

**IN THE COURT OF SESSION, SESSIONS DIVISION,
THODUPUZZHA**

Present: Smt. S.S. SEENA , ADDITIONAL SESSIONS JUDGE-III

Friday , the 27th day of February , 2026/8th day of Phalgunam 1947

SESSIONS CASE No.477/2020

(CP No.33/2020 of JFCM-1 , Idukki)
(Cr.No.15/2020 of Kanjikkuzhy P.S.)

Complainant:

State of Kerala rep. By the Inspector Police, Kanjikkuzhy P.S.

(By Public Prosecutor/Addl.Public Prosecutor Sri. Abel. C. Kurian)

Accused:

1. Bibin, S/o. George, aged 35/2020,
Valliyamthadathil House, Chelachuvadu Part,
Chelachuvadu Kara, Kanjikkuzhy Village.
2. Akhil, S/o. Mohanan, aged 21/2020,
Ezhukanal House, 200 Acre Part,
200 Acre Kara, Mannamkandam Village.
3. Akhil S/o. Sudhan, aged 25/20,
Elakkattu House, 200 Acre Part, Mannamkandam Kara,
Mannamkandam Village.

By Adv. George Jacob for A1 & A2,

By Adv. P.S. Biju for A3

Charge : U/ss. 450,376 (1)(2)(n),109,354,506(ii) r/w 34 IPC.

Plea : Not guilty

Finding : Not guilty

Sentence : Accused Nos 1 to 3 are found not guilty of the offence U/ss. 450,376 (1)(2)(n),109,354 and 506(ii) r/w 34 of IPC and they are acquitted U/ss. 235(1) of Cr.PC.

Trial : 22.08.25,24.09.25,08.10.25,01.12.25,15.12.25,16.12.25 and 19.12.25.

Hearing : 26/02/2026

Judgment : 27/02/2026

TABULAR FORM

Serial No. : Sessions Case No.477/2020
Name of Police station and crime no. of offence : Crime No. 15/2020 of Kanjikkuzhy P.S.

Name and designation of Committing Magistrate. : Sri. Nishad Ibrahim
Judicial Magistrate of First Class-1,
Idukki.

DESCRIPTION OF THE ACCUSED

Sl. No	Name	Father's/ Husband's Name	Occupation	Residence	Age
	Bibin	George	Driver	Valliyamthadathil House, Chelachuvadu Part, Chelachuvadu Kara, Kanjikuzhy Village.	35/20
	Akhil	Mohanan	Driver	Ezhukanal House, 200 Acre Part, 200 Acre Kara, Mannamkandam Village.	21/20

	Akhil	Sudhan	Driver	Elakkattu House, 200 Acre Part, Mannamkandam Kara, Mannamkandam Village.	25/20
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DATE OF

Occurrence : 2019 January, November and 09/01/2020
 Complaint : 09.09.2020
 Apprehension : 12.06.20 (A1 & A2) 09.07.20 and 14.10.25 (A3)
 Release on bail : 12.06.20 (A1 & A2),09.07.20 and 15.10.25 (A3)
 Commitment : 10.11.2020
 Commencement
 of trial : 24.06.2025
 Commencement of
 Evidence : 22.08.2025
 Close of trial : 09 .01.2026
 Sentence or order : 27.02.2026
 Service of copy of
 Judgment or finding : 27.02.2026
 on accused
 Explanation for delay : Nil
 Period of detention undergone
 during Investigation, enquiry
 or trial for the purpose of
 428 Cr.P.C. : ---

J U D G M E N T in S C No. 477/2020

The above case stands committed by the Judicial Magistrate of the First Class-I, Idukki as per Order in CP 33/2020. This is a prosecution initiated against the accused three in numbers by the Inspector of Police, in Crime No.15/2020 of Kanjikkuzhi Police Station alleging commission of offences punishable u/s. 450,376 (1)(2)(n), 354, 506 (ii) and 109 r/w. 34 of Indian Penal Code.

