

IN THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS, THIRUVALLA

Present: Smt. Arundhathi Dileep, Judicial Magistrate of the First Class

Friday the 10th day of April, 2026/ 20th day of Chaithra 1948 S.E.

CC 844/2018

- Complainant : State represented by the Sub Inspector of Police, Keezhvaipur in Crime No. 2080/2017 of Keezhvaipur Police Station.
[Smt. Devi M G, Assistant Public Prosecutor, Grade-I, Thiruvalla].
- Accused : 1. Manu Vinod, Aged 20/17
S/o Vinod
Kottakaparambil House, Mallappally Village and Muri.
2. Ratheesh, Aged 20/17 **[Split up]**
S/o Santhosh
Puthuparambil House,
Near Mundukuzhi Reethu Church, Venkotta Muri,
Mallappally Village.
(By Adv. Pasha P Abraham)
- Offences : Under sections 457, 461, 379 and 380 r/w section 34 of the Indian Penal Code.
- Plea : Not Guilty.
- Finding : Not Guilty.
- Sentence/Order : Accused No.1 is acquitted under section 248(1) of the Cr.P.C. Case against accused No.2 split up and refiled as CC 2095/2018.

DESCRIPTION OF THE ACCUSED

<i>Name</i>	<i>Father's name</i>	<i>Occupation</i>	<i>Residence</i>	<i>Age</i>
Manu Vinod	Vinod	Not Applicable	Mallappally	20/17
Ratheesh	Santhosh	Not Applicable	Mallappally	20/17

RELEVANT DATES

Offence	Complaint	Apprehension	Release on bail	Commencement of Trial
28/11/2017	26/06/2019	20/06/2024	20/06/2024	20/06/2024
Close of trial		Sentence of order	Explanation for delay	
07/04/2026		10/04/2026	No delay	

This case having been finally heard on 07/04/2026, the court on this day delivered the following:-

J U D G M E N T

- The accused faces indictment for the offences punishable under sections 457, 461, 379 and 380 r/w section 34 of the Indian Penal Code (hereinafter as IPC) in Crime No. 2080/2017 of Keezhvaipur Police Station.***

2. **The prosecution case in brief is as follows :-** Accused with intention to commit theft had on 28/11/2017 at 00.30 hours., criminally trespassed into Madathil Kavu Bhagavathi Temple and broke open the offering box (കാണിയ്ക്ക വഞ്ചി) with an iron bar and committed theft of Rs.7500/- from the said box. The accused had also broke open the table in the temple and committed theft of Rs.200/-. The accused had thus committed the above said offences.
3. On the basis of the First Information Statement given by CW1, CW12, Sub Inspector of Police, Keezhvaipur Police Station registered the case as Crime No. 2080/217 and CW13, Sub Inspector of Police, Keezhvaipur Police Station conducted the investigation and laid the final report before the Court. Cognizance was taken by the court under section 190(1)(b) of Code of Criminal Procedure (hereinafter as Code) and the case was taken on file as CC 844/2018.
4. On appearance of the accused No. 1 before the court, copies of all the prosecution records were furnished to the accused as envisaged under section 207 of the Code. After hearing both sides and on perusal of entire prosecution records, charge was framed, read over and explained to the accused under **sections 457, 461, 379 and 380 r/w section 34 of the Indian Penal Code** to which he pleaded not guilty and claimed to be tried. The presence of accused No.2 could not be secured inspite of repeated coercive steps. Therefore case against him was split up.
5. To bring home the guilt of the accused, prosecution examined **PW1 to PW3**. PW1 to PW3 had turned hostile to the prosecution. Therefore, other witnesses were given up by the learned APP as their evidence will not improve the prosecution case. After the closure of the prosecution evidence, the examination of accused under section 313 (1)(b) of the Cr.P.C., was dispensed with since no incriminating circumstances had surfaced against the accused. No defence evidence was adduced.

6. *Heard both sides. Perused the records.*
7. *From the above facts and the prosecution evidence adduced, the following points arise for consideration :-*
 1. *Whether the accused in furtherance of their common intention on 28/11/2017 at 00.30 hours., committed lurking house trespass by night in order to commit theft and thereby committed the offence punishable u/s. 457 of IPC ?*
 2. *Whether the accused in furtherance of their common intention on 28/11/2017 at 00.30 hours., had dishonestly broke open the offering box and table at the Madathikavu Temple and thereby committed the offence punishable U/s. 461 IPC?*
 3. *Whether the accused in furtherance of their common intention on 28/11/2017 at 00.30 hours., had committed theft of Rs.7700/- and thereby committed the offence punishable u/s. 379 IPC?,*
 4. *Whether the accused in furtherance of their common intention on 28/11/2017 at 00.30 hours., committed theft of Rs.7700/- from the Madathikavu Temple and thereby committed the offence punishable U/s. 380 IPC?*
 5. *Is the accused liable for conviction? If so, what shall be the appropriate sentence to be imposed in the event of conviction?*
8. *Point Nos.1 to 4:-*

These points can be considered jointly for the sake of convenience. The case of the prosecution is that accused had committed the offences under sections 457, 461, 379 and 380 r/w section 34 of the Indian Penal Code.

CW1 was examined as PW1. He had turned hostile by deposing that he had not lodged any complaint alleging theft.

CW2 was examined as PW2. CW3 was examined as PW3. They had also turned hostile by deposing that they had not given any statement regarding the alleged incident.

In this case, all the material witnesses had turned hostile to the prosecution. There is absolutely nothing on record to implicate the accused with the offences alleged. The prosecution could not prove the charges against the accused. The guilt of the accused stands not proved. Hence point Nos. 1 to 4 stands not proved and are found against the prosecution.

9. **Point No.5:-**

On the basis of the findings on Point Nos.1 to 4, the question of sentence is out of consideration and this point is also found against prosecution.

In the result accused No.1 is found not guilty of the offences punishable under sections 457, 461, 379 and 380 r/w section 34 of the Indian Penal Code and he is acquitted of the above offence under section 248(1) of Cr.P.C. The bail bond of the accused stands cancelled and he is set at liberty. Case against accused No.2 split up and refiled as CC 2095/2018.

Dictated to the Confidential Asst., typed by her, corrected and pronounced by me in open Court on this the 10th day of April, 2026

Sd/-
Judicial Magistrate of the First Class
Thiruvalla

APPENDIX

Witnesses for the prosecution:

PW1 : Anil Kumar examined on 15/12/2025.

PW2 : Kochukuttan Nair examined on 15/12/2025.

PW3 : Surendran Pillai examined on 15/12/2025.

Exhibits for the prosecution:

NIL

Witnesses for the defence:

NIL

Exhibits for the defence:

NIL

Material Objects marked:

NIL

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Judicial Magistrate of the First Class
Thiruvalla