

**IN THE COURT OF THE FAST TRACK SPECIAL JUDGE, HARIPAD**  
(SESSIONS DIVISION, ALAPPUZHA  
Present:- Sri. Hareesh G., Special Judge

Friday, the 25<sup>th</sup> day of April, 2026

**S.C. No.440/2024**

(Crime No.1172/2014 of Vallikunnam Police Station)  
(CP No.2/2024 of JFMC-1, Kayamkulam)

Complainant : State of Kerala – represented by S.I. of  
Police, Vallikunnam Police Station.  
  
(By Adv.Sri.S. Reghu, Spl. Public Prosecutor)

Accused : 1. Savithri.  
2. Anukumar.  
3. Suma.

(By Adv.Sri.M.M. Anas Ali)

Charge : U/Ss.324 and 341 r/w S.34 of the IPC and  
S.23 of the Juvenile Justice (Care &  
Protection of Children) Act, 2000.

Plea : Not guilty.

Finding : Not guilty.

Sentence or Order : **Accused are acquitted u/S.235(1)  
Cr.PC for the offences punishable  
u/Ss.324 & 341 r/w S.34 of the IPC and  
S.23 of the Juvenile Justice (Care &  
Protection of Children) Act, 2000.**

**DESCRIPTION OF THE ACCUSED**

Sl.No.	Name	Father's name	Religion	Occupation	Residence	Age
1	Savithri W/o Anukumar, Sreekrishnalayam, Elippakkulam Muri, KLattanam Village.					38/14
2	Anukumar S/o Kochunanu, Sreekrishnalayam, Elippakkulam Muri, Kattanam Village.					44/14
3	Suma W/o Ajayakumar, Ajaya Bhavanam, Elippakkulam Muri, Kattanam Village.					27/14

Date of:-

Offence	Report	Apprehension	Release on bail	Committal
25/11/2014	14/09/2015	21/06/2022	21/06/2022	23/01/2024
Commencement of trial	Close of trial	Sentence/order	Explanation for delay	
04/02/2025	20/04/2026	25/04/2026	-	

This Sessions Case having been finally heard on **20/04/2026** and stood over for consideration to this day and the Court on this day delivered the following:

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

- (1) This case is based on the final report filed by the S.I. of Police attached to the Police Station, Vallikunnam in Crime No.1172/2014 of the said police station. The said case is registered against the accused alleging commission of offences punishable u/Ss.324 & 341 r/W S.34 of the Indian Penal Code (for short, I.P.C.) and Sec.23 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (for short, J.J. Act),.
- (2) The prosecution allegation in the final report is that the accused with their common intention to assault CW1 and her minor daughter (CW2), at 08.00 pm on 25/11/2014 attacked them near to the panchayat well situated on the western side of the road emanating from the Mangaram - Kannanakuzhy road which is at a distance of 50 metres from Pokkattu junction in Ward 13 of

Bharanickavu panchayat; In the incident, the 1<sup>st</sup> accused beat on the right shoulder of CW1 with an iron bar and as CW1 held the iron bar, the 1<sup>st</sup> accused attacked CW1 with a knife and as CW1 held the knife, she sustained injury on her right index finger; then CW2 tried to save CW1, the 2<sup>nd</sup> & 3<sup>rd</sup> accused wrongfully restrained them and the 3<sup>rd</sup> accused beat on the hip and left shoulder of CW1 with a coconut frond. Thus, the accused have committed the offences punishable u/Ss.324 & 341 r/W S.34 of the Indian Penal Code and Sec.23 of the Juvenile Justice (Care and Protection of Children) Act, 2000.

- (3) The case had its genesis on Ext.P3 F.I.S. given by PW2 before PW6, the S.I. of Police, Vallikunnam; on the basis of Ext.P3 F.I.S, PW6 has registered the case as per Ext.P4 FIR and after completing the investigation, PW4 has laid the final report before the Judicial First Class Magistrate's Court-1, Kayamkulam by citing CWs 1 to 8 as charge witnesses.
- (4) The learned Magistrate took cognizance of the offence and originally taken the case on the file as C.C. No.1465/2017. Then the learned Magistrate having found that the case involves offence u/S.23 of the J.J. Act, converted the case as C.P. No.2/2024 u/S.323 Cr.PC and committed the case to the Hon'ble

Children's Court, Alappuzha u/S.209 Cr.PC. The Hon'ble Children's Court taken the case under the present number and issued process to the accused and thereafter, made over the case to this Court for trial and disposal.

