

IN THE COURT OF SESSION, PATHANAMTHITTA DIVISION

Present: Smt. Minimol. F, Additional District & Sessions Judge -III
Friday the 27th day of March 2026/ 6th day of Chaithram 1948 SE.

SESSIONS CASE No. 501/2025

(C.P. No: 41/2018 of the Judicial First Class Magistrate-II Pathanamthitta

Complainant	:	State of Kerala represented by the Inspector of Police, Pathanamthitta Police Station in Crime No. 307/2013 of Konny Police Station.
		(By Adv. Binny.B, Addl.Public Prosecutor)
Accused	:	Niyas. Aged 30/13, S/o. Haneefa, Puthuparambil Veedu, Near Kadukkamala school, Erpatham Mile,Ponkunnam, Kottayam District.
		(By Adv. Muhmmad Ansari)
Charge	:	Offence U/s.395 r/w 34 of Indian Penal Code.
Plea of the Accused	:	Not guilty.
Finding of the Court	:	Not guilty.
Sentence or order of the court	:	The 6 th accused is acquitted under section 235(1) Cr.P.C for the offence punishable under sections 395 of Indian Penal Code and the bail bond executed by him stand cancelled and he is set at liberty.
Date of trial	:	10.03.2026, 12.03.2026, 16.03.2026, 18.03.2026, 26.03.2026
Date of hearing	:	27.03.2026

This Sessions Case having been finally heard on 27.03.2026 and the Court on the same day delivered the following:-

JUDGMENT

The 6th accused stand trial in pursuance of the final report submitted by the Circle Inspector of Police, Manimala Police Station in Crime No. 307/2013 against him and the accused 1 to 5 alleging the offence punishable under section 395 of Indian Penal Code.

2. The case in the final report is that the 6th accused along with the other accused on 12.03.2013 at 03.15 PM were travelling in a white Bolero Jeep bearing registration No. KL-35C-1793 in furtherance of their common intention to commit robbery, intercepted PW7, who came on a motorcycle bearing registration No.KL-2X-4367 through Vettoor - Malayalapuzha road near Muttumon Junction, Vettoor Muri, Konni Tazham Village. Thereafter, he and other accused wrongfully restrained him by caught hold of him and abducted him in a vehicle to Kumbazha and dishonestly took away ₹ 2,10,640/- from the pocket of his pants and ₹320/- from the pocket of his shirt and his mobile phone. Thereafter all the accused left him at the main road at Ponthanpuzha forest after giving him ₹ 100/-. Thus the accused are alleged to have committed the aforesaid offence.

3. PW6, the Sub Inspector of Police, Manimala Police Station, recorded the First Information Statement of PW7 and he registered

the case. Ext.P7 is the certified copy of the First Information Report. Ext.P6 is the certified copy of the First Information Statement of PW7. PW5, the Inspector of Konni Police Station on 14.03.2023 conducted further investigation in this case. He prepared the scene mahazar. Ext.P4 is the certified copy of the scene mahazar. Ext.P5 is the certified copy of the mahazar regarding the place from where PW1 was abducted. Ext.P3 is the certified copy of the mahazar prepared at the time of seizure of KL-02X-4367 in which PW7 was travelling at the time of the alleged incident. PW3, the Circle Inspector of Konni conducted investigation in this case and submitted report before court. Ext.P1 is the certified copy of the above report. Ext.P2 is the certified copy of the mahazar prepared at the time of seizing the vehicle involved in the alleged incident. PW3 completed the investigation and submitted the final report before the Judicial First Class Magistrate Court-II, Pathanamthitta. The learned Magistrate took cognizance of the offence punishable under Section 395 of Indian Penal Code and filed as CP No. 58/2017 and issued summons to the accused 1 to 6. The 6th accused was absconding. His case against him was removed to LP register. Later he was arrested and produced before the said court and the case against him was refiled as CP No.41/2018, the copy of all relevant records were furnished to him

under Section 207 Cr.PC and he was enlarged on bail. Thereafter, the case was committed to the Hon'ble Sessions Court, Pathanamthitta under Section 209(a) Cr.PC and taken on file as SC No.501/2025. Thereafter the case was made over to this court for disposal.

