.08.2025.
7	P7	Appraiser certificate marked through PW14 on 06.02.2026.
8	P8	Register (subject to proof) marked through PW15 on 06.02.2026.
9	P8(a)	Relevant portion of guest register marked through PW16 on 06.03.2026.
10	P9	Copy of Aadhar (subject to proof) marked through PW15 on 06.02.2026
11	P10	Seizure mahazar dated 30.05.2024 marked through PW15 on 06.02.2026

12	P11	First Information Report dated 29.05.2024 marked through PW17 on 17.04.2026.
13	P12	Report marked through PW17 on 17.04.2026.
14	P13	Arrest memo marked through PW17 on 17.04.2026
15	P13(a)	Inspection memo marked through PW17 on 17.04.2026
16	P13(b)	Custody memo marked through PW17 on 17.04.2026
17	P14	Arrest memo marked through PW17 on 17.04.2026
18	P14(a)	Inspection memo marked through PW17 on 17.04.2026
19	P14(b)	Custody memo marked through PW17 on 17.04.2026
20	P15	KPF 151 A form dated 30.05.2024 marked through PW17 on 17.04.2026.
21	P15(a)	Relevant portion of recovery mahazar marked through PW17 on 17.04.2026.
22	P16	KPF 151 A form dated 30.05.2024 marked through PW17 on 17.04.2026
23	P17	KPF 151 A form dated 28.06.2024 marked through PW17 on 17.04.2026
24	P18	Form 15 marked through PW17 on 17.04.2026
25	P19	Name and address report of the first and the third accused marked through PW17 on 17.04.2026
26	P20	Name and address report of second accused marked through PW17 on 17.04.2026

B. Defence Exhibits

Sl.No.	Exhibit Number	Description
	NIL	

C. Court Exhibits

Sl.No.	Exhibit Number	Description
	NIL	

D. Material Objects

Sl.No.	Exhibit Number	Description
1	MO1	Gold ingot marked through PW5 on 14.11.2024

Sd/-

Judicial Magistrate of First Class, Kadakkal**//True copy//****Judicial Magistrate of First Class, Kadakkal**