

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE - I, ALAPPUZHA**

**Present: Sri. Roy Varghese, Additional Sessions Judge-I**

Thursday the 12<sup>th</sup> day of March, 2026

**SESSIONS CASE No. 1004/2025**

Filed on: 16.09.2025

(Crime No. 274/2024 of Haripad Police Station)

CP No. 79/2025 of the JFCM-I, Haripad

**Complainant:-** : The State of Kerala  
represented by the Sub  
Inspector of Police,  
Haripad Police Station.  
**(Rep. by Public Prosecutor)**

**Accused:-** : 1. Syamkumar, aged 29 years,  
S/o Sasikumar, Gowri bhavanam,  
Kaduvinal Muri, Vallikunnam Village  
from Sree Sailam Veedu Chathiyara  
Muri, Thamarakulam Village.

2. Jyothish, aged 36 years,  
S/o Aravindakshan, Sankutharayil  
Veettil, Chitoor Muri, Panmana  
Village, Karunagappally Taluk,  
Kollam.

**( A1 by Adv. Alex.K.John  
A2 by Adv. Augustus Binu)**

**Offence:-** : u/Ss. 376(1)(2), 376(2)(n) 366,  
450, 323 & 506(i) r/w Sec.34 of  
IPC

**Plea:-** : Not guilty

**Finding:-** : Not guilty

**Sentence/Order:-** These accused Nos. 1 & 2 are acquitted u/S.

255 of BNSS, as a case of 'no evidence'. The bail bonds of these accused stand cancelled and are set at liberty. The MOs, being valueless, be destroyed after the appeal period.

### **Description of Accused**

Sl. No	Name	Fathers Name	Occupation	Residence	Age
1.	Syamkumar	Sasikumar	--	Gowri bhavanam	29
2.	Jyothish	Aravindakshan	--	Sankutharayil Vettil	36

### **Dates of**

Occurrence of offence	Complaint	Apprehension	Release on Bail	Commencement of trial	Close of trial	Judgment
21.01.2024	20.03.2024	A1 21.03.2024 A2 13.05.2024	A1 08.04.2024 A2 29.05.2024	03.03.2026	11.03.2026	12.03.2026

This case having been finally heard on 11.03.2026 and the Court on 12.03.2026 delivered the following:-

### **J U D G M E N T**

The accused Nos. 1 & 2 stand charge sheeted by the Inspector of Haripad Police Station in Crime No. 274/2024 of that Police Station, alleging offences punishable u/Ss. 376 (1) (2), 376(2)(n), 366, 450, 323 & 506(i) r/w S. 34 of the Indian

Penal Code. The accused Nos. 1 & 2 are on bail.

2. The prosecution allegation in brief is as follows:-  
That on 22.02.2020, the 1<sup>st</sup> accused criminally trespassed into the residential house of the defacto complainant situated at Neendoor Muri in Pallippadu Village and had forceful intercourse on her, on a promise to marry her and thereafter, in the midnight of 21.01.2024 he again committed rape on her and on the midnight of 21.02.2024, after he had intercourse on her, forced her to have sexual intercourse with the 2nd accused, by criminal intimidating to publish her nude photos in social media and again on 09.03.2024 at 08:00 AM, the 1st accused attempted to commit rape on her after criminally trespassing her home and while she refused, he grabbed on her neck, fisted on her right eye and kicked on her chest, thereby caused injuries and pain to her. Accordingly, the accused persons are charged with the aforementioned offences.

3. After investigation, a Final Report was laid before the Judicial First Class Magistrate Court-I, Haripad by the

Inspector of Haripad Police Station and were committed to this court u/s 232 of the BNSS after complying with the procedures as provided under Section 230 of the BNSS. On appearance of these accused Nos. 1 & 2, this Court proceeded to frame a Charge. It was read over and explained to these accused, who pleaded not guilty and the trial ensued.

4. The evidence for the prosecution consists of the oral testimony of PW-1 and documents marked in Ext.P-1. The oral testimony of the prosecution witness is as follows:

5. PW-1 (victim) deposed that she is a home-maker residing at Pallipad. The accused Nos. 1 & 2 are known to her. She along with the 1st accused were running a driving school at Kayamkulam and had financial transactions from 21.02.2021; and after three years of business, there arose dispute among them. While she demanded her shares of profits, he refused to pay stating as having no evidence. Her husband is no more. On the birthday of her son, there arose dispute among them. They were in love and approached the Police after the financial dispute. She had given statement to

the Police and identified her signature in Ext.P-1 F.I Statement. She identified the 1st accused in the dock. She had sexual relationship with this accused with consent. She has no grievances against the accused persons. During cross-examination, she kept silence to the suggestion that she had no physical relationship with the 2<sup>nd</sup> accused.

6. After the completion of the prosecution evidence, the questioning u/S. 351 of BNSS dispensed with as no incriminating circumstances brought out in evidence. Thereafter both sides were heard under Section 255 of BNSS.

7. Upon hearing the learned Public Prosecutor and the counsels appearing for the accused Nos. 1 & 2 and on perusing the records of the case, the point that arise for consideration in this case is as follows:-

Whether there is evidence to proceed against the accused ?

8. **The Point:-** PW-1 is the victim in this case and she deposed that herself and the 1st accused were running a driving school at Kayamkulam from 21.02.2021 onwards and

after three years, she approached the Police upon a financial dispute among them. On putting leading questions with the permission of this Court by the learned Public Prosecutor, she stated as had repeated sexual intercourse with the 1st accused, but on her consent. She raised grievances only after the financial dispute with him and identified this 1st accused in the dock. She has no allegation of any sexual acts on her by the 2nd accused. She has no grievances against these accused persons and not intending to proceed with the case.

9. The victim does not support the prosecution allegations of criminal trespass or sexual harassment by the accused Nos. 1 & 2. No ocular witnesses cited by the prosecution. In this juncture, no purpose is served in proceeding with the case further. There is no evidence to proceed against the accused Nos. 1 & 2. Hence, these accused persons cannot be found guilty with the available evidences.

In the result, these accused Nos. 1 & 2 are acquitted u/S. 255 of BNSS, as a case of 'no evidence'. The bail bonds of

these accused stand cancelled and are set at liberty. The MOs, being valueless, be destroyed after the appeal period.

*(Dictated to the Confidential Assistant transcribed and typed by him, corrected by me and pronounced in open court on this the 12th day of March, 2026)*

Sd/-  
Roy Varghese,  
Addl. Sessions Judge-I.

**APPENDIX:-**

**Witness for the prosecution:-**

PW1/CW1 : 11.03.2026 : XXXX

**Exhibits for the Prosecution:-**

P1/PW1 : 20.03.2024 : FIS

**Witness for the defence:-** : Nil

**Exhibits for defence:-** : Nil

**Material Objects:-** : Nil

Id/-  
Addl. Sessions Judge-I

Fair copy of Judgment in  
S.C.No.1004./2025  
Dated: 12.03.2026