4. On appearance of the 6th accused before this Court the Additional Public Prosecutor opened his case under section 226 Cr.P.C by describing the charge brought against the 6th accused and stating by what evidence he proposes to prove to the guilt of the accused on charge. Upon consideration of the records of the case and the documents submitted therewith and after hearing the submissions of the 6th accused and the prosecution in this behalf, the court considered that there is no ground to discharge the accused under section 227 of Cr.P.C. After such consideration and hearing as aforesaid, the court is of the opinion that there is ground for presuming that the 6th accused had committed the offence punishable under section 395 of Indian penal Code. Thereafter the charge framed for the said offence after hearing both sides and perusing the prosecution records. The charge read over and explained to the 6th accused to which he pleaded not guilty and claimed to be tried by this court.

5. On the side of the prosecution PW1 to PW7 were examined and Exts.P1 to P7 were marked. CW4, CW5 and CW7 were given up by the prosecution. CW9 is no more. Therefore, evidence closed.

6. After closing the evidence for the prosecution the 6th accused was questioned under section 313(1)(b) of Cr.P.C for the purpose of enabling him personally to explain the incriminating circumstances appeared against him in the evidence. He denied the circumstances appeared against him in the evidence. His case is that he is innocent in this case.

7. Heard both sides under section 232 of Cr.P.C. But there is no ground to acquit the 6th accused under section 232 of Cr.P.C. Thereafter the 6th accused was called upon to enter his defence under section 233 of Cr.P.C. But no defence evidence was adduced in this case.

8. Heard both sides.

9. The point that arise for consideration are :-

1. Whether the 6th accused along with the accused 1 to 5 committed dacoity as alleged and committed the offence punishable under Section 395 of Indian Penal Code?

2. If the accused is found guilty and convicted, what is the order as to sentence?

10. **Point No 1 :-** PW1 deposed before court that he was the registered owner of the vehicle bearing registration No. KL-35C-1793, which was involved in this case. PW2 deposed before court that the vehicle bearing registration No. KL-35C-1793 belongs to PW1, his wife. He stated that the said vehicle was entrusted with the 4th accused in this case for the purpose of going to airport. But he did not remember the date on which it was entrusted with him. PW7 deposed that some persons abducted him in a vehicle and dishonestly took away money from him. As a result, he gave statement before the police. Ext.P6 is the certified copy of his statement before the police. But he stated that he did not know the 6th accused in this case. According to him, the 6th accused was not involved in this case. He further deposed that he did not give statement before the police that the 6th accused also involved in this case and turned hostile to the prosecution. The learned Additional Public Prosecutor was granted permission under section 154 of Indian Evidence Act and proviso to Section 162 of Cr.PC. But nothing was brought out to disbelieve his version before court.

11. PW3 deposed that while he was working as Circle Inspector

on 05.07.2016, he took investigation in this case and submitted report before the court. He stated that he submitted report before the court regarding the name and address of the accused persons in this case. He seized the vehicle involved in this case as per mahazar and produced the same before the court as per property list. Thereafter he released said vehicle to the registered owner as per third party kaichit. He further deposed that he submitted report before the court stating that Section 395 of Indian Penal Code is involved in this case. Thereafter, he submitted the final report before the court. According to PW3, the 6th accused was not arrested in this case since he was absconding. In the cross examination, he deposed that he took investigation in this case after 3 years from the date of the alleged incident. The case of 6th accused during the cross-examination of PW3 is that, without conducting proper investigation, a final report is submitted against him. He denied the said case of the 6th accused. PW4 deposed that he signed in the mahazar prepared at the time of seizing the vehicle involved in this case and its records. He identified his signature in Ext.P3, the certified copy of said mahazar. He also stated that he signed in the scene mahazar in this case and also identified his signature in Ext.P4, the certified copy of the scene mahazar. PW6 deposed that he recorded the First Information