2. The prosecution case in brief is that, on some day in January 2019, the accused with an intention to commit rape on CW1 and thereby, satisfy their sexual lust, the first accused trespassed into the house bearing assessment No. XIII/182 of Kanjikkuzhi Panchayat and accused No's.2 and 3 trespassed into the rental house bearing assessment No. X/586 which belong to CW9 on a day towards the end of November 2019 and the first accused committed rape on CW1 from the hall of house No. XIII/182 and 2nd and 3rd accused forcibly made CW1 to have sexual intercourse with them from the bedroom of house bearing assessment No. X/586. It is further alleged that, the 3rd accused also forcibly made CW1 to have sexual intercourse with him as abetted by the 2nd accused. Further, the 1st accused also forcibly took CW1 in his car on two days and during the journey, the first accused pressed upon the breast of CW1 and on 9.01.2020, the 2nd accused also threatened CW1 through phone and thus, caused fear of death in her mind. Thus, the accused committed the offences alleged.

3. The final report was laid before the Judicial Magistrate of the First Class-I, Idukki. The records show that the accused stands released on bail during the committal stage. On appearance of the accused before the learned Magistrate during the enquiry u/s. 207 Cr.P.C, copies of final report and other relevant documents produced by the prosecution, were supplied to them. Thereafter, the case was committed u/s. 209 Cr.P.C to the court of Session, Thodupuzha. On taking cognizance, the learned Sessions Judge made over the case to this court for disposal.

4. When the accused appeared before this court, the learned Additional Public Prosecutor opened the case u/s. 226 Cr.P.C by describing the charge against

the accused and stated by what evidence, the prosecution intended to prove the charge. On such hearing and on consideration of the record of the case, this court was of the opinion that , there were grounds to presume that the accused committed the offences punishable u/s. 450, 376 (1)(2)(n), 109, 354 and 506 (ii) r/w. 34 of Indian Penal Code. Therefore, charges in respect of the said offences were framed in writing, read over and explained to the accused in malayalam to which, they pleaded not guilty and claimed to be tried. The evidence adduced from the prosecution side consists of the oral testimonies of PW's 1 to 15 & Exts.P1 to P20.

5. After the closure of the prosecution evidence, the accused were examined u/s 313(1) (b) Cr.P.C as to the incriminating circumstances appearing against them. The accused denied the allegations. No arguments were advanced u/s. 232 Cr.P.C. After considering the evidence of PW's 1 to 15 and Exts. P1 to P20 , this court found that the accused were not entitled to an acquittal u/s. 232 Cr.P.C. The accused were thereupon called upon to enter on their defence but, on the side of defence, neither oral nor documentary evidence was adduced. Both sides were heard u/s. 234 Cr.P.C.

6. Points that arise for determination are:-

- 1) Whether the 1st accused with an intention to commit rape of CW1 and thereby satisfy his sexual lust, trespassed into the house bearing assessment No. XIII/182 of Kanjikkuzhi Panchayat on some day in January 2019?
- 2) Whether the accused No's.2 and 3 trespassed into the rental house bearing assessment No. X/586 belonging to CW9 on a day in January 2019 and towards the end of November 2019 with an intention to commit rape of CW1

and thereby, satisfy their sexual lust?

- 3) Whether the accused committed rape of CW1 from the houses alleged, repeatedly?
- 4) Whether the 3rd accused forcibly made CW1 to have sexual intercourse with him as abetted by the 2nd accused?
- 5) Whether the 1st accused forcibly took CW1 in his car on two days and whether the 1st accused pressed upon the breast of CW1 during the journey and thereby, whether thereby, he outraged her modesty?
- 6) Whether the 2nd accused criminally intimidated CW1 on 9.01.2020?
- 7) Whether the prosecution has succeeded to prove the offences alleged?
- 8) In the event of conviction, what is the sentence to be imposed on the convicted accused?

7. Point No's. 1 to 7 :

The case stands charge sheeted against three accused. The case of the prosecution is that, all the accused trespassed into the residential houses mentioned in the final report ie., XIII/182 and X/586 of Kanjikkuzhi panchayat and committed rape on CW1 repeatedly. The offences alleged against the accused are u/s. 450, 376 (1)(2)(n), 109, 354 and 506 (ii) r/w. 34 of Indian Penal Code. To prove the case of the prosecution, PW's 1 to 15 were examined and Exts.P1 to P20 were marked.

