

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-II,
ATTINGAL.**

Present:- Smt. Sabah Usman.

Judicial I Class Magistrate-II.

Dated this the 19th day of March 2026

Calendar Case No.1389/2015

Complainant	:	State of Kerala, Represented by the Sub Inspector of police, Mangalapuram in crime No. 459/2013 (By Asst.Public Prosecutor, Attingal)
Accused	:	1. Deepu, S/o. Babu, Edathara Veedu, Chakkakonam, Karakulam Village.(No more) 2. Lakshmi, W/o. Deepu, Edathara Veedu, Chakkakonam, Karakulam Village. By Adv. Smt. G. S Sindhu
Charge	:	u/s.448, 379 r/w.34 of Indian Penal Code 1860
Plea	:	Not guilty
Finding	:	Not guilty
Sentence/Order	:	Accused No.2 is acquitted u/s. 248(1) of Criminal Procedure Code 1973. Accused No.1 is reported no more and charge against him got abated.

DESCRIPTION OF ACCUSED				
Name	Father's name	Calling	Residence	Age
1. Deepu	Babu	...	Karakulam Village	33
2. Lakshmi	Deepu	...	Karakulam Village	29

Date of						
Offence	Complaint	Apprehension	Release on bail	Commencement of trial	Close of trial	Sentence/order
07/11/12	12/08/15	01/03/24	01/03/24	24/05/24	17/03/26	19/03/26

This case having been finally heard on 17/03/26 and the court on 19/03/26 delivered the following:

JUDGMENT

This is a case in which final report has been filed by Sub Inspector of Police, Mangalapuram Police Station in Crime No. 459/2013 against the accused persons alleging commission of offences punishable U/S.448 & 379 r/w.34 of Indian penal Code 1860.

2. The prosecution case in brief is as follows:-The accused persons in furtherance of their common intention criminally trespassed into the house of CW1 at AP2 337 Pallippuram by breaking open the locks of the house and committed theft of sheets and iron rods kept inside the house worth Rs.80,000/- on 07/11/2012 at 5 pm and thereby committed the aforesaid offences alleged.

3. On appearance of accused No. 2 before court, she was released on bail and copies of all relevant prosecution records were furnished to her u/s. 207 Cr. P.C. After hearing both sides, charge was framed u/s. 448 & 379 r/w.34 of IPC was read over and explained to her who is facing trial, to which she pleaded not guilty and claims to be tried. A1 reported no more.

4. Prosecution cited CW1 to CW7. PW1 & PW2 were examined and Ext.P1 to P4 marked. CW1 and CW3 reported no more. CW2 is in abroad. CW5 reported laid up. CW6 was given up by the learned APP. Since there

are no incriminating circumstances brought out against the accused from the prosecution evidence, examination of her u/s.313 (1) (b) Cr.P.C. was dispensed with. No defence evidence was adduced.

5. Heard both sides.

6. The points that arose for consideration are:-

1) Has the accused persons in furtherance of their common intention criminally trespassed into the house of CW1 at AP2 337 Pallippuram by breaking open the locks of the house and committed theft of sheets and iron rods worth Rs.80,000/- on 07/11/2012 at 5 pm and thereby committed the offences punishable u/s. 448 & 379 r/w.34 of IPC ?

2) Sentence or Order ?

7. **Point No. 1:-** PW1 turned hostile to the prosecution stating that he did not sign on the scene mahazar prepared by the police. PW2 deposed that while he was working as Sub Inspector of Police, Mangalapuram, he filed Ext.P1 address report. Ext.P2 report, Ext.P3 arrest memo and Ext.P4 inspection memo were marked through him.

8. Since the informant reported no more, examination of other witnesses will not in any way improve the prosecution case. Thus, the prosecution failed to produce cogent and convincing evidence to prove the guilt of the accused beyond reasonable doubt.

9. **Point No.2 :-**

In light of the findings in point No. 1, I am of the view that the prosecution has failed to prove that the accused No.2 committed the offences

alleged against her.

In the result, the accused No.2 is found not guilty for the offence punishable U/S.448 & 379 r/w.34 of IPC and she is acquitted of the said offence u/s. **248(1)** Cr.P.C. Her bail bond stands cancelled and she is set at liberty. Accused No.1 is reported no more and charge against him got abated.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this, the 19th day of March, 2026.

Judicial First Class Magistrate-II,
Attingal.

APPENDIX

List of Prosecution/Defence/Court Witnesses

Prosecution Witnesses:-

Sl. No.	Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, Other witness
1	PW1	Vijayachandran	Other witness
2	PW2	Adarsh	Police witness

B. Defence Witnesses: Nil

C. Court Witnesses: Nil

List of Prosecution/Defence/Court Exhibits

A. Prosecution Exhibits:

Sl. No.	Exhibits	Description	Date
1	P1/PW2	Address report
2	P2/PW2	Report
3	P3/PW2	Arrest memo
4	P4/PW2	Inspection memo	07/03/2015

B. Defence Exhibits: Nil

C. Court Exhibits: Nil

Material Object marked : Nil

Judicial First Class Magistrate-II,
Attingal.