

IN THE COURT OF SESSIONS, KALPETTA DIVISION

**Present :- Sri.Biju.T., Special Judge,
(Special Court for the trial of Offences Under SC/ST (Prevention of
Atrocities) Act Cases, Mananthavady.**

**Thursday the 08th day of January, 2026
(The 18th day of Pousha, 1947)**

SESSIONS CASE No. 157/2024

Complainant	:	State of Kerala represented by the Dy.S.P., SMS, Wayanad, Mananthavady.
Name of the Accused	:	A1. Harshad Ali, Aged 30/24, S/o Beerankutty, Pookkunnath Veedu, Veettikkad, Anappara, Chundale Post, Kottappadi Village, Wayanad. A2. Jose T.A., Aged 24/24, S/o Antony, Thamarakkolly veedu, Perumthatta, Chundale Post, Kalpetta Village, Wayanad. A3. Mahendran, Aged 23/24, S/o Madhavan, Veettikkadu veedu, Anappara, Chundale Post, Kottappadi Village, Wayanad.
Charges	:	U/ss.447, 341, 323, 324 and 506 r/w 34 of IPC and U/s. 3(2)(va) of Scheduled Castes/Scheduled Tribes (PoA) Act.
Plea of the Accused	:	Not guilty.
Finding of the Judge	:	Not guilty.
Sentence/ Order	:	The accused are acquitted u/s 232 of the Cr.PC.
Name of Police Station	:	Crime No.34/2024 of Meppadi Police Station
Prosecution conducted by	:	Sri. M.G.Sraddhadaran, Special Public Prosecutor, Mananthavady.
Accused defended by	:	Sri.Sasikumar, Advocate for A1 and A3 and Sri.Midhun Babu, Advocate for A2.

<u>DESCRIPTION OF THE ACCUSED</u>			
1.	Serial Number	:	SC 157/2024
2.	Name of Police Station and Crime Number of the offence	:	Crime No.35/2024 of Meppadi Police Station
3.	Name of Accused	:	A1. Harshad Ali A2. Jose T.A. A3. Mahendran
4.	Father's Name	:	A1. Beerankutty, A2. Antony A3.Madhavan
5.	Occupation	:	-
6.	Residence	:	A1.Pookkunnath Veedu, Veettikkad, Anappara, Chundale Post, Kottappadi Village, Wayanad. A2. Thamarakkolly veedu, Perumthatta, Chundale Post, Kalpetta Village, Wauyanad. A3. Veettikkadu veedu, Anappara, Chundale Post, Kottappadi Village, Wayanad.
7.	Age	:	A1. 30/24, A2. 24/24, A3. 23/24
8.	Date of Occurrence	:	14.01.2024
9.	Date of Complaint	:	19.03.2024
10.	Date of Apprehension	:	-
11.	Date of Release on Bail	:	-
12.	Date of Commitment	:	-
13.	Date of Commencement of Trial	:	03.01.2026
13A	Commencement of evidence	:	03.01.2026
14.	Date of Close of Trial	:	03.01.2026
15.	Date of Sentence/ Order	:	08.01.2026
16.	Service of copy of Judgment/ Order to the Accused.	:	-
17.	Explanation for the delay	:	No delay
18	Period of detention undergone during investigation, inquiry or trial for the purpose of Section 428 Cr.P.C.	:	-

SPECIAL JUDGE

This case coming on for hearing before me upon perusing the records of evidence and proceedings and upon duly considering the same after hearing the public prosecutor and counsel for the accused on 08.01.2026. I do adjudge and pass the following:-

JUDGMENT

This is a case charge sheeted by the Deputy Superintendent of Police, Mananthavady in charge of the Special Mobile Squad in Cr.No.35/2024, alleging the commission of offences punishable U/ss.447, 341, 323, 324, 506 r/w 34 of the Indian Penal Code (for brevity “the IPC”) and Sec.3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (for brevity “the Act”) .

2. The prosecution case, in brief, is as follows:- On 14.01.2024 at 10.30 AM, due to previous enmity and in furtherance of common intention, the accused committed criminal trespass by entering into the sitout of the unnumbered shed situated at 17th ward of Meppadi Grama Panchayath in the possession of PW1, one of the victims. The accused persons wrongfully restrained the victim, PW1, in the course of the same transaction. The accused voluntarily caused hurt to the victims, PW1 to PW3. The accused voluntarily caused hurt to the

victims by beating them with a helmet, which is used as a weapon of offence, and is likely to cause death. In the course of the same transaction, the accused criminally intimidated to do away with the victim, PW1, at Veettikkad of Kottappadi amsom of Vythiri taluk of Wayanad District. The accused, who are the non-members of the scheduled caste and the scheduled tribe, committed the scheduled offences U/ss. 447, 341, 323, and 324 r/w 34 of the IPC against the victims, knowing that they belong to paniya community of the scheduled tribe. Thus, the accused are alleged to have committed the above said offences.