8. CW4 was examined as PW1. PW1 according to the prosecution, is an attester to scene mahazar. She stated before court that, she had given her house on rent to CW's 1 and 2. She further admitted that, she had signed as an attester in the scene mahazar prepared by the police. The scene mahazar is marked as

Ext.P1.

9. PW2 is the victim. PW2 stated before court that, the incident alleged herein is on 11.1.2020. She further stated before court that, she had preferred statement before the Vanitha Cell. Further, PW2 stated regarding the acquaintance with the 1st accused . PW2 stated before court that , the 1st accused is a bus driver and she used to travel in his bus and that ,she was acquainted with him for about one year and during the course of travelling , the 1st accused had given his phone number and that they used to call each other and it is thus, they became closely acquainted. PW2 further stated that, the 1st accused had demanded to her money several times which, was also availed by him . She has also a case that , one one occasion, as she had no cash in hand, she had given two earrings for pledging. PW2 further stated that, later, the 1st accused also asked her to have sexual intercourse with him and when she denied it, the 1st accused dragged her by holding her hand to the room adjacent to the hall and she was caused to lie on the floor forcibly and the 1st accused committed intercourse with her. PW2 also stated that , the 1st accused had also taken two title deeds from her and he had also threatened her by stating that , she should not disclose the incident to anyone. After two days thereafter also, the 1st accused came on her door step with a car and forcibly took her and during the course of journey , the 1st accused pressed on her breast. As she had fear in her life , she did not disclose the incident even to her husband. PW2 further stated that , on one day in November 2019, the 2nd accused came to her house and told her that , he came to know of the connection in between PW2 and the 1st accused and he threatened her that , he will disclose the same to the husband of PW2 and he also demanded money from PW2. As per her version , an

amount of ₹31,000/- was borrowed by the 2nd accused from her. Her further case is that, during the last of November 2019, the 2nd accused came along with the 3rd accused at about 10 pm and the 2nd accused demanded her to have sexual intercourse with him which, was objected by PW2 upon which, the 2nd accused forcibly took her to the room nearby the bathroom and subjected her to sexual intercourse. PW2 has also a case that, the 2nd accused also demanded that, she should have sexual intercourse with the 3rd accused also, which, was also refused by her. But, the 2nd accused forcibly confined her in a room from where, the third accused also sexually harassed her during which, the 2nd accused stood as a guard. PW2 further stated that, at about 10.30 on 9.1.20, the 2nd accused threatened her over phone that, if she disclose the incident to anyone, he will do away with her. PW2 specifically admitted that, she had given statement before the police. The FIS is marked as Ext.P2. PW2 also specifically stated that, she had given statement before the Magistrate. The 164 statement is marked as Ext.P3. PW2 also specifically identified all the accused and she also stated that, she had shown the place of occurrence to the police.

10. PW3 stated before court that, he has acquaintance with CW's 1 and 2 and the 1st accused. While he was examined, he stated before court that, the 1st accused had entrusted cash in a cover to him which, was taken by CW1.

11. PW4 is the husband of PW2/victim. He stated before court that, in January 2019, the first accused entered into a friendship with his wife and availed money from her. PW4 also stated that, he had lost ₹50,000/- from his house and an altercation had arose with respect to the same in his house upon which, his wife told him that, she had lend loan to the 1st accused. PW4 also stated that, he had

preferred a complaint against the 1st accused before the Kanjikkuzhi Police station. As per his version, when altercation arose in between them regularly, his wife told about the sexual harassment by the 1st accused. PW4 also stated that, he was working during that time in Perumbavoor. Further, his case is that, on one night, while he was at Perumbavoor, his wife called him over phone and asked him to come immediately, as the house was being destroyed upon which, PW4 came to Kanjikkuzhi on the said night itself and when he enquired to his wife, she told that the house was destroyed by the 2nd accused. PW4 further stated that, his wife had also given money to the 2nd accused but, she had not told to him as to how much amount was lend to him. On questioning his wife, she told that the 1st accused had come to the house in November 2019 and had forcibly subjected her to sexual intercourse and he also stated that the 1st accused along with his friend had come during November last also and had sexually harassed his wife. PW4 also specifically identified the 1st accused.

