

Calendar Case (C.C.) No. 1028 of 2022
Crime No.157 of 2021, Pallapatty Police Station, Salem City

IN THE COURT OF THE JUDICIAL MAGISTRATE No. II AT SALEM

Present: J. DHINESH KUMARAN B.A, B.L., (Hons.)

Judicial Magistrate No.II, Salem.

On Saturday, the 14th day of December, 2024

Calendar Case (C.C.) No.1028 of 2022

in

Crime No. 157 of 2021

(On the file of Pallapatty Police Station)

CNR No.TNSA04-011114-2022

<i>Statement as per Rule 106 of the Criminal Rules of Practice, 2019</i>		
1.	Serial Number	Calendar Case C.C.No. 1028 of 2022
2.	Name of the Police Station and Crime Number	State of Tamil Nadu represented by its Inspector of Police, Pallapatty Police Station, Salem (Crime No. 157 of 2021) ...Complainant
3.	Name of the Accused	KARTHICK @ PORI KARTHICK (M/38 years) S/o. Anguraj @ Raja D.No.29, Vallalar Street, Kitchipalayam, Salem District. Occupation: Labourer ...Accused
4.	Father's name	
5.	Occupation	
6.	Residence	
7.	Age	
8.	Date of Occurrence	17.03.2021 at about 07:35 AM
9.	Date of Chargesheet and Date of Filing of Chargesheet	Date of Chargesheet: 29.08.2022 Date of Filing of Chargesheet: 29.09.2022
10.	Date of Apprehension	23.08.2022
11.	Date of Release on bail	18.05.2023
12.	Date of Commitment	Not Applicable
13.	Date of Commencement of Trial (The date of furnishing of documents u/s.207, Cr.P.C.)	08.12.2022
14.	Closure of Trial (<i>Examination of owner of property</i>)	14.12.2024
15.	Sentence or Order	In view of compounding of the offence by the first informant by filing petition u/s.320, Code of Criminal Procedure, 1973, the accused,

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		Karthick @ Pori Karthick S/o. Anguraj @ Raja is acquitted of the offence u/s.379 of the Indian Penal Code, 1860 in accordance with 320 (8) of the Code of Criminal Procedure, 1973.
16.	Service of copy of judgment or finding on accused	No. Judgment was uploaded on CIS and made available on E-Courts Portal.
17.	Explanation of delay	The delay was occasioned due to the delay in production of witnesses by the prosecution.

This case is came for hearing today. The first informant filed petition, CrI.M.P.No. 5506 of 2024 u/s.320, Cr.P.C., 1973 to compound the case. The first informant appeared for himself, and the State was represented by Special Sub - Inspector of Police of Pallapatty Police Station. Having heard both sides, perused the records and having stood over it for consideration, this Court on **14.12.2024 (Saturday)** delivers the following,

JUDGMENT

I. CASE OF THE PROSECUTION

1. The first informant in the case is, Mr.Venkatesaraj S/o.Iyyanarappan. The case of the prosecution is that, on 17.03.2021 at about 07:35 AM, the first informant parked his Santro four wheeler bearing registration number TN 07 AE 9621 infront of Sri Shanmuga Traders Grocery Shop, Lee Bazaar, Salem. When the first informant returned to take his vehicle, he found that his four wheeler was missing.
2. In relation to the incident, the first informant lodged a written first information and First Information Report in Crime No. 157 of 2021 dated 17.03.2021 u/s.379 of Inidan Penal Code, 1860 was registered. The stolen property (i.e) Santro Four wheeler bearing registration number TN 07 AE 9621 was seized by the police under mahazar.

3. At the completion of investigation in the case, Final Report dated 29.08.2022 was laid out against the accused, Karthick @ Pori Karthick S/o. Anguraj @ Raja. As per the final report, the accused, Karthick @ Pori Karthick S/o. Anguraj @ Raja was charged of offence u/s.379 of Indian Penal Code, 1860.

II. PETITION u/s. 320 OF THE CODE OF CRIMINAL PROCEDURE, 1973

4. This case was taken on file on 11.11.2022. The first hearing of the case was on 08.12.2022. Originally the case was posted for execution of Bailable Warrant against the accused. While this being so, today, the first informant, Mr. Venkatesaraj appeared before this Court and filed petition, CrI.M.P. No. 5506 of 2024 dated 14.12.2024 u/s.320 of the Code of Criminal Procedure, 1973 to compound the offence.
5. The first informant, Mr. Venkatesaraj in his petition expressed his willingness to compound the offence and sought no further action in the case. When the first informant was examined on oath, he affirmed that he is the registered owner of the four-wheeler and since the stolen property is recovered, he wishes to compound the case. He further stated that he is disinterested in proceeding further against the accused. He also acknowledged that he received interim-custody of the Santra four-wheeler bearing registration number TN 07 AE 9621 from this Court. The police identified the first informant and his Aadhar Card was also verified.
6. On perusal of the complaint and First Information Report in the case, it can be well perceived that the petitioner in CrI.M.P. No. 5506 of 2024 is the owner of the stolen property. Upon consideration of the aforesaid petition and sworn statement of the first informant, this Court concludes that the first informant has expressed his intention to compound the case in unequivocal terms. Therefore, as next step, this Court has to proceed under section 320 (8) of Cr.P.C., 1973. It is further clarified that compounding of offence is an unilateral act and can be done in absence of the accused as per *Y.P.Baiju Vs State of Kerala (2008 CriLJ 928)*.

III. DECISION

7. In light of the composition of the offence by the first informant as aforesaid, **the accused, Karthick @ Pori Karthick S/o. Anguraj @ Raja is ACQUITTED of the offence u/s.379 of the Indian Penal Code, 1860 in accordance with 320(8) of the Code of Criminal Procedure, 1973.**

IV. PROPERTY ORDER U/s. 452 OF THE CODE

8. Case property in C.P. No. 118 of 2022 i.e., Santro Four wheeler bearing registration number TN 07 AE 9621 handed over to the interim-custody of the first informant/owner of property shall be allowed to be retained in the permanent custody of first informant in accordance with section 452 of the Code. Bond executed by the first informant/owner of property and sureties shall be cancelled.

Dictated by me to the typist, typed by her, corrected and pronounced by me in Open Court on this 14th day of December, 2024.

**J. Dhinesh Kumaran,
Judicial Magistrate No.II, Salem.**

LIST OF EVIDENCE

(As per Rule 107(1) of Criminal Rules of Practice, 2019)

For Prosecution

Witnesses: Nil

Documents: Nil

Material Objects: Nil

For Defence

Witnesses: Nil

Documents: Nil

Material Objects: Nil

**J. Dhinesh Kumaran,
Judicial Magistrate No.II, Salem.**

Note:

1. *The judgment shall be duly intimated to the complainant and to the Learned APP appearing for the State.*