- (5) Upon receipt of the case file, process were issued against the accused, the accused appeared before the Court. Since the accused were enlarged on bail when the case was pending before the Magistrate's Court, they were permitted to continue on the same bail bond. The accused have been defended by the counsel appointed by them.
- (6) The learned Special Public Prosecutor (the SPP, for short) opened the case u/S.226 of the Cr.PC by describing the charge brought against the accused and by what evidence he proposes to prove the guilt of the accused. Then, after hearing the learned SPP and the learned counsel for the accused u/S.227 of the Cr.PC., charge u/Ss.324 & 341 r/w S.34 of the Indian Penal Code and S.23 of the Juvenile Justice (Care and Protection of Children) Act, 2000 was framed, read over and explained to the accused. The accused pleaded not guilty to the offence charged against them and claimed to be tried.

- (7) Thereafter, from the side of the prosecution, **PWs 1 to 6** were examined and marked **Exts.P1 to P6**.
- (8) After closure of the prosecution evidence, the accused were examined u/S.313(1)(b) Cr.PC with respect to the incriminating circumstances brought out against the accused in the prosecution evidence. The accused denied all the incriminating circumstances brought out them in the prosecution evidence and stated that they are innocent of the allegations levelled by the prosecution.
- (9) Thereupon, the learned SPP and the learned counsel for the accused were heard u/S.232 Cr.PC. Since there is evidence against the accused, it is found that the accused are not entitled to be acquitted u/S.232 Cr.PC. Then the case was posted for the evidence of the accused. No evidence was adduced from the side of the accused when they were called upon to enter upon their defence.
- (10) Among the prosecution witnesses examined, PW1 is the doctor attached to the Taluk Hospital, Kayamkulam. She examined PW2 and PW3 and issued Exts.P1 & P2 wound certificates. PWs 2 & 3 are the injured in this case and PW2 has set the law in motion by lodging Ext.P3 FIR. PW4 is the SHO attached to the police station,

Vallikunnam; he having completed the investigation, laid the final report. PW5 is an independent witness examined to prove the incident; he did not support the prosecution. PW6 is the SHO, Vallikunnam Police Station; he has registered the case as per Ext.P4 FIR; he prepared Ext.P5, scene mahazar and also filed Ext.P6 report for bringing on record the address of the accused.

(11) The prosecution has given up CWs 3 & 5.

(12) Heard the learned SPP and the learned counsel for the accused.

(13) The following points arise for consideration:-

- 1) Whether PW3 was a child at the time when the incident took place?
- 2) Whether the 1<sup>st</sup> accused voluntarily caused hurt to PW2 with dangerous weapon?
- 3) Whether the 3<sup>rd</sup> accused voluntarily caused hurt to PW3 with dangerous weapon?
- 4) Whether the 2<sup>nd</sup> and 3<sup>rd</sup> accused wrongfully restrained PWs 2 & 3?
- 5) Whether the 3<sup>rd</sup> accused showed cruelty to PW3?
- 6) Whether the accused shared any common intention to commit the offences?
- 7) What, if any is the offence committed by the accused?
- 8) Regarding sentence or order?

(14) **Point Nos.1 to 6:-**

For the sake of convenience and since these points are interconnected, they are considered together. In this case, law is set in motion by PW2; she testified that her daughter was born on 27/10/2001 and at the time of the incident, her daughter was a 7<sup>th</sup> standard student. The said evidence of PW2 with regard to the age of PW3 is not challenged by the counsel for the accused. PW3 is the daughter of PW2; she deposed that she was born on 27/10/2001. As per the prosecution case the incident has happened on 25/11/2014. Thus, it is found that on the date of incident PW3 has not completed the age of 28 years. From the side of the accused no contention regarding the age of PW3 was raised. Thus, it is found that PW3 was a child at the time of the incident.

(15) PW2 further deposed that the incident took place at 08.00 pm on 25/11/2014. It is her evidence before the court that she went to the panchayat well to fetch water and then the 1<sup>st</sup> accused beat on her right shoulder with iron bar. PW2 deposed that the 2<sup>nd</sup> and 3<sup>rd</sup> accused were also present with the 1<sup>st</sup> accused. She also deposed that the 1<sup>st</sup> accused tried to attack her with a knife and

as she caught hold of the knife, she sustained injury on her right hand. It is her evidence before the court that she went to the hospital at Kayamkulam and gave **Ext.P3** FIS in the police station. She further deposed that the 3<sup>rd</sup> accused beat on the hip of PW3 with coconut frond.