12. PW5 stated before court that, PW2 had stayed in his house and that he had signed as an attesor in the scene mahazar prepared by the police. The scene mahazar is marked as Ext.P4.

13. PW6 also stated before court that, he had let his building to PW's 2 and 4 on rental basis wherein, they had resided for 1 ½ years.

14. PW7 is the Kanjikkuzhi village officer who had prepared the scene plan on the basis of the scene mahazars. The scene plans were marked as Ext.P5 series.

15. PW8 is the Panchayat Secretary who issued the ownership certificate pertaining to building Nos.XIII/182 and X/586. The ownership certificates, are marked as Exts.P6 and P6(a).

16. PW9 is the mother of the 1st accused . She stated before court that, she had a car in her ownership and she had taken back the car on kaicheet. The kaicheet is marked as Ext.P7.

17. PW10 is the official who recorded the FI statement of PW2 which, is marked as Ext.P2.

18. PW11 is the official who had registered the case on the basis of Ext.P2. The FIR is marked as Ext.P8. PW11 further sated that , in furtherance of the registration of the case, he visited the scene of occurrence and prepared Exts.P1 and P4 mahazars and it is he who had taken the car in custody. The seizure mahazar thereto, is marked as Ext.P2. PW11 also stated that , as accused No's 1 and 2 had obtained anticipatory bail , they were arrested and released on bail. The bail bonds of A1 and A2 , are marked as Exts.P10 and P11. PW11 also stated that , the potency test of A1 and A2 was conducted and that it is he who had filed reports adding sections and mentioning the address of the accused. The report adding section and mentioning the address of the accused are marked respectively, as Exts.P12 and P13.

19. PW12 is the Gynecologist, Junior Consultant in Government Medical College Hospital, Idukki who had examined PW2 at 1.12 pm on 12.1.20. PW12 stated that, on her clinical examination, there was evidence of sexual intercourse of penetration but , there were no forceful injuries or evidence of forceful penetration and that she had also not noted any bodily injuries. The certificate issued by her , is marked as Ext.P14.

20. PW13 is the Casualty Medical Officer at District Hospital, Idukki who had medically examined the accused no's 1 & 2 . PW13 stated that on examination,

he found that there is nothing to suggest that the 1st and 2nd accused are incapable of performing a sexual act. The potency certificate of 1st and 2nd accused is marked as Exts.P15 and P16.

21. PW14 is the Assistant Surgeon, Medical College, Idukki who had examined the 3rd accused. PW14 stated that on examination, he found that there is nothing to suggest that the 3rd accused is incapable of performing a sexual act. The potency certificate of 3rd accused, is marked as Ext.P17.

22. PW15 is the Inspector of Police, Kanjikkuzhi Police Station who conducted the further investigation. On a perusal of his version, it is seen that Exts.P18, P19 series and P20 are marked through PW15. Ext.P18 is the report submitted by him regarding the taking over of further investigation by him. Ext.P19 series are the reports adding sections and Ext.P20 is the address report of 3rd accused. PW15 is also the official who recorded the statement of witnesses and laid down the charge sheet on completion of the investigation.

23. The above case stands charge sheeted against the accused mainly considering Ext.P1 preferred by the victim PW2. The defence counsel contended that , the version of PW1 is only to be discarded as she has deposed utter falsehood before the court. The defence specifically contended that , the accused have been falsely implicated. While the 1st accused was questioned u/s. 313 Cr.PC, he stated he had borrowed some amount from PW2 in the year 2019 and that he had repaid the amount with interest but , PW2 demanded a huge amount towards interest and as the 1st accused refused to pay the same, there arose enmity in between them. The 1st accused also stated that , PW2 had given him the amount without the knowledge and consent of her husband PW4 as regards which, there had been

