

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

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

Tuesday, 12<sup>th</sup> day of May, 2026/ 22<sup>nd</sup> Vaisakha, 1948

**CALENDAR CASE No. 1706/2021**

- Complainant : State-represented by the Sub Inspector of Police,  
Kadakkal Police Station Crime No. 1459/2021.  
**(By A.P.P., Kadakkal)**
- Accused Nos. A1. Deepu, aged 45/2026, S/o.Purshothaman, P.S.Vilasam,  
Kottappuram, Elambhannor PO, Kadakkal.  
A2. Arun, aged 41/2026, S/o.Ramanan, Vazhavila Veedu,  
Vellaravattam, Elambhazhannor P.O, Kadakkal Village.  
**(By Adv.Sri.D.Vinayakumar)**
- Offence : Under section 392 r/w 34 of the Indian Penal Code.
- Plea : Not guilty
- Finding : Not guilty
- Sentence or order : The accused persons are found not guilty of the offence punishable under sections 392 r/w 34 of the Indian Penal Code and they are acquitted under section 248(1)of the Cr.P.C. Their bail bond stands cancelled and they are set at liberty.

**Date of**

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 428 Cr.P.C
07.10.21	24.12.21	11.10.21	15.11.21	12.07.21	07.10.2024	18.05.2026	12.05.2026	-

This case having been finally heard on 12.05.2026 and the Court on the same day delivered the following:-

### **JUDGMENT**

The accused is put on trial upon a final report filed by the Sub Inspector of Police, Kadakkal Police Station Crime No.1459/2021 alleging commission of offence punishable under sections 392 r/w 34 of the Indian Penal Code.

2. ***Prosecution case in brief is as follows:-*** The accused, with the intention and knowledge of committing theft and, thereby making unlawful gain, on 07.10.2021 at Kadakkal P.O, within Kadakkal Village, dishonestly removed one gold chain weighing about two sovereigns from the neck gold CW1, who was under the influence of alcohol and entrusted the same to the 2<sup>nd</sup> accused. Thereafter, the 2<sup>nd</sup> sold the gold chain at Kadakkal Manjima Jewellery. Thus the accused persons, in furtherance of their common intention and with mutual aid and assistance, committed the aforesaid offence Thus the accused had committed the offences punishable under section 392 r/w 34 of the Indian Penal Code.
3. This case is originated from the First Information Statement given by PW1. On the basis of this, CW8 registered First Information Report and conducted investigation and laid charge sheet before the Court.
4. My predecessor in office took cognizance of the offences and issued process against the accused u/s.204 Cr.P.C. On appearance of the accused, they were enlarged on bail. The copies of all relevant prosecution records were furnished to him under section 207 of the Code of Criminal Procedure, 1973. After hearing both parties, charge u/s. 392 r/w 34 of the Indian Penal Code were framed, read over and explained to him to which he pleaded not guilty and claimed to be tried.
5. On the side of the prosecution, PW1 was examined and Ext.P1 was marked. In this case the presence of material witnesses is not procured even if coercive steps are ordered and thus there is no purpose in examining the remaining witnesses. Thus, the prosecution evidence stands closed. In the absence of any

incriminating evidence against the accused, questioning him under section 313 of Cr.P.C was dispensed with.

6. Heard both sides.
7. Points that arose for consideration are :-
  - 1) *Have the accused persons, on 07.10.2021, in furtherance of common intention, at Kuttikkadu in Kadakkal Village, committed robbery of gold chain and thereby committed an offence punishable under section 392 r/w 34 IPC?*
  - 2) *If the accused is found guilty, what is the order as to sentence?*
8. **Points No.1:-** 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.
9. Despite granting sufficient opportunities and adopting coercive steps, the prosecution has failed to procure the attendance of these material witnesses. In such circumstances, no useful purpose would be served by adjourning the matter further or by proceeding with the examination of the remaining witnesses, whose evidence would not advance the prosecution case in any meaningful manner. The evidence of PW1 in no way helped the prosecution to prove the allegations against the accused.
10. Accordingly, this Court is constrained to close the prosecution evidence. In the absence of substantive and reliable evidence to establish the allegations against the accused, the prosecution has failed to prove its case beyond reasonable doubt. Hence, the prosecution case stands failed.
11. **Point No. 2:-** In view of the finding in Point No.1, the accused persons are found not guilty of the offence punishable under sections 392 r/w 34 of the Indian Penal Code

and they are acquitted under section 248(1) of the Cr.P.C. 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 12<sup>th</sup> day of May, 2026.*

Sd/-  
**Judicial First-Class Magistrate, 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	Baiju (CW1)	Occurrence Witness/ 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	FIS proved by PW1 on 07.10.2024

##### **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.**