Statement of PW7 and registered the case. PW5 deposed that he conducted further investigation in this case and prepared the scene mahazars in this case. But no evidence was adduced in this case to connect the 6th accused. PW7 deposed against Ext.P6 and the case of the prosecution. No sufficient evidence was adduced from the side of the prosecution to prove the offence punishable under section 395 of Indian Penal Code against the 6th accused beyond reasonable doubt. Hence from the circumstances discussed above the 6th accused is found not guilty for the said offence.

12. **Point No. 2:-** In view of the findings on point No.1, this point does not come up for consideration.

In the result, the 6th accused is acquitted under section 235(1) Cr.P.C for the offence punishable under sections 395 of Indian Penal Code and the bail bond executed by him stand cancelled and he is set at liberty.

(Typed and corrected by me and pronounced in the Open Court on this, 27th day of March, 2026)

Sd/-
MINIMOL.F
ADDITIONAL DISTRICT & SESSIONS JUDGE-III

APPENDIX

I. Exhibits marked for the Prosecution :-

P1	-	04.07.2016	- Charge Report prepared and submitted by Sub Inspector of Police, Manimala Police Station.
P2	-	16.02.2017	- Mahazar (Bolero jeep) prepared and submitted by Inspector of Police, Konni Police Station.
P3	-	16.03.2013	- Mahazar (Motor Cycle) prepared and submitted by Inspector of Police, Konni Police Station.
P4	-	16.03.2013	- Mahazar (Motor Cycle) prepared and submitted by Sub Inspector of Police, Konni Police Station
P5	-	15.03.2013	- Scene Mahazar prepared and submitted by Sub Inspector of Police, Konni Police Station
P6	-	12.03.2013	- Certified copy of First Information Statement prepared and submitted by Sub Inspector of Police, Manimala Police Station
P7	-	13.03.2013	- First Information Report prepared and submitted by Sub Inspector of Police, Konni Police Station

II. Court Exhibits:-

-- NIL

III. Defence Exhibits:-

-- NIL

IV. Prosecution Witness:-

PW1	-	10.03.2026	- Shyla Nuuman	- CW2
PW2	-	10.03.2026	- Nuuman	- CW3

PW3	-	12.03.2026	-	R. Jose	-	CW11
PW4	-	16.03.2026	-	Ajith Prasad	-	CW6
PW5	-	18.03.2026	-	B.S. Sajimon	-	CW10
PW6	-	26.03.2026	-	P.C. Sabu	-	CW8
PW7	-	26.03.2026	-	Sunil Kumar	-	CW1

V. Court Witness:- -- NIL.

VI. Defence Witness:- -- NIL

VII. Material Objects:-

MO1	-	NIL
1. Serial No.	-	SC 501/2025
2. Name of Police Station and Crime No.	-	Konni Police Station and Crime No.307/2013 of Konni Police Station
3. Name of Accused	-	Niyas
4. Father's/ Spouses Name	-	Haneefa
5. Residence	-	Puthuparambil Veedu, Near Kadukkamala school, Erpatham Mile, Ponkunnam, Kottayam District.
6. Occupation	-	NIL
7. Age	-	30 Years/13
8. Date of Occurrence	-	12.03.2013

9. Date of Complaint	- 12.3.2013
10. Date of apprehension	- 29.11.2016
11. Date of release on bail	- 19.10.2024
12. Date of Committal	- 21.3.2025
13. Date of commencement of trial	- 10.03.2026
14. Date of close of trial	- 26.03.2026
15. Date of sentence or order	- 27.03.2026
16. Explanation for delay	- No delay.

Sd/-
ADDITIONAL DISTRICT & SESSIONS JUDGE-III

Fair/Copy of Judgment in
Sessions Case No. 501/2025
Dated:27.03.2026