altercations in between them and that both of them and the 1st accused had also been called before the police station. It is also specifically contended that , in the said complaint before the police station , PW2 the victim , had not raised any case of sexual assault. It is further contended by the 1st accused that , in January 2020 when PW2 the victim preferred complaint against accused No's. 2 and 3 , the name of 1st accused was also falsely included. The case of 1st accused is that, he has absolutely no previous acquaintance with the other accused. The case of sexual harassment is also specifically denied by him . The 1st accused also contended that , he is totally innocent. The 2nd accused also during 313 statement, stated that he had also borrowed amount from PW2 and though he also repaid the amount, there arose some dispute with respect to payment of interest and in furtherance thereto , PW2 raised contentions of physical harassment. He also stated that , he has absolutely no connection with the other accused and that he had not threatened PW2 or sexually harassed her as contended by PW2. The 3rd accused during 313 statement stated that, this is a foisted case.

24. It is to be noticed that the case of PW1 is that, she was harassed by the 1st accused on some day in the month of January 2019 and by all the accused on some day, in the month of November 2019. The defence counsel contended that, the case is only to be discarded as PW2 had not lodged the complaint immediately. The complaint herein, is filed by PW2 only in January 2020. There is absolutely no explanation for this inordinate delay. Moreover, it is contended by the defence counsel that , she has no case of sexual harassment against the 1st accused in her petition before the police station. Further, the defence specifically brought out that, PW2 had lend the amount to the accused without the knowledge and consent of her

husband PW4 and there were altercations in between them in furtherance of which , there were also complaints by both of them before the police station wherein , the 1st accused was also called to the police station. There is absolutely no explanation on the part of PW2 as to why she had not raised any sexual harassment against the 1st accused in the said police complaint. Further, PW4 during cross examination , also admitted that, there were differences of opinion in between them regarding the loss of his money in furtherance of which, his wife ie., the victim PW2 , had even preferred a complaint against him before the police alleging physical harassment . Further, PW4 admitted that , as regards the sexual harassment alleged against the accused , he has only hearsay knowledge. It also stands admitted by him that, during the alleged time , he was working at Perumbavoor. In the light of above aspects, the case alleged by PW2 is difficult to be upheld especially , when both PW's 2 and 4 even admitted before court that , at the time of the second instance of rape, the mother and the child of PW2 were at home. Further, it has come out in evidence that , there are several residential houses nearby. The defence also brought out that, PW2 was residing in a house owned by one Biju a police official. It is also brought out that, if there is some shout or cry from her house , the inmates of the house of Biju, can hear. Further, the defence counsel brought out that in the alleged building , there were about 10 to 12 rooms wherein, there were also occupants at the alleged time and so also , the case alleged by PW2, is difficult to be upheld.

25. The defence counsel by cross examining PW1, also attempted to bring out that, there was a practice in between CW's 1 and 2 to have quarrels with each other for which, the police had come and it is in furtherance of the mahazar

prepared thereto, PW1 had affixed signature. When the above case was suggested to PW1 , she remained mum. It is also suggested to PW1 that, it is only at the instance of the police, she is deposing that, she had signed in the mahazar prepared in the above case. The suggestion thereto, was denied by PW1 but, on perusal of her deposition during cross examination , I consider that she is not definite with respect to the mahasser allegedly, wherein, she had affixed her signature.

26. The defence counsel further brought out that, PW2 has also totally exaggerated from her FIS. During the stage of evidence, she has a case that, when the 1st accused had demanded money on the 2nd occasion , as she had no cash in hand , she lend her earrings and on another occasion , she had given a gold chain of her mother. The above aspects are also totally silent in the FIS. It is also to be noticed that , the medical examination of PW2 was also only in January 2020. PW12 the Doctor has specifically deposed that, she could not find any forcible injuries or evidence of forceful penetration and that, no bodily injuries were also found. PW15 the investigation officer, also admitted during cross examination that , the injured had not told any matters to bring out that, there is any connection among the accused. PW15 also admitted the financial transaction in between the parties. Further, he admitted that, prior to filing of charge sheet , he had not perused the copy of complaints preferred by PW's 2 and 4. The above admissions made by PW15 also, leads me to discard the case alleged. Upon a consideration of the facts discussed above, it is only to be concluded that the prosecution has miserably failed to establish the case alleged. The points are found against the prosecution.

