

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS-I,
KOTTARAKKARA.**

Present:- Sri. Arjun Raj. E. R., Judicial Magistrate of the 1st Class.

Friday, 19th day of September 2025/ 28th Bhadra 1947

CALENDAR CASE No.383/2020

Complainant : State-represented by the Sub Inspector of Police,
Kottarakkara Police Station. (Crime No.1596/2017)
(By Smt. Shyla Mathai, A.P.P. Gr. - I, Kottarakkara)

Accused : A1 Leelamma Varghese, W/o Geevarghese
A2 Shibi Varghese, S/o Geevarghese
(By Adv. Ganesh. C.)

Offence : Under sections 120B, 463, 464, 465, 420, 468 r/w 34
of the Indian Penal Code.

Plea : Not guilty

Finding : Not guilty

Sentence or order : The first and the second accused are found not guilty of
the offences punishable under sections 120B, 463, 464, 465, 420, 468 r/w 34 of the
Indian Penal Code and are acquitted under section 271(1) of Bharatiya Nagarik
Suraksha Sanhita, 2023.

Date of

Occur- rence	Compl- aint	Appreh- ension	Release on bail	Comme- ncement of trial	Commen- cement of evidence	Close of trial	Sentence or order	Period of detention undergone during investigation of trial for the purpose of Section 468 of BNSS.
From 18.07.16 to 05.01.17	17.06.20	14.06.17 -A1, 02.07.24 -A2	06.07.17 -A1, 02.07.24 -A2	17.07.24	20.08.25	16.09.25	19.09.25	---

Description of accused

Sl. No.	Name	Age	Father's name	Residence	Taluk
1	A1 Leelamma Varghese	53/17	W/o Geevarghese	Alummoottil Veedu, Karimukal, Inchakkadu Muri, Kalayapuram Village.	Kottarakkara
2	A2 Shibi Varghese	32/17	Geevarghese	Alummoottil Veedu, Karimukal, Inchakkadu Muri, Kalayapuram Village.	-do-

This case having been finally heard on 16.09.2025 and the Court on 19.09.2025 delivered the following:-

JUDGMENT

1. This case arose on a final report filed by the Sub Inspector of Police, Kottarakkara Police Station in Crime No.1596/2017 against the accused persons alleging offences punishable under sections 120B, 463, 464, 465, 420, 468 r/w 34 of the Indian Penal Code (hereinafter "IPC").
2. **The prosecution case, in brief, is as follows:-** The first accused who is the mother of the second accused, in pursuance of their common intention and also with the intention of making unlawful gain by defrauding CW1 had offered CW1 a job opportunity in Singapore Ritz Carton hotel and made CW1 to believe by showing him various forged documents and thereby obtained an amount of ₹1,60,000/- from CW1. Thus, the prosecution alleges that the accused persons committed offences punishable under sections 120B, 463, 464, 465, 420, 468 r/w 34 of IPC.

3. CW1 filed a private complaint (CMP 2830/2017) before the Court of Judicial Magistrate of the 1st Class – I, Kottarakkara and the same was forwarded to Kottarakkara Police Station for investigation u/s.156(3) Cr.P.C. Complaint was registered as Crime No.1596/2017 by the fourth witness on 03.06.2017. Final Report was filed by the fourth witness before this court and cognizance was taken by this court on 17.06.2020 for the offence punishable under sections 120B, 463, 464, 465, 420, 468 r/w 34 of IPC and the case was originally taken on the files of this court as CC 383/2020.
4. Upon issuance of summons, the first and the second accused appeared before the court. They were released on bail. Copies of all relevant prosecution records were furnished to them. Upon perusal of the prosecution records and after hearing both parties, charge was framed against the first accused and the second accused for the offences punishable under sections 120B, 463, 464, 465, 420, 468 r/w 34 of IPC. The charge was read over and explained to the first and the second accused, to which they pleaded not guilty and claimed to be tried.
5. On the side of prosecution, CW1 was examined as PW1 and Ext.P1 was marked. As the material witness failed to support the prosecution case, the learned Assistant Public Prosecutor gave up the remaining witnesses. Since there is no incriminating evidence against the first and the second accused, examination

under section 351(1)(b) of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”) was dispensed with.

6. Heard both sides and perused the records.

7. Points that arose for consideration are:-

- 1) Whether the accused in furtherance of their common intention, had committed criminal conspiracy and thereby committed the offence punishable under section 120B r/w 34 of IPC?
- 2) Whether the accused in furtherance of their common intention, had created forged documents and entered into an agreement with PW1 and thereby committed the offence punishable under section 463 r/w 34 of IPC?
- 3) Whether the accused in furtherance of their common intention, had dishonestly made PW1 execute a forged document and thereby committed the offence punishable under section 464 r/w 34 of IPC?
- 4) Whether the accused in furtherance of their common intention, had committed forgery and thereby committed the offence punishable under section 465 r/w 34 of IPC?
- 5) Whether the accused in furtherance of their common intention, had induced PW1 to give an amount of ₹1,60,000/- and thereby committed the offence punishable under section 420 r/w 34 of IPC?
- 6) Whether the accused in furtherance of their common intention, committed forgery using fake documents for committing the offence of cheating and thereby committed the offence punishable under section 468 r/w 34 of IPC?
- 7) If the first and the second accused are found guilty, what is the order as to sentence?

8. **Point No.1 to 6:-** For the sake of convenience and to avoid repetition, these points are dealt with together.
9. In order to prove the case alleged against the accused, the de facto complainant who is also the material witness was examined. PW1 deposed that he did not have any monetary loss and also stated he was not cheated by the accused persons. It was through him Ext.P1 complaint was marked. He also deposed that he had no complaints against the accused persons. Since the material witness turned hostile to the prosecution case, the remaining witnesses were given up by the prosecution.
10. The prosecution's material witness, PW1, did not support the case as projected by the prosecution. There is no material on record to conclusively establish that the first and the second accused committed the offence alleged. Upon a careful evaluation of the evidence available on record, this Court finds that the prosecution has failed to prove the guilt of the first and the second accused beyond reasonable doubt. Accordingly, these points are answered against the prosecution.
11. **Point No.7 :-** In view of the findings on point number 1 to 6, there is no question of passing any sentence against the first and the second accused.

12. In the result, the first and the second accused are found not guilty of the offences punishable under sections 120B, 463, 464, 465, 420, 468 r/w 34 of IPC and are acquitted under section 271 (1) of BNSS. Their bail bonds stand cancelled and they are set at liberty.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this, the 19th day of September, 2025.

Sd/-
Judicial Magistrate of 1st Class - I, Kottarakkara.

APPENDIX

List of Prosecution / Defence / Court Witnesses

A. Prosecution Witness

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
PW1	Manu Kumar	De facto complainant

B. Defence Witness

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
	Nil	

C. Court Witnesses

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
	Nil	

List of Prosecution / Defence / Court Exhibits

A. Prosecution Exhibits

Sl.No.	Exhibit Number	Description
1	P1	Complaint dated 08.05.2017 marked through PW1 on 20.08.2025.

B. Defence Exhibits

Sl.No.	Exhibit Number	Description
	Nil	

C. Court Exhibits

Sl.No.	Exhibit Number	Description
	Nil	

D. Material Objects

Sl.No.	Exhibit Number	Description
	Nil	

Sd/-

Judicial Magistrate of 1st Class-I, Kottarakkara.

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Judicial Magistrate of 1st Class-I, Kottarakkara.