

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-I,
CHANGANACHERRY**

Present:- Sri.Anil Kumar. T.S, Judicial I Class Magistrate.

Dated this the, 08th day of May, 2026
18th day of Vaishakha, 1948

CC No.2038/2025

Complainant : State Represented by the Sub Inspector of Police,
Chingavanam in Chingavanam Police Station
Crime No.1176/2025.
(By. Assistant Public Prosecutor, Chaganacherry)

Accused A2 Abhilash Gopalan, Aged 44, S/o Gopalan,
Parachira (H), Enachira kurisu Bhagom,
Cheeramchira P.O, Chethipuzha,
Changanacherry, Kottayam.

Offence : U/s.331(2) and 305(b) r/w 3(5) of BNS.

Plea : Guilty

Finding : Guilty

Sentence or order Accused is convicted and sentenced to undergo
simple imprisonment for a term of 1 year and to
pay fine of ₹2,000/- for the offence punishable
under section 331(2) of BNS. In default of
payment of fine, he is sentenced to undergo simple
imprisonment for a period of 1 month. He is
further convicted and sentenced to undergo simple
imprisonment for a term of 1 year and to pay fine
of ₹3,000/- for the offence punishable under
section 305(b) of BNS. In default of payment of
fine, he is sentenced to undergo simple
imprisonment for a period of 1 month. The

substantive sentence shall run concurrently. Set off is allowed u/s.468 of BNSS. The accused is undergoing detention since 04.08.2025 till 07.05.2026. Case against A1 split up and refiled as CC 2069/2025.

This case is coming upon for today's proceedings and court passed the following:-

JUDGMENT

This is a case charge sheeted by the Sub Inspector of Police, Chingavanam in Chingavanam Police Station Crime No.1176/2025 against the accused alleging the offences punishable u/s.331(2) and 305(b) r/w 3(5) of BNS.

2. Prosecution case, in brief, is as follows:- On 03.08.2025 at about 03.15 a.m at Kurichy Village, the accused trespassed into the vehicle shed of the defacto complainant near his residence and committed theft of a motor cycle worth Rs.70,000/-. Thus the accused have committed the offences punishable u/s.331(2) and 305(b) r/w 3(5) of BNS.

3. The accused was arrested and remanded to judicial custody on 03.08.2025 and he has been under custody since then. Copies of all relevant prosecution records were furnished to him. After hearing both sides and after perusing the prosecution records, charge was framed under above mentioned offence and the same was read over and explained to the accused. Accused pleaded guilty to the charge. Plea was recorded and the same was accepted as it was made

voluntarily. Hence, the accused is convicted under section 264 of BNSS on the basis of above plea. Having regard to the facts and circumstances of this case, I am of the view that, it is not proper to invoke the benevolent provision of Probation of Offenders Act, 1958. Accused is found guilty of offence punishable under section 331(2) and 305(b) r/w 3(5) of BNS. He is convicted thereunder.

(Dictated to the Confidential Assistant, transcribed by her, corrected by me and pronounced in open court, this the 08th day of May, 2026)

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4. The accused is heard on question of sentence. Accused pleaded for mercy. Considering the age and financial background of the accused, this court is of the view that prolonged detention of the accused in Jail is not necessary. In the above circumstances, it is not proper to impose any harsh punishment on the accused.

5. After considering the facts and circumstances of this case, this court is of the view that the accused can be punished for the offence u/s.331(2) and 305(b) r/w 3(5) of BNS. Therefore, accused is convicted and sentenced to undergo simple imprisonment for a term of 1 year and to pay fine of ₹2,000/- for the offence punishable under section 331(2) of BNS. In default of payment of fine, he is sentenced to undergo simple imprisonment for a period of 1 month. He is further convicted and sentenced to undergo simple imprisonment for a term of 1 year and to pay fine of ₹3,000/- for the offence punishable under section 305(b) of BNS. In

default of payment of fine, he is sentenced to undergo simple imprisonment for a period of 1 month. The substantive sentence shall run concurrently. Set off is allowed u/s.468 of BNSS. The accused is undergoing detention since 04.08.2025 till 07.05.2026. Case against A1 split up and refiled as CC 2069/2025.

(Pronounced in open court on this the 08th day of May, 2026)

Judicial First Class Magistrate-I
Changanacherry