

IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE -IV, KOLLAM

Present:- Seema C.M, Addl. Sessions Judge-IV, Kollam

Monday, the 30th day of June 2025/ 9th day of Ashadam, 1947SESSIONS CASE No. 953/2023

C.P. No. : 77/2008 of JFMC, Paravoor
Cr. No. : 41/2003 of Chathannoor PS
Complainant : State of Kerala, represented by the
Inspector of Police, Chathannoor Police Station
By Addl. Public Prosecutor,
Adv. K.K. Jayakumar
Accused : Najimudeen, aged 23/2003,
S/o. Abdul Latheef
Nizam Manzil,
Varinjam Cherry,
Meenadu Village.
By Adv. : I.K. Krishnakumar
Charge : 511 of 366(A), 294(b) and 34 of IPC
Plea of accused : Not guilty
Finding of the court : Not guilty of the offence under Sections 511 of
366(A), 294(b) r/w 34 of the Indian Penal Code
Sentence of the court : Acquitted under Section 232 of Cr. P.C.
Dates of trial and hearing : 26-06-2025, 30-06-2025.

This Sessions case having been finally heard on 30-06-2025 and the court on this day delivered the following:

J U D G M E N T

The case is instituted upon a charge sheet filed by the Sub Inspector of Police Chathannoor police station in Crime No.41/2003 of Chathannoor police station for the offence punishable under section 511 of 366(A), 294(b) r/w 34 of IPC.

2. The prosecution case is that on 22.01.2003, at about 02:45 p.m., when the victim walking through Chathannoor – Kummalloor road to go home after school, an auto rickshaw bearing Reg. No. KL 02 AN 2378 stopped in front of SMVUP School, and there were A1 to A4 inside the vehicle. When accused No. 1 tried to grab the hand of the victim, the victim ran in to the school. When A1 followed the victim, and entered the school, CW2 and CW3 restrained him and A1 abused them. A2 to A4 aided A1 in the commission of the crime. Thereby committed the offences aforementioned.

3. On receipt of the final report, the learned Magistrate took the file as CP 77/2008. Hence the case against the accused was taken as CP 72/2003 and committed the case to the Court of Sessions, Kollam, in compliance with Section 209 of Cr. P.C as per order dated 29.11.2008. Based on the committal order and receipt of the records, the Sessions Court, Kollam took cognizance of the offence as SC 507/2009 and thereafter made over the case to this Court for trial and disposal according to law. Thereafter, the accused failed to appear before the court and this court issued non bailable warrant against the accused. However, the accused failed to appear before the court, hence the case against the accused was transferred to LP Register as LP No. 18/2012. Thereafter, the accused was arrested and produced before this court and the case against him is renumbered as SC No. 953/2023.

4. The learned Public Prosecutor then opened the prosecution case by describing the charges brought against the accused and by what evidence he proposed to prove the guilt of the accused. After hearing the submissions of the learned Public Prosecutor and the counsel for the accused and upon consideration of the records of the case, my learned predecessor found no sufficient grounds for a discharge under section 227 of Cr.P.C. Charge was framed by my predecessor under Sections 511 of 366(A), 294(b) r/w 34 of IPC. The charge was read over and explained to the accused. The accused pleaded not guilty and claimed to be tried.

5. On the side of the prosecution, PW1 to PW3 were examined and Ext.P1

was marked. Since none of the witnesses including the defacto complainant did support the prosecution case, the remaining witnesses were given up by the learned Public Prosecutor. Since nothing incriminating came out against the accused, hence questioning under section 313(1)(b) Cr. P.C was also dispensed with. Thereafter, both sides were heard.

6. Now the point for consideration is :

"Whether there is any evidence to connect the accused with the alleged offence? "

7. **The Point:-** PW1, the victim pleaded ignorance of the incident and denied the identity of the accused. However, she identified her signature in Ext.P1 FIS. She prepared to withdraw from the statement given to the police. Since after getting permission from the court the learned Public Prosecutor cross examined her. In the cross examination also she categorically deposed before the court that she did not remember the exact incident, which was happened ten years back. She does not know the accused herein. She has no complaint against the accused. Hence it is clear that in the cross examination also nothing was elicited to support the prosecution case.

8. PW2 and 3 are the teachers of SMV UP School, Chathannoor. They also pleaded ignorance of the incident and withdrew from the statement given to the police. Since after getting permission from the court, the learned Public Prosecutor cross examined them.

9. Upon going through the evidence on record, it is found that the offence alleged against the accused is the offences punishable under Sections 511 of 366(A), 294(b) r/w 34 of IPC. The other witnesses including CW1 did not support the prosecution case. So, it can safely be concluded that there is no evidence to connect the accused with the offence. Hence this court has no other go than to find the accused not guilty of the offences under Sections 511 of 366(A), 294(b) r/w 34 of Indian Penal Code.

In the result, the accused is found not guilty of the offence under Sections 511 of 366(A), 294(b) r/w 34 of the Indian Penal Code. Hence the accused is acquitted under Section 232 of Cr. P.C. The bail bond of the accused shall be cancelled and the accused shall be released and set at liberty. The properties if any, shall be destroyed after the appeal period.

Dictated to the Confidential Assistant, transcribed by her, revised and corrected by me and pronounced in Open Court on this, the 30th day of June 2025.

Sd/-
Seema C.M.
Addl. Sessions Judge-IV, Kollam

APPENDIX :

Exhibits for the Prosecution:

P1 23-01-2003 FIS proved by PW1

Exhibits for the Defence : Nil

Witnesses for the prosecution :

PW1	26-06-2025	Nimmy Binoy
PW2	26-06-2025	Susamma
PW3	26-06-2025	Ajitha

Witness for the defence : Nil

Material Objects : Nil

FORM AS PER RULES 132 OF THE CRIMINAL RULES OF PRACTICE

1. Serial No. : SC. No. 953/2023
2. Name of Police Station
and Crime No. of offence : 41/2003 of Chathannoor Police Station.

Description of the accused:

3. Name of accused : Najimudeen, aged 23/2003,
S/o. Abdul Latheef
Nizam Manzil,
Varinjam Cherry,
Meenadu Village.
4. Occurrence : 22-01-2003
5. Complaint : 23-01-2003
6. Apprehension : -
7. Release on bail : -
8. Commitment : 29-11-2008
9. Commencement of trial : 26-06-2025
10. Close of trial : 26-06-2025
11. Sentence or order : 30-06-2025
12. Service of copy of judgment
or finding on accused : 30-06-2025
13. Cause of delay : No delay

Sd/-
Addl. Sessions Judge- IV,
Kollam

Typed By : Ramsa Beevi E
Compared By :

Judgment in
S.C. No. 953/2023
Dated: 30-06-2025