3. The case was registered on the basis of the Ext.P1 First Information Statement given by PW1, one of the victims and based on Ext.P1 FIS, the Sub Inspector of Police, Meppadi police station, has registered the FIR in this case. The investigation in this case was conducted by the Deputy Superintendent of Police, Mananthavady, in charge of the Special Mobile Squad, Wayanad and laid the final report against the accused before this court.

4. On getting the final report, this court took cognizance of the offences punishable U/ss.447, 341, 323, 324, 506 r/w 34 of the Indian Penal Code and Sec.3(2)(va) of the Act and then requested the

Principal Sessions Court, Kalpetta, to assign a Sessions Case number to the case. The said case was taken on file as SC.157/2024 on the file of the Principal Sessions Court, Kalpetta, and then, made over to this Court for trial and disposal according to law. All the accused entered appearance before this court and they were enlarged on bail. On the appearance of the accused, copies of all relevant prosecution records were furnished to them as provided U/s.207 of the Criminal Procedure Code.

5. The learned Special Public Prosecutor for the State opened this case by describing the charge brought against the accused. On a perusal of the records of the case and documents submitted therewith, after hearing the learned counsel for the accused and the learned Special Public prosecutor for the State, this court is satisfied that the offences punishable U/ss.447, 341, 323, 324, 506 r/w 34 of the IPC and Sec.3(2)(va) of the Act have been disclosed with, the charge was framed against all accused of the above said offences. When the charge was read over and explained to the accused in Malayalam, to which they pleaded not guilty of the offences and claimed to be tried.

6. Then this case was posted for the evidence on the side of the prosecution. PW1 to PW3 were examined on the side of the prosecution. Ext.P1 was marked on the side of the prosecution.

7. Since the material witnesses PW1 to PW3, the victims, turned hostile to the prosecution, the learned Special Public Prosecutor for the State gave up the examination of the remaining witnesses. Since there are no incriminating circumstances appearing in the evidence against the accused, the examination of the accused U/s. 313(1)(b) of the Cr.P.C stands dispensed with.

8. The learned Special Public Prosecutor for the State and the learned counsel for the accused have been heard.

9. The points for consideration in this case are as follows:-

- 1) Whether there is any evidence to connect the accused with the offences?
- 2) If so what is the sentence to be imposed on the accused?

10. **Point Nos. 1 and 2:-** The law was set into motion as per Ext.P1 FIS given by one of the victims, PW1. Based on Ext.P1 FIS, the Sub Inspector of Meppadi police station registered the FIR in this case.

11. PWs. 1 to 3 are the victims. The victims have not stated before the court that the accused persons committed criminal trespass by

entering into the unnumbered shed situated in 17th ward of Meppadi Panchayath in the possession of PW1. There is no oral evidence to show that the accused wrongfully restrained PW1. The victims have no case that they were attacked with a helmet and sustained hurt. There is nothing to show that the accused criminally intimidated PW1.

12. In this case, the victims have not supported the prosecution. Then the learned Special Public Prosecutor for the state has dispensed with the examination of the remaining witnesses.

13. Having gone through the evidence let in by the prosecution, there is absolutely no evidence available on record to connect the accused with the alleged commission of the crime.

14. Since there are no incriminating circumstances appearing in the evidence against the accused, the examination of the accused U/s.313(1)(b) of the Cr.P.C stands dispensed with.

15. Having gone through the evidence on record, there is absolutely no evidence available to prove the involvement of the accused in the commission of the crime. Hence, the continuation of the trial will amount to an unnecessary harassment to the accused, and the accused is entitled to be acquitted of the alleged offences in the absence of evidence U/s.232 of the Cr.PC.

In the result, the accused are found not guilty of the offences punishable U/ss.447, 341, 323, 324, 506 r/w 34 of the IPC and Sec.3(2) (va) of the Act and all accused are accordingly acquitted of the said offences as per Section 232 of the Cr.P.C. The bail bonds of all accused shall stand cancelled. The sureties are discharged. All accused 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 8th day of January, 2026)

SPECIAL JUDGE

List of Prosecution/Defence/Court Witnesses

A. Prosecution Witness

Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, Other witness
PW1	Raju V.K.	Eye witness
PW2	Vipin	Eye witness
PW3	Vijil	Eye witness

B. Defence Witness : NIL.

C. Court Witness : Nil

List of Prosecution/Defence/Court Exhibits:

A. Prosecution Exhibits:

1	Ext.P1/PW1	FIS
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B. Defence Exhibits:C. Court Exhibits: NilD. Material Objects: Nil**SPECIAL JUDGE**

Typed by: Manuel M.P.

Compared by: Meenakshy C.M.