

**In the Court of the Judicial Magistrate I, Tirupathur****Present: Tr.K.S.Dinesh, B.A., B.L., (Hons.)****Judicial Magistrate I, Tirupathur****Friday the 27<sup>th</sup> day of March 2026****C.C. No. 13/2023****{ CNR No.TNTU02-000286-2023 }**

State rep by.

The Sub Inspector of Police,

Jolarpet Police Station,

Crime No. 109/2022

....Complainant

--Vs--

Abdullah Basha (33), S/o. Habeeb Rahman,

residing at No.48/86, Lal Mosque Street,

Pernampattu, Tirupathur District.

....Accused

**CASE SUMMARY**

S.NO.	PARTICULARS	DETAILS
1	Period of remand of the accused	02.12.2022-04.01.2023
2	Date of filling of final report	05.01.2023
3	Date of Questioning	13.03.2023
4	Miscellaneous petitions and their results	-

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5	Date of Examination in chief and cross examination of a witness	S. No.	PW's	Chief	Cross
		1)	Tmt.Radhidevi	15.05.2023	15.05.2023
		2)	Tmt.Lakshmi	15.05.2023	15.05.2023
		3)	Tr.Sathiyaseelan	27.06.2023	27.06.2023
		4)	Tr.Santhoshkumar	26.09.2023	26.09.2023
		5)	Tr.Pushpavathi	26.09.2023	26.09.2023
		6)	Tr.Suresh	09.10.2023	09.10.2023
		7)	Tr.Kaviarasu	04.11.2025	04.11.2025
		8)	Tr.Kadharkhan	03.02.2026	03.02.2026
		9)	Tmt.Hemavathi	05.02.2026	05.02.2026
6	Date of examination of accused U/S. 313 Cr.P.C	10.02.2026			
7	Details of abscondence of the accused and his appearance	-			
8	Grant of stay by Superior court and results thereof	Nil			

This case taken on file on 06.01.2023 as C.C. No. 13/2023. This case came up before me for the final hearing on 27.03.2026 in the presence of Assistant Public Prosecutor Tmt.Ramani for the prosecution and Tr.V.Ganesan Counsel for the accused and on hearing the arguments advanced by either side counsels and on perusal of entire evidence and the documents relied by either side and on available material case records and having stood over for consideration till this day, this court delivered the following.

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**JUDGMENT**

1) This case arose out of charge sheet laid by the Sub Inspector of Police, Jolarpet Police Station.

**2) Summary of the Prosecution case :-**

The Sub-Inspector of Police, Jolarpet police station has filed a final report that on 05.04.2022 at 15.30 Hrs when LW1 went to her house situated at Ponniamman Koil Street, Achamangalam, Tirupathur after returning from State Bank of India, the accused had broke open her house's door and unlawfully entered into her hosue and stole about 42 grams of gold jewels, 250 grams of Silver jewels and cash Rs.20,000/- and thereby committed offences punishable u/s. 454, 380 IPC.

3) Summon was served to accused. Upon appearance of the accused, the documents relied on by prosecution were furnished free of cost to the accused U/s. 207 Cr.P.C. Thereafter, after providing due time for reflection, the substance of accusation were put forth to the accused and the same was denied by him as false and claimed to be tried. Charges framed against accused u/s. 454, 380 IPC.

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4) On the side of the prosecution P.W-1 to P.W-9 were examined and Ex.P-1 to Ex.P-12 were marked. Property was produced by prosecution side. On the side of the Accused side, no witnesses were examined.

**5) The case of the prosecution through prosecution side evidences is as follows:**

PW1 :- PW1 is the defacto complainant and victim in the present case. She deposed that on 05.04.2022 at 1.30 PM, PW1 closed her house and went to state bank of India. When she returned to the house and tried to open the front door and since she could not open it, she went to the back side of the house and found that her house back door has been open and immediately when she went to the bedroom, she found that the bureau was broken and 5 sovereign of chain, 1/4 sovereign earring, silver anklets and amount of Rs.20000/- were missing. Thereafter PW1 lodged Ex.P-1 complaint. In the month of November, Police officials called and informed her that their stolen jewels have been recovered thereafter she went to the Police Station and identified her jewels and obtained the same through Court as interim custody. The photograph of the stolen jewels was marked as Ex.P2.

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PW2:- PW2 is the daughter of PW1. She deposed that on 05.04.2022 when PW2 returned to her house after attending college in evening at 05.00 PM, her mother PW1 informed that their house has been broken and when they went inside they found that 5 sovereign of gold chain, 1/4 sovereign gold earring, silver foot chain and amount of Rs.20000/- have been stolen. Thereafter PW1 lodged Ex.P-1 compliant.

PW3:- PW3 is the confession statement witness. He deposed that on 06.11.2022 at morning, 11:15 AM when himself and his friend Kaviarasu were near Sacred Heart College situated at Tirupattur, the Police officials were inquiring the accused who is present in the Court. At that time the accused gave a confession statement that he was involved in chain snatching incidents and gave a confession statement in their presence. Thereafter we went to ABS service center at Pernampattu and the accused took the gold chain from there and produced it to the Police officials. The signatures in the seizure mahazar and confession statement of the accused was marked as Ex.P3, Ex.P4.

