

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

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

Monday, 23<sup>rd</sup> day of March, 2026/02<sup>nd</sup> Chaithra, 1948

**CALENDAR CASE. No. 1519/2021**

|              |     |                                                                                                                                                                                                                                                |
|--------------|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Complainant  | :   | State represented by the S.I of Police, Chadayamangalam Police Station in Crime No. 149/2020.<br><b>(By APP Gr II, Kadakkal)</b>                                                                                                               |
| Accused Nos. | A1. | Faihas, S/o.Shajahan, Charuvila Puthen Veedu, Mulappaman, Karukone, Alayaman, Anchal.<br><b>(By Adv.Sri.Ansari.A)</b>                                                                                                                          |
|              | A2. | Muhammed Jubin, S/o.Muhammed Illyas, Nelluvila House, Thazhamel, Anchal.                                                                                                                                                                       |
|              | A3. | Muhammed Ashiq, S/o.Jahufar kutty, Thajuniza Manzil, Pullanjiyodu, Karukone, Anchal.<br><b>(By Adv.Sri.Sachin.C)</b>                                                                                                                           |
|              | A4. | Athul, S/o.Murukan, Athul Bhavan, Alancherry, Anchal.                                                                                                                                                                                          |
|              | A5. | Sheeja, W/o. Murukan, - Do -<br><b>(By Adv.Sri.A.K.Gopakumar)</b>                                                                                                                                                                              |
| Charge       | :   | Offence punishable U/ss. 381, 201 & 411 r/w 34 of the Indian Penal Code.                                                                                                                                                                       |
| Plea         | :   | Not guilty                                                                                                                                                                                                                                     |
| Finding      | :   | Not guilty                                                                                                                                                                                                                                     |
| Sentence     | :   | The accused nos. 1 to 5 are found not guilty of the offences punishable under U/ss. 381, 201 & 411 r/w 34 of the Indian Penal Code. They are acquitted u/s 271(1) of BNSS, 2023. Their bail bond stands cancelled and they are set at liberty. |

**Date of**

| Occurrence | Complainant | 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 428 Cr.P.C |
|------------|-------------|--------------|-----------------|-----------------------|--------------------------|----------------|-------------------|---------------------------------------------------------------------------------------------------|
| October    | 05.03.22    | A2-          | A2-             | 11.08.25              | 12.03.                   | 12.03.         | 23.03.26          | -                                                                                                 |

|      |  |                               |                               |  |    |    |  |  |
|------|--|-------------------------------|-------------------------------|--|----|----|--|--|
| 2019 |  | 11.02.20<br>& A3-<br>28.11.24 | 11.02.20<br>& A3-<br>28.11.24 |  | 26 | 26 |  |  |
|------|--|-------------------------------|-------------------------------|--|----|----|--|--|

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

### **JUDGMENT**

This case arose on a final report filed by the S.I of Police, Chadayamangalam Police Station in Crime No. 557/2011. The offences alleged against the accused is punishable U/ss.381, 201 & 411 r/w 34 of the Indian Penal Code.

***2 The gist of the prosecution case is as follows:*** At the time when CW1 was working as Area Manager, in the establishment named Falcon Logistics (owned by the 3<sup>rd</sup> witness), situated at Thevannoor , in Elamadu Village, during October 2019, accused Nos. 1 and 3 who were working as delivery staff in the shop, in furtherance of their common intention, committed theft of 13 mobile phones from the establishment. One mobile phone having a specific IMEI number was used by the 3<sup>rd</sup> accused by inserting a SIM card in his own name. Two mobile phones (REALME-7 and REALME-5) were sold by accused nos. 1<sup>st</sup> and 3<sup>rd</sup> together to CW4 for Rs. 16,500/-, two other mobile phones (REALME XT and REALME C2) were sold to CW5 for Rs 15,000/-. further, in December 2019, the 1<sup>st</sup> accused dishonestly included CW5 and through CW10, facilitated the sale of four mobile phones to CW10 for Rs.28,000/- and obtained the said amount. Due to the above acts, CW3 sustained a wrongful loss

amounting to Rs.1,50,376/- (Rupees One Lakh Fifty Thousand Three Hundred and Seventy-Six Only). Thus, Accused Nos. 1 to 5 have committed offences punishable U/ss.381, 201 & 411 r/w 34 of the Indian Penal Code.