(16) PW3 is the daughter of PW2; she deposed that she was born on 27/10/2001 and the incident took place at 08.00 pm on 27/11/2014. It is her evidence before the court that all the accused beat her mother with iron bar. She further deposed that she and her mother went to the panchayat well for fetching water and when she returned from there, the 3<sup>rd</sup> accused beat her with a coconut frond. She further deposed that they went to the Vallikunnam police station and thereafter reached the hospital at Kayamkulam.

(17) PW1 is the doctor attached to the Taluk Hospital, Kayamkulam. She deposed that on 25/11/2014, she treated PW3 (Pretheesha) and issued **Ext.P1** wound certificate. PW1 also deposed that on the very same day, she examined PW2 and issued **Ext.P2** wound certificate. It is the evidence of PW1 that she has not noted any external injury on PW3 and she noted an abrasion on the right index finger and swelling and tenderness on upper arm of PW2.

- (18) PW4 is the S.I. of Police attached to the police station, Vallikunnam; he deposed that he has arrested the accused and after completing the investigation, he has laid the final report.
- (19) PW5 is an independent witness examined to prove the occurrence; he did not support the prosecution. He deposed that he has not given any statement to the police to the effect that the accused attacked PWs 2 & 3 with iron bar, knife and coconut frond.
- (20) PW6 is the SHO attached to the police station, Vallikunnam; he deposed that he has registered **Ext.P4** FIR on the basis of Ext.P3 FIS given by PW2. It is his evidence before the court that he has also prepared Ext.P3 series body notes with respect to PWs 2 & 3. PW6 further deposed that he has inspected the scene of occurrence and prepared **Ext.P5** scene mahazar. PW6 deposed that he has filed **Ext.P6** report to bring on record the address of the accused.
- (21) In this case, the prosecution has adduced the abovementioned evidence. In spite of giving several opportunities, the counsel for the accused did not come to the court for arguing the matter. First of all, it is to be noted that PW2 in the cross-examination deposed that she has given a written complaint at the police

station and the prosecution has suppressed the written complaint filed by PW2 at the Vallikunnam police station. Thus, it can be seen that the prosecution has suppressed the genesis of the case.

(22) PW2 deposed that since no action was taken, she gave complaint at the Police Circle Office, Mavelikara on 29/11/2014. Thus, it is found that PW2 after giving a written complaint in the police station, Mavelikara, later gave Ext.P3 FIS before the Circle Office, Mavelikara after the elapse of four days. It is to be noted that PW2 admitted in the cross-examination that since it was not possible to take any case on her written complaint, she approached the Circle and gave Ext.P3 FIS. Thus, it is found that there is inordinate delay in lodging Ext.P3 FIS and the genesis of the case is also suppressed. PW2 in the cross-examination further admitted that the 3<sup>rd</sup> accused lodged a complaint against one Mahesh, who is a relative of her and a Crime No.1169/2014 is registered against the said Mahesh on the allegation that he tried to molest the 3<sup>rd</sup> accused herein. Thus, it is found that the chance of PW2 implicating the accused persons in a false case cannot be ruled out.

(23) As per the evidence of PW2, the 1<sup>st</sup> accused beat on her right shoulder with an iron bar. But, PW1, who examined PW2 could

not see any injury on the right shoulder of PW2. Had PW2 was bitten by an iron rod, definitely she would have sustained a major injury on her right shoulder. Likewise, PW3 has no case that the 1<sup>st</sup> accused attacked PW2 with a knife. But, PW2 maintained such a case. Thus, it can be seen that there is glaring inconsistency in the evidence of PWs 2 & 3. Though in the FIS, PW2 maintained a case that the 2<sup>nd</sup> accused wrongfully restrained her while giving evidence before the court, PW2 has no such case. Thus, on consideration of the entire evidence of PWs 2 & 3, it is found that they are not believable witnesses. First of all, there is suppression of genesis of case, there is delay in lodging Ext.P3 FIS, medical evidence on record does not support the oral evidence of PWs 2 & 3. There are inconsistencies in the testimonies of PWs 2 & 3.

