

**IN THE COURT OF THE JUDICIAL MAGISTRATE, OMALUR,
SALEM DISTRICT.**

**Present: S.SADHAMHUSAIN B.A.L.L.B.,
Judicial Magistrate, Omalur.**

Monday the 29th day of June, 2026

CALENDAR CASE NO:260/2025

in

CNR NO: TNSA100021172025

<i>Statement as per Rule 106 of the Criminal Rules of Practice, 2019</i>		
1.	Serial Number	Calendar Case No:260/2025
2.	Name of the Police Station and Crime Number	State of Tamil Nadu represented by Sub - Inspector of police, Omalur Police station Salem District. Cr.No.512/2024.
3.	Name of the Accused	A3.Mr.Francis (21/26) , (Labourer), S/o.Loordusamy, Chennai Cakes Back Side, Alangar Thaytre, Omalur Tk, Salem Dt. [A1.Mr.Suresh @ Surya (25/25) (Labourer), S/o.Kandhasamy, case disposed in CC.No.193/2024 dated 21.08.2025] [A2.Mr.Gokulakrishnan S/o.Raja, Split from this case number as CC.No.188/2026]
4.	Father's name	
5.	Occupation	
6.	Residence	
7.	Age	
8.	Date of Occurrence	28.08.2024
9.	Date of Complaint (Date of Final report)	12.09.2024
10.	Date of filing final report	19.08.2025
11.	Date of Apprehension	02.02.2026
12.	Date of Release on bail	Accused is in judicial custody till date
13.	Date of Commitment	Not Applicable
14.	Date of Commencement of Trial	25.06.2026

Judgment in C.C.No:260/2025

15.	Charges framed against accused	u/s.303(2) Bharatiya Nyaya Sanhita 2023,
16.	Closure of Trial	29.06.2026
17.	Judgment	Accused Francis pleaded guilty of the charge and hence, convicted for the offence u/s.303(2) Bharatiya Nyaya Sanhita 2023, Judgement pronounced on 29.06.2026
18.	Sentence Order	Accused Francis is convicted for offence u/s.303(2) Bharatiya Nyaya Sanhita 2023, and sentenced to undergo simple imprisonment for a term of 4 months.
19.	Set off	The accused was under judicial custody in this case from 02.02.2026 to 29.06.2026 for a period of 148 days. The period of incarceration of the accused in the prison shall be set off against the sentence of imprisonment imposed in the present judgment in accordance with section 468 of Bharatiya Nagarik Suraksha Sanhita, 2023. The accused shall be released forthwith in this case, if he is not under Judicial Custody in any other case.
20.	Property order u/s. 498 of BNSS.	The case property in C.P. No:250/2024 (i.e.) Oppo F 23 Mobile phone was handed over to the de-facto complainant Thailappan on interim custody in Cr.M.P.267/2024 vide order dated 19.09.2024. Final order relating to the case property shall be made during the disposal of the case in CC.No:188/2026 against A2 (Gokulakrishnan) under section 498 of Bharatiya Nagarik Suraksha Sanhita, 2023
21.	Service of copy of judgement or finding on accused	Yes. Free copy furnished to the accused as per section 404 of the Bharatiya Nagarik Suraksha Sanhita, 2023 on 29.06.2026.
22.	Explanation of delay	No delay.

The case was taken on file on 19.08.2025. The complainant was represented

by the learned Assistant Public Prosecutor and the accused was represented by Defence Counsel Mrs.S.Pavithra, Having heard both sides, perused the records and this Court delivers the following:

JUDGEMENT

1. This case was instituted on the police report under section 193(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 for offence under section 303(2) Bharatiya Nyaya Sanhita 2023, against the accused.

I. CASE OF THE PROSECUTION

2. The prosecution case that the de-facto complainant is engaged in loading and unloading the vegetables from vehicles in Omalur Bus stand. On 28.08.2024 at 03.00 a.m. when the de-facto complainant slept after work in Omalur bus stand, the accused persons herein Suresh @ Surya, Gokulakrishnan, Francis committed theft, of the de-facto complainant's OPPO F23 mobile phone worth of Rs.7000/-.
3. Thereafter the de-facto complainant lodged a complaint based on which, the First Information Report was registered in crime number 512/2024 for offence under section offence under section 303(2) Bharatiya Nyaya Sanhita 2023. On completion of investigation final report was filed against the accused.

II. FRAMING OF CHARGES AND QUESTIONING

4. Upon appearance of the accused, copies of the police report and other documents were furnished free of cost under Section 230 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The case was thereafter posted for hearing on charge. During the pendency of the proceedings, the accused persons remained absent and non-bailable warrants were issued. The warrant against

A1 (Suresh @ Surya) was executed and he was remanded to judicial custody. The warrant against A3 (Francis) was subsequently executed on **02.02.2026**, and he has remained in judicial custody from that date. A2 (Gokulakrishnan) appeared before this Court and the warrant issued against him was recalled.

