

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF FIRST CLASS  
ERATTUPETTA**

Present:- Sri. Krishna Prabhan.R, Judicial Magistrate of First Class, Erattupetta

Monday, 13<sup>th</sup> day of April, 2026 / 23<sup>rd</sup> day of Chaithra, 1948

**CC 5/2026**

Complainant	:	State represented by the Sub Inspector of Police, Erattupetta in Cr.No. 942/2025 <b>(By APP, Erattupetta)</b>
Accused	:	Afsal Hakkim, Aged 27 S/o. Hakkim, Puthenpurakkal (H) Manthakunnu Bhagom Thekkekkara Kara Erattupetta <b>(In custody)</b>
Offence	:	u/s. 305 (a) of BNS
Plea	:	Guilty
Finding	:	Guilty
Sentence or Order	:	Accused is sentenced to undergo simple imprisonment for 6 months and to pay fine of Rs.1000/- for the offence u/s.305 (a) of BNS. In default of payment of fine, he has to undergo simple imprisonment of 15 days. Set off is allowed from 30/07/2025.

**Description of Accused**

Name	Age	Father's/ Husband's name	Calling	Residence	Taluk
Afsal Hakkim	27	Hakkim	-	Erattupetta	Meenachil

**Dates of**

Occurrence	Complaint	Apprehension	Release on bail	Commence ment of trial	Close of trial	Sentence or order
Between 10.00p.m on 20/07/25 and 6.00a.m on 21/07/25	05/01/26	30/07/25	custody	13/04/26	13/04/26	13/04/26

This case having been finally heard on this day, the Court delivered the following:-

**J U D G M E N T**

1. This is a case instituted on a police report filed by the S.I of Police, Erattupetta police station in Crime No. 942/25 alleging that the accused had committed the offence punishable u/s. 305 (a) of BNS.
2. The case of the prosecution in nutshell is as follows:- At a time between 10.00p.m on 20/07/25 and 6.00a.m on 21/07/25, the accused committed theft of 50 kg of nutmeg worth Rs.16,000/-, 15 nutmeg seeds worth Rs.9000/- and 10kg of cloves worth Rs.10,500/- from the house of the defacto complainant at Kaduvamoozhi and taken away the aforesaid articles in a motor cycle bearing Reg.No. KL 33 B 157 and thereby caused a total loss of Rs.35,500/- to him.

He thereby committed the aforesaid offence.

3. Accused was produced before the court and copies of all relevant records furnished to him. After complying section 207 Cr.P.C and after preliminary hearing, charge for the offence u/s. 305 (a) of BNS was framed, read over and explained to the accused to which he pleaded guilty.

**4. The points that arise for determination are:-**

- 1) Whether at a time between 10.00p.m on 20/07/25 and 6.00a.m on 21/07/25, on committed theft of 50 kg of nutmeg, 15 nutmeg seeds and 10kg of cloves, as alleged?
- 2) In the event of conviction, what is the sentence to be awarded upon the convicted accused?

**5. Point Nos. 1**

Today accused submitted that he is ready to plead guilty. Consequence of pleading guilty was explained to him and he expressed willingness. I am satisfied that the plea has been made voluntarily and hence the plea is accepted. By considering the plea of accused and on perusal of prosecution records, the accused is found guilty for the offence u/s. 305 (a) of BNS and convicted thereunder. Considering the facts and circumstances of the case, I am of the opinion that this is not a fit case to invoke the benevolent provisions of Probation of Offenders Act. Will heard both sides on question of sentence.

**Judicial Magistrate of First Class,  
Erattupetta**

6. Heard. On perusal of the available materials, it can be seen that maximum sentence is not necessary. Accused is sentenced to undergo simple imprisonment for 6 months and to pay fine of Rs.1000/- for the offence u/s.305 (a) of BNS. In default of payment of fine, he has to undergo simple imprisonment of 15 days. Set off is allowed from 30/07/2025.

Dictated to the Confidential Assistant transcribed and typed by her, corrected by me and pronounced in the open Court on this day, the 13<sup>th</sup> day of April, 2026.

**Judicial Magistrate of First Class  
Erattupetta**

**A P P E N D I X**

<u>Witnesses examined for the prosecution</u>	:	Nil
<u>Exhibits marked for the prosecution</u>	:	Nil
<u>Witnesses examined for the defence</u>	:	Nil
<u>Exhibits marked for the defence</u>	:	Nil
<u>Material objects marked</u>	:	Nil

**Judicial Magistrate of First Class  
Erattupetta**