

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 27th day of March 2026

C.C. No. 11/2023

{ CNR No.TNTU02-000291-2023 }

State rep by.

The Special Sub Inspector of Police,

Jolarpet Police Station,

Crime No. 183/2022

....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	-			
5	Date of Examination in chief and cross examination of a witness	S. No.	PW's	Chief	Cross
		1)	Tmt. Mangammal	10.04.2023	10.04.2023
		2)	Tmt. Sanjana	10.04.2023	10.04.2023
		3)	Tr. Sathiyaseelan	27.06.2023	27.06.2023

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		4)	Tr. Shanmugam	24.06.2025	24.06.2025
		5)	Tr. Kaviarasu	04.11.2025	04.11.2025
		6)	Tr. Nadarajan	03.02.2026	03.02.2026
		7)	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. 11/2023. 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.

JUDGMENT

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

2) Summary of the Prosecution case :-

The Special Sub-Inspector of Police, Jolarpet police station has filed a final report that on 30.06.2022 at morning 8.30 AM when LW1 went to her house situated

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at Ottapatti village, she found that her house was house broken at night and about 5 sovereigns of gold jewels were stolen by the accused and thereby the accused has committed offences punishable u/s. 457, 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.457, 380 IPC.

4) On the side of the prosecution P.W-1 to P.W-7 were examined and Ex.P-1 to Ex.P-10 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 30.06.2022 at morning 8.30 AM, PW1 closed her house and went to the textile shop where she is working and stayed the night at a friend's house. The next day she went to work and since on the said day her son was returning from Namakkal in train at 1 AM, she waited in her office and picked her son from the railway station

and when she returned to her house, she found that her house has been broken and

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immediately when she went to the bedroom, she found that the bureau was broke open and 3 sovereign of necklace, 4 ½ sovereigns of haram and ½ sovereign earrings and thus a total of about 8 sovereigns of gold jewels were missing. The said value of the stolen jewels is about Rs.1,50,000/-. Thereafter PW1 lodged Ex.P1 complaint. About 6 months later, 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.

PW2:- PW2 is the daughter of PW1. She deposed that on 30.06.2022 when PW2 was studying at Chennai, her brother Sakthi who was studying at Namakkal was returning to Tirupathur and on the next day at 1.00AM, PW1 waited and picked up her son Sakthi from railway station and while they were returning to the house, they found that their house has been broken and when they went inside, they found that 8 sovereigns of jewels have been stolen. Thereafter two days later PW2 came to the house.

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 Tirupatur, the Police officials were inquiring the accused who is

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present in the Court now. 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 observation Mahazar witness and Ex.P-5 observation mahazar was marked through him.

PW5 :- PW5 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 a house 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-6 and their seizure mahazar is marked as Ex.P7.

PW6 :- PW6 is an investigation officer in the present case who received complaint from PW1 and registered Ex.P-8 first information report in Cr.No. 183/2022 U/s. 457, 380 IPC. Thereafter PW6 went to the scene of occurrence on 02.07.2022 and prepared Ex.P-5 observation mahazar and Ex.P-9 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-10 form 95. Thereafter he completed his investigation and filed a final report against the accused U/s. 457, 380 of IPC.

PW7 :- PW7 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.183 of 2022 of Jolarpet police station and thereafter he took them to ABS service center at Pernampattu and properties were recovered from him and properties in Cr.No. 183 of

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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, 457 IPC. Out of the prosecution side witnesses, PW1 is the defacto complainant and the victim in the present case. PW2 is a hearsay witness and daughter of PW1. PW3 and PW5 are confession statement witnesses. PW4 is an observation mahazar witness. PW6 is the investigation officer in the present case, PW7 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 eyewitnesses 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.

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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. PW5 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 said gold jewels. Thereafter he signed as witnesses in the confession statement and seizure mahazar. PW3 who is a confession statement witness has identified PW5 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 a 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. PW5 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 PW5 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-5. 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 PW5 was tested in the cross-examination and thus the veracity of the evidence of PW5 was tested through cross-examination and it stood the test of cross-examination. PW-5 has clearly deposed that the accused gave a confession statement in his presence and property was also produced by the accused to the police officials in his presence. The prosecution side through the clear and cogent evidences of PW3 and PW5 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 gold chains and harm 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, 457 of IPC. Thus the section 380, 457 of IPC is made against the accused.

08) In the result, the Accused is found guilty under sections 457, 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:-

"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 457 of IPC and is sentenced to undergo simple imprisonment for a period of **THREE YEARS**. and fine of Rs.5000/-.

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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.

10) The defacto complainant who is the owner of the case property gold neck chain - 1, Haram-4 1/2, Earing- 1/2 sovereign are holding interim custody of the case property C.P. No. 322/2022 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. 183/2022	Abdullah Basha	Habeeb Rahman	-	Pernampattu	33	30.06.2022	02.07.2022	06.03.2023	04.01.2023	-	10.04.2023	05.02.2026	27.03.2026	-	-	

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

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Annexure :-

Prosecution side witnesses:-

1)	P.W-1	: Tmt. Mangammall
2)	P.W-2	: Tmt. Sanjana
3)	P.W-3	: Tr. Sathiyaseelan
4)	P.W-4	: Tr. Shanmugam
5)	P.W-5	: Tr. Kaviarasu
6)	P.W-6	: Tr. Nadarajan (Retired SSI of Police)
7)	P.W-7	: Tmt.Hemavathi (Inspector of Police)

Prosecution side Exhibits:-

1)	Ex.P-1	: Complaint
2)	Ex.P-2	: Photos
3)	Ex.P-3	: Second Signature of Seizure Mahazar
4)	Ex.P-4	: Second Signature of Confession Statement
5)	Ex.P-5	: Observation Mahazar
6)	Ex.P-6	: Admitted portion of Confession Statement
7)	Ex.P-7	: Seizure Mahazar
8)	Ex.P-8	: First Information Report
9)	Ex.P-9	: Rough Sketch
10)	Ex.P-10	: 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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