5. During the Prison Adalat conducted on **21.08.2025**, A1 (Suresh @ Surya) submitted a written representation through the Superintendent, Sub Jail, Omalur admitting his guilt and expressing his willingness to plead guilty. Accordingly, after framing charge and recording his voluntary plea of guilt, A1 was convicted and sentenced in **CC No.193 of 2024** by judgment dated **21.08.2025**.
6. Thereafter, the present case continued against A2 and A3. Subsequently, A3 (Francis) was secured on execution of the warrant on **02.02.2026** and has remained in judicial custody since then. The case was thereafter posted for framing of charge.
7. At the stage of framing charge, A3 submitted that he voluntarily desired to plead guilty to the charge under Section 303(2) of the Bharatiya Nyaya Sanhita, 2023. He also filed a written petition admitting his guilt and prayed that, considering his family circumstances, namely that his aged mother is dependent on him and he is the sole breadwinner of the family, this Court may award him the least sentence and extend the benefit of set-off under Section 468 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for the period of judicial custody already undergone.

III. CONVICTION ON PLEA OF GUILTY

8. Today, after the charge under Section 303(2) of the Bharatiya Nyaya Sanhita, 2023 was framed, read over and explained to A3 in a language known to him

as contemplated under **Section 263(2) BNSS**, he unequivocally pleaded guilty. His plea was recorded in his own words as far as practicable. He also filed a written admission petition admitting the commission of the offence and prayed for leniency in sentence

9. The Hon'ble Supreme Court while dealing with the topic of conviction on plea of guilty in **State of Maharashtra vs. Sukhdeo Singh [(1992) 3 SCC 700]** held as follows:

‘The plea of guilt tantamounts to an admission of all the facts constituting the offence. It is, therefore, essential that before accepting and acting on the plea the Judge must feel satisfied that the accused admits facts or ingredients constituting the offence. The plea of the accused must, therefore, be clean, unambiguous and unqualified and the Court must be satisfied that he has understood the nature of the allegations made against him and admits them.’

10. This Court took into consideration all the procedural safeguards and directives enumerated by the Hon'ble Supreme Court in the above case before accepting the plea of guilt of the accused in the present case. The accused was explained in detail the facts constituting the alleged offence and the consequences of pleading guilty of commission of the offence.
11. Upon considering the plea of guilty of the accused, the the police report and other documents enclosed therewith, this Court is of the view that the accused have committed the offence under section 303(2) Bharatiya Nyaya Sanhita 2023 and is liable to be convicted for the said offence as per section 264 of Bharatiya Nagarik Suraksha Sanhita, 2023. In view of the plea of guilt by the accused, trial in the case is not necessary.
12. **Based on the plea of accused and materials available in hand, the accused,**

A3.Francis S/o.Loordusamy is CONVICTED of the offence under section 303(2) Bharatiya Nyaya Sanhita 2023.

IV. PUNISHMENT & SENTENCE

13.After conviction, the accused was heard on the question of sentence in accordance with **Section 271(2) BNSS**. He submitted that he belongs to a poor family, his aged mother is solely dependent upon him, he is the only earning member of the family and he has already undergone **148 days of judicial custody** from **02.02.2026**. He therefore prayed that a lenient sentence may be imposed and the benefit of set-off under Section 468 BNSS be granted.

14. Considering the age of the accused, the nature of the offence, the value of the stolen property, the voluntary plea of guilt at the earliest available opportunity after securing his presence before the Court, his socio-economic circumstances and the period of incarceration already undergone, this Court is of the view that a sentence of simple imprisonment for 4 months would meet the ends of justice.

(i) The accused shall undergo simple imprisonment for a term of 4 months for an offence under section 303(2) Bharatiya Nyaya Sanhita 2023;

V. SET OFF UNDER SECTION 468 OF BHARATIYA NAGARIK SURAKSHA SANHITA, 2023

15.The accused has remained in judicial custody in the present case from **02.02.2026 to 29.06.2026**, i.e., for **148 days**. In terms of **Section 468 of the Bharatiya Nagarik Suraksha Sanhita, 2023**, the said period shall be set off against the sentence of imprisonment imposed under this judgment. Since the period already undergone exceeds, the substantive sentence imposed, the accused shall be released forthwith in this case, if his detention is not

required in connection with any other case.

VI. PROPERTY ORDER U/S. 498 OF BNSS

16.The case property in C.P. No:250/2024 (i.e.) Oppo F 23 Mobile phone was handed over to the de-facto complainant Thailappan on interim custody in Cr.M.P.267/2024 vide order dated 19.09.2024. Final order relating to the case property shall be made during the disposal of the case in CC. No:188/2026 against A2 (Gokulakrishnan) under section 498 of Bharatiya Nagarik Suraksha Sanhita, 2023.

Directly typed by me in my official laptop, after correcting the typographical errors, pronounced by me in open Court on this 29th day of June, 2026.

Judicial Magistrate(FAC),
Omalur.

I. List of Witnesses and Exhibits

- i. List of Prosecution Witnesses, Exhibits and Material Objects: Nil
- ii. List of Defence Witnesses, Exhibits and Material Objects: Nil

Judicial Magistrate (FAC),
Omalur.

Note:

- i. The accused was under judicial custody during inquiry and trial.
- ii. The complainant is informed about the judgement in the case.

Judicial Magistrate (FAC),
Omalur.