PW4 :- PW4 is the son of PW1. He deposed that on 05.04.2022, PW4 took PW1 to the State Bank of India, Tirupattur to withdraw money and when they returned to her house at 03.00 PM, they found that their house has been broken and when they went inside

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they found that one chain, foot chain and amount of Rs.20000/- have been stolen. Thereafter PW1 lodged Ex.P-1 compliant.

PW5 :- PW5 is observation Mahazar witness and Ex.P-5 signature was alone marked through her.

PW6 :- PW6 is another observation Mahazar witness and Ex.P-6 signature was alone marked through him.

PW7 :- PW7 is another confession statement witness. He deposed that on 06.11.2022 at morning 11AM when he went to ABS service center at Vaniyambadi in order to repair his AC, Police were inquiring a person there and at that time the said person gave a statement that he had stolen haram, chain, jewels from houses at Achamangalam and Tirupatur and gave a confession statement. The accused present in the Court is the person who gave the confession statement. Further the accused produced the jewels and surrendered the same to the Police officials. The admitted portion of the confession statement was marked as Ex.P-7 and their seizure mahazar is marked as Ex.P8.

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PW8 :- PW8 is an investigation officer in the present case who received complaint from PW1 and registered Ex.P-9 first information report in Cr.No. 109/2022 U/s. 454, 380 IPC. Thereafter Tr. Selvaraj SI of Police went to the scene of occurrence on 08.04.2022 and prepared Ex.P-10 observation mahazar and Ex.P-11 rough sketch in the presence of witnesses. Thereafter he recorded the statement of the witnesses. Thereafter the accused was arrested in Tirupathur Town PS Cr.No.248/2022 and based on the confession statement given by the accused in the said case, his involvement in the present case has been identified and thereafter the accused was formally arrested and remanded to judicial custody in the present case and the property was recovered from him. Thereafter the recovered properties were sent to Court through Ex.P-12 form 95. Thereafter he completed his investigation and filed a final report against the accused U/s. 454, 380 of IPC.

PW9 :- PW9 is the Inspector of Police at Tirupathur Town Police Station. When she was carrying out routine vehicle check-ups near Tirupathur Sacred Heart college, the accused who came in a two-wheeler did not answer properly and when he was inquired, he stated that he was involved in various offences in Tirupattur and in the said confession statement he stated that he was also involved in the Cr.No.109 of 2022 of Jolarpet police

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station and thereafter he took them to ABS service center at Pernampattu and properties were recovered from him and properties in Cr.No. 109 of 2022 was seized through seizure mahazar and the confession statement of the accused was recorded and the same was intimated to Jolarpet police station.

6) The incriminating portion of prosecution side witnesses were put forth of accused u/s. 313 (1) (b) Cr.P.C and the same was denied by them as false. Thereafter the Accused was provided an opportunity to produce any oral or documentary evidences and the accused did not come forward to provide the same.

7) Now the point that arose for consideration is where the prosecution has proved the guilt of the accused beyond all reasonable doubt ? If so, what would be the sentence to be imposed upon the Accused ?

7.1) In the present case, the accused is charged under section 380, 454 IPC. Out of the prosecution side witnesses, PW1 is the defacto complainant and the victim in the present case. PW2, PW4 are hearsay witness and children of PW1. PW3 and PW7 are confession statement witnesses. PW5, PW6 are observation mahazar witnesses. PW8 is

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the investigation officer in the present case. PW9 is the Inspector of Police, Tirupathur Town police station who recorded the confession statement of the accused and arrested him. Out of the prosecution side witnesses, there are no eye-witnesses in the present case. The accused has been roped in the case based on the confession statement given by him to PW-7 and the properties recovered from the accused. Hence the confession statement given by the accused and the evidence of the confession statement witnesses assumes greater importance. PW3 was the confession statement witness. He clearly deposed that on 06.11.2022 at morning 11.15 AM when he was near sacred heart college at Tirupatur, himself and his friend Kaviarasu was present there and the Police were inquiring the accused and at the time he gave a confession statement that he was involved in chain snatching incidents at Tirupattur and thereafter he took them to Vaniyambadi ABS service center where he produced gold chains to police and the seizure mahazar and confession statement was prepared and they signed as witnesses. PW7 who is another confession statement witness has deposed that on 06.11.2022 at morning 11 AM when he was at Vaniyambadi ABS service center, the Police were inquiring the accused. At the time, his confession statement was recorded in the presence of witnesses and the property was also recovered and he stated that haram and chain was stolen by him at houses in Achamangalam and Tirupathur and he produced the