4. Final report was filed before this Court and the case was taken on file. Cognizance was taken for the offences punishable U/ss. 381, 201 & 411 r/w 34 of the Indian Penal Code. Then accused Nos. 2 and 3 were enlarged on bail on their appearance. After hearing on framing of charge, charge was framed, read over and explained to them u/s.240(2) of Cr.P.C for the offences punishable U/ss. 381, 201 & 411 r/w 34 of the Indian Penal Code to which the accused persons pleaded not guilty and claimed to be tried.

5. From the side of prosecution PW1 to PW3 were examined and Exts. P1 FIS was marked. The remaining witnesses given by learned APP. As there were no incriminating circumstances in the evidence, examination of the accused U/s.313(1)(b) Cr.P.C was dispensed with. No evidence adduced from the side of defence.

6. Both sides were heard.

7. Following points came up for consideration in this case are,

- 1) *Have accused persons, in furtherance of the common intention, in the month of 2019 in the building No. V/123, 124, 125 where Falcom Logistics Company in functioning at Thevannoor junction Elamadu village, being the employees of the company, committed theft of a mobile phone from the company and thereby committed of-*

*fence punishable under section 381 r/w S. 34 of the Indian Penal Code?*

- 2) *Have accused persons, in furtherance of your common intention on the same day at the same time caused the disappearance of evidence by selling the stolen property to the accused and thereby committed offence punishable under section 201 r/w S. 34 of the Indian Penal Code?*
- 3) *Have accused persons, in furtherance of your common intention, received the stolen property knowing that it is stolen and thereby committed offence punishable under section 411 r/w S. 34 IPC, of the Indian Penal Code?*
- 4) *If found guilty, what shall the punishment if any, to be awarded?*

**8. Point No. 1 to 3:** - For the sake of convenience and to avoid repetition, and for brevity, these points are considered together. The defacto complainant was examined as PW1. The First Information Statement is marked as Ext.P1. PW1 categorically deposed that he did not know the culprits. PW1 did not support the prosecution case. PW2 and PW3 are occurrence witnesses. They were stated that they have neither seen the alleged incident nor given statement to police. In the absence of vital witness testimony, the prosecution failed to establish its case beyond reasonable doubt, and therefore, the prosecution case stands failed. Thus, point no.1 and 2 are found against the prosecution.

9. **Point No. 4:** - On the basis of finding on Point Nos. 1 to 3, this point does not arise for consideration.

**In the result:** - The accused nos. 1 to 5 are found not guilty of the offences punishable under U/ss. 381, 201 & 411 r/w 34 of the Indian Penal Code. They are acquitted u/s 271(1) of BNSS, 2023. 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 23<sup>rd</sup> day of March, 2026.

Sd/-

**Judicial First-Class Magistrate, Kadakkal.**

### **APPENDIX**

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

##### **A. Prosecution Witnesses**

| Rank | Name                | Whether Eyewitness, Police Witness, Expert witness, Medical Witness, other witness |
|------|---------------------|------------------------------------------------------------------------------------|
| PW1  | Sara Krishnan (CW1) | Complainant / Occurrence witness                                                   |
| PW2  | Sachu (CW2)         | Occurrence witness                                                                 |
| PW3  | Harikrishnan (CW3)  | Occurrence 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 Number | Description                                    |
|-------|----------------|------------------------------------------------|
| 1     | P1             | Copy of Complaint proved by PW1 on 12.03.2026. |

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 First-Class Magistrate, Kadakkal**

*//True Copy//*

**Judicial First-Class Magistrate, Kadakkal.**