- (24) The function of the Court in a criminal trial is to find whether the person arraigned before it as the accused is guilty of the offence with which he is charged. For this purpose, the Court scans the material on record to find whether there is any reliable and trustworthy evidence upon the basis of which it is possible to convince to pass the conviction of the accused and to hold that he is guilty of the offence with which he is charged. If in a case prosecution leads uncorroborated evidence and shows it to be unreliable, the

result would necessarily be that the Court would be left with no reliable and trustworthy evidence upon the conviction of the accused might be based. Inevitably, the accused would have the benefit of such a situation.

(25) It is settled that if the Court entertains a reasonable doubt regarding the guilt of the accused, the benefit of that doubt must go to the accused. Mere suspicion, however strong or probable it may be, is no effective substitute for the legal proof required to substantiate the charge of commission of a crime **see Ashish Batham v. State of M.P., 2002 (7) SCC 317**. Taking all the circumstances into account, it is concluded that it is a fit case where the benefit of doubt must be extended to the accused.

(26) Upshot of the discussion is that the prosecution could not establish the guilt of the accused beyond reasonable doubt and the accused are entitled to get the benefit of doubt. Thus, it is found that the prosecution has failed to prove the offences U/Ss.324 & 341 r/W S.34 of the IPC and S.23 of the Juvenile Justice (Care & Protection of Children) Act, 2000 against the accused beyond reasonable doubt. These points are answered accordingly.

(27) **Point No.7:-**

Vide discussions made in the foregoing points, it is found that the prosecution has failed to prove that the accused have committed the offences punishable U/Ss.324 & 341 r/W S.34 of the IPC and S.23 of the Juvenile Justice (Care & Protection of Children) Act, 2000. This point is answered accordingly.

(28) **Point No.8:-**

Vide discussions made in the foregoing points, it is found that the prosecution has failed to prove that the accused have committed the offence punishable U/Ss.324 & 341 r/W S.34 of the IPC and S.23 of the Juvenile Justice (Care & Protection of Children) Act, 2000.

In the result,

***the accused are acquitted u/S.235(1) of Cr.PC. for the offences punishable U/Ss.324 & 341 r/W S.34 of the IPC and S.23 of the Juvenile Justice (Care & Protection of Children) Act, 1986. The bail bonds executed by the accused stand cancelled and are set at liberty forthwith.***

*(Dictated to the Confidential Asst. directly typed on the computer, corrected and pronounced by me in Open Court on this the 25<sup>th</sup> day of April, 2026).*

Sd/-  
Special Judge,  
Fast Track Special Court, Haripad.

**APPENDIX**

**List of Prosecution/Defence/Court Witnesses:-**

**STATEMENT UNDER RULE 134 OF THE CRIMINAL RULES OF PRACTICE**

**A. WITNESSES FOR THE PROSECUTION:-**

Rank	Name	Whether eye-witness, police witness, expert witness, medical witness, other witness	Date of deposition
PW1	Dr. Jasmine A.	Taluk Hospital, Kayamkulam	28/04/25
PW2	Mother of the victim	-	17/06/25
PW3	Victim of the offence	-	18/06/25
PW4	Venugopal	S.I. of Police, Vallikunnam Police Station	05/07/25
PW5	Ramachandran	Witness	30/12/25
PW6	Ratheesh	S.I. of Police, Vallikunnam Police Station	30/12/25

**B. WITNESSES FOR THE DEFENCE:-**

Rank	Name	Whether eye-witness, police witness, expert witness, medical witness, other witness	Date of deposition
- N I L -			

**C. WITNESSES FOR THE COURT:-**

Rank	Name	Whether eye-witness, police witness, expert witness, medical witness, other witness	Date of deposition
- N I L -			

**List of Prosecution/Defence/Court Exhibits:-**

Sl.No.	Exhibit Number	Description	Date
1	P1/PW1	Wound certificate of the victim	25/11/14
2	P2/PW1	Wound certificate of the mother of victim	25/11/14
3	P3/PW2	First Information Statement	29/11/24
4	P4/PW6	First Information Report	29/11/14
5	P5/PW6	Scene mahazar	29/11/14
6	P6/PW6	Address report	-
7	P3 series/PW6	Body notes of PWs 2 & 3	-

**B. EXHIBITS FOR THE DEFENCE:-**

Sl.No.	Exhibit Number	Description	Date