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said gold jewels. Thereafter he signed as witnesses in the confession statement and seizure mahazar. PW3 who is a confession statement witness has identified PW7 Kaviarasu was also presented at the time of the recording of the confession statement of the accused. PW3 in the cross-examination has stated that the confession statement of the accused was recorded at police station. While PW3 in the chief examination has stated that the confession statement was recorded at sacred heart college, in the cross examination, he has stated that the confession statement of the accused was recorded at Tirupattur Town police station and hence the evidence of PW3 is contradictory in nature. PW7 who is the other confession statement witness has clearly deposed that the accused gave a confession statement and his confession statement was recorded and it was recorded in the presence of witnesses and property was also recovered. Both the confession statement witnesses namely PW3 and PW7 have clearly identified that the property was recovered from the accused from ABS service center, Vaniyambadi. Furthermore the seizure mahazar was also marked through PW-7. Even in the cross examination, PW5 has clearly deposed that the accused gave a confession statement and property was recovered from him. Thus the evidence of PW7 was tested through cross-examination and it stood the test of cross-examination. PW-7 has clearly deposed that the accused gave a confession statement in his presence and property was also produced

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by the accused to the police officials in his presence. The prosecution side through clear and cogent evidences of PW3 and PW7 have clearly identified that the accused voluntarily gave a confession statement in the presence of witnesses and the same was recorded in the presence of witnesses and based on the confession statement given by them, he took the Police officials to ABS service center at Vaniyambadi and he surrendered the jewels to the Police officials and the seizure mahazar was prepared. Thus the prosecution side has clearly established that the confession statement of the accused was given and that property was recovered pursuant to the confession statement. Furthermore PW1 who is the owner of the property has clearly identified them. The accused has not produced any evidences to show that he was in lawful possession of the said jewels belonging to PW-1 which were placed inside her house. Thus the accused has failed to disprove the case of the prosecution side. Thus the prosecution side has clearly established the guilt of the accused under section 380, 454 of IPC. Thus the section 380, 454 of IPC is made against the accused.

08) In the result, the Accused is found guilty under sections 454, 380 of IPC and when the accused was questioned regarding the sentencing of punishment to be imposed on them under section 248 (2) Crpc, the accused stated as follows:-

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"எனக்கும் இவ்வழக்கிற்கும் சம்பந்தம் இல்லை"

09) The reply of the accused is considered. Considering the grave nature of the offence and this court is not inclined to extend the benefits of Probation of Offenders Act to the accused. Accordingly in the result,

1. The Accused is found guilty under section 454 of IPC and is sentenced to undergo simple imprisonment for a period of **THREE YEARS.** and fine of Rs.5000/-.
2. The Accused is found guilty under section 380 of IPC and is sentenced to undergo simple imprisonment for a period of **THREE YEARS.** and fine of Rs.5000/-.
3. The sentence of accused shall run concurrently.
4. The period of 1 month 3 days (from 02.12.2022 to till 04.01.2023) already undergone by the accused are ordered to be set-off U/s. 468 BNSS.

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10) The defacto complainant who is the owner of the case property gold neck chain is holding interim custody of the case property C.P. No. 321/2022 is ordered to retain the same permanently.

**Particulars Under Rule 106 of Criminal Rules of Practice 2019**

Sl. No	Name of the Police Station and Cr.No.	Description of the accused					Date of										Explanation of Delay
		Name	Fathers name or Husband name	Occupation	Residence	Age	Occurrence	Complaint	Apprehension	Release on bail	Commitment	Commencement of trial	Close of trial	Sentence or Order	Service of Copy of Judgment on accused		
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	
1	Jolarpet PS-Cr.No. 109/2022	Abdullah Basha	Habeeb Rahman	-	Pernampattu	33	05.04.2022	07.04.2022	06.03.2023	04.01.2023	-	15.05.2023	05.02.2026	27.03.2026	-	-	

Dictated by me, directly typed by the Steno-Typist, and corrected and pronounced by me in the open court on this 27<sup>th</sup> day of March 2026.

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**Annexure :-****Prosecution side witnesses:-**

1)	P.W-1	: Tmt.Radhidevi
2)	P.W-2	: Tmt.Lakshmi
3)	P.W-3	: Tr.Sathiyaseelan
4)	P.W-4	: Tr.Santhoshkumar
5)	P.W-5	: Tr.Pushpavathi
6)	P.W-6	: Tr.Suresh
7)	P.W-7	: Tr.Kaviarasu
8)	P.W-8	: Tr.Kadharkhan (SI of Police, Jolarpet PS)
9)	P.W-9	: Tmt.Hemavathi (Inspector of Police, Town PS)

**Prosecution side Exhibits:-**

1)	Ex.P-1	: Complaint
2)	Ex.P-2	: Photos with CD
3)	Ex.P-3	: Second Signature of Seizure Mahazar
4)	Ex.P-4	: Second Signature of Confession Statement
5)	Ex.P-5	: 2 <sup>nd</sup> Signature of Observation Mahazar
6)	Ex.P-6	: 1 <sup>st</sup> Signature of Observation Mahazar
7)	Ex.P-7	: Admitted portion of Confession Statement
8)	Ex.P-8	: Seizure Mahazar
9)	Ex.P-9	: First Information Report
10)	Ex.P-10	: Observation Mahazar
11)	Ex.P-11	: Rough Sketch
12)	Ex.P-12	: Form 95

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**Defense Side Witness, Exhibits and Material objects : NIL**

**NOTE :-**

- 1) No witness was detained for more than three days without examination
- 2) The accused was on bail during trial.
- 3) The police had been informed of the judgment.

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