27. Point No.8:-

In the result, the accused No's 1 to 3 are found not guilty of the offences punishable u/s. 450, 376 (1)(2)(n), 109, 354 and 506 (ii) r/w. 34 of Indian Penal Code and they are acquitted of the said offences u/s. 235(1) Cr.P.C. Their bail bonds are cancelled and they are set at liberty forthwith.

(Dictated to the CA, transcribed and typed by her and corrected and pronounced by me in open Court on this, the 27th day of February , 2026).

Sd/-

S. S. SEENA

III ADDITIONAL SESSIONS JUDGE

APPENDIX**PROSECUTION WITNESS:**

Sl.No.	Rank	Name	Date	Whether eye witness, Police Witness, Expert Witness, Medical Witness, Other witness
1	PW1	Veena	22.08.2025	Other witness
2	PW2	Name with held	24.09.2025	xxxxxxxxxxxx
3	PW3	Bipin	24.09.2025	Other witness
4	PW4	Bipin	08.10.2025 & 01.12.2025	Other witness
5	PW5	Paulose	15.12.2025	Other witness
6	PW6	Biju.R.	15.12.2025	Other witness
7	PW7	Santhosh Babu R	15.12.2025	Official witness

8	PW8	Gireesh V.J	15.12.2025	Official witness
9	PW9	Achamma	16.12.2025	Other witness
10	PW10	Jasmine	16.12.2025	Police witness
11	PW11	Varghese Alexander	16.12.2025	Police witness
12	PW12	Dr. Benith Nelson	16.12.2025	Medical witness
13	PW13	Dr. Ajith Raj	16.12.2025	Medical witness
14	PW14	Dr. Dijol Thomas	16.12.2025	Medical witness
15	PW15	Mathew George	19.12.2025	Police witness

PROSECUTION EXHIBITS

Sl.No	Exhibits Number	Description	
1.	P1/ PW1	Scene Mahazar	Dated: 12.01.20
2	P2/ PW2	FIS	Dated: 11.01.20
3	P3/ PW2	164 statement	Dated: 12.01.20
4	P4/ PW5	Scene Mahazar	Dated: 13.01.20
5	P5 (series)/ PW7	Scene plans	
6	P6/ PW8	Ownership certificate	Dated: 23.01.20
7	P6(a)/ PW8	Ownership certificate	Dated: 23.01.20
8	P7/ PW9	Kycheet	Dated: 15.06.20
9	P8/ PW11	FIR	Dated: 11.01.20
10	P9/ PW11	Mahazar (Car)	Dated: 15.06.20
11	P10/ PW11	Bail Bond of A1	Dated: 12.06.20
12	P11/ PW11	Bail Bond of A2	Dated: 12.06.20
13	P12/ PW11	Section added report	Dated: 12.01.20
14	P13/ PW11	Address Report	Dated: 19.01.20

15	P14/ PW12	Medical Certificate	Dated: 12.01.20
16	P15/ PW13	Potency Certificate of A1	Dated: 12.06.20
17	P16/ PW13	Potency Certificate of A2	Dated: 12.06.20
18	P17/ PW14	Potency Certificate of A3	Dated: 09.07.20
19	P18/ PW15	Report	Dated: 22.06.20
20	P19(series)/ PW15	Section added reports	Dated: 20.07.20 & Dated:03.08.20
21	P20/ PW15	Address report of A3	Dated: 09.07.20

DEFENCE WITNESS:

Sl.No.	Rank	Name	Date	Whether eye witness, Police Witness, Expert Witness, Medical Witness, Other witness
		Nil		

DEFENCE EXHIBITS:

Sl.No.	Exhibits Number	Description
		NIL

MATERIAL OBJECTS :

Sl.No.	Material Object	Description
		Nil

Id/-

ADDITIONAL SESSIONS JUDGE -III