

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE -II KANNUR	
Present: Sri. Raphael.E.V Judicial First Class Magistrate-II, Kannur	
Dated this the Saturday, the 21 st day of March, 2026 (30 th day of Phalguna, 1947 S.E)	
<u>C.C 497/19</u>	
Complainant	: State rep. by Sub Inspector of Police, Valapattanam Police Station (in Cr. No. 970/18 (By APP, Gr-II, Kannur)
Accused	: Manoj Puliylandi, S/o.Bhaskaran, Age 49/19, Puliylandi (H), Kottakkunnu, Kattampalli P.O, Chirakkal amsom. (by Adv: Sri.Sudheesh Tharol)
Offence	u/s 468, 471,420 of IPC. :
Pleading	: Not Guilty.
Finding	: Not Guilty.
Sentence or Order	: The accused is found not guilty of the offences punishable u/s 468, 471,420 IPC and he is acquitted u/s 248 (1) of Cr. P.C. He is set at liberty and his bail bonds stand cancelled.

<u>Description of Accused</u>					
Sl. No	Name	Father's Name	Occupation	Residence	Age
1	Manoj	S/o.Bhaskaran	Chirakkal	49/19

Puliyilandi				
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Date of:-	
Offence	: 22/04/2009
Complaint	: 04/10/2018
Apprehension	: 23/10/2018
Released on bail	: 23/10/2018
Commencement of trial	: 06/12/2021
Close of trial	: 17/03/2026
Sentence/Order	: 21/03/2026
Service copy of judgment	:

J U D G M E N T

1. The case is charge sheeted by the Sub Inspector of Police Valapattanam in Crime No.970/18 for the offences punishable u/ss. 468, 471,420 IPC.
2. **Case of the prosecution in brief is as follows:** Accused with an intention to cheat the defacto complainant and received an amount of Rs.1,00,000/- as an advance for the sale of a property, pretended as owner of property contained in resurvey No.278/10 of Pappinissery village to the extents of 10 cents, fabricated agreement thereafter accused did not transfer the property or return the advance amount received. Therefore accused is alleged to to have committed offence punishable under sections 468, 471,420 of IPC.

3. The accused appeared before the Court. They were enlarged on bail. Copies of relevant prosecution records were furnished to them. After hearing both sides and after perusing the materials available before the Court, it is found that there is ground for presuming that the accused had committed the offence. Charge framed U/s 468, 471,420 IPC read over to the accused in Malayalam, they pleaded not guilty and claimed to be tried. The accused were defended by a lawyer of his choice. Case was posted for evidence.

4. On the side of the prosecution, PW1 to PW3 were examined and Ext P1 to P6 were marked. On closure of prosecution evidence, the accused was questioned under Sec.313(1) (b) Cr.P.C. They denied the incriminating circumstances put to them and maintained innocence. No evidence has been adduced from the side of the accused.

5. Both sides were heard.

6. Now the points that arise for consideration are:-

- 1 Whether the accused fabricated documents as the owner of the property of CW2 thereby committed forgery as alleged by the prosecution?
2. Whether the accused used the forged documents as a genuine as alleged by the prosecution?

3. Whether the accused cheated the defacto complainant as alleged by the prosecution?

4. If found guilty what would be the proper sentence?

7. PW1 is the defacto complainant in this case. He deposed that he had a given an advance amount for purchasing a property of 10 cents. Above property was not registered. Hence he filed ext P1 written complaint before the police. Accused was not there and that is a reason for non registration for documents.

8. PW2 was serving as Sr.Civil police officer of Valapattanam police station. He registered Ext P2 FIR in this case.

9. PW3 was Serving as Sub Inspector of Valapattanam police station at the time of incident in this case. He seized documents produced by the defacto complaint as per Ext P3 seizure mahazar. He arrested the accused Ext P4 is the arrest memo prepared at the time of the arrest of the accused. Ext P5 is the inspection memo. He filed Ext P6 report to add the name and address of the accused. Recorded the statement of witnesses No.1 to 3 and completed the investigation and filed charge sheet before the court.

10. Point No. 1 to 3 : For the sake of convenience point No.1 to 3 are considered together. As per the evidence of PW1, defacto complainant, Ext P1 is written complaint submitted before the police. He had not identified the accused

before the court. PW2 is a officer registered Ext P2 FIR in this case. PW3 investigated the case while he was serving as Sub Inspector of Valapattanam police station. He arrested the accused.

11. On analysis of entire evidence in this case it is seen that accused is not identified by the materiel witness including defacto complainant in this case. Evidence of the PW1 is not corroborated by any independent witness. Evidence of PW2 and 3 alone is not sufficient to prove the prosecution case. Therefore this court of the view that prosecution could not prove the offence as alleged by the prosecution. Hence accused is entitled for acquittal.

12. **Point No.4:-** In view of the findings in Points No.1 to 3, this point does not arise for consideration.

In the result, the accused is found not guilty of the offences punishable u/s 468, 471,420 IPC and he is acquitted u/s 248(1) Cr.PC for the above said offences. His bail bonds stand cancelled and he is set at liberty.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court, this the 21st day of March, 2026).

sd/-
Judicial First Class Magistrate-II
Kannur

APPENDIX

List of Prosecution/Defence/Court Witnesses

A. Prosecution Witnesses

Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, Other witness
PW1	K.P.Shafeeq	Eye witness
PW2	Asokan	Police witness
PW3	Latheesh.C.K	Police witness

B. Defence Witnesses

Nil

C. Court Witnesses

Nil

List of Prosecution/Defence/Court Exhibits

A. Prosecution Exhibits

Sl.No.	Exhibit number	Description
1.	Ext.P1/PW1	Written complaint dated 4/10/2018
2.	Ext.P2/PW2	FIR dated 4/10/2018
3	Ext.P3/PW3	Seizure mahazar dated 4/10/2018
4	Ext.P4/PW3	Arrest memo dated 13/10/2018
5	Ext.P5/PW3	Inspection memo dated 14/10/2018
6	Ext.P6/PW3	Report to add the name and address of accused.dated 14/10/2018

B. Defence Exhibits

Nil

C. Court Exhibits

Nil

D. Material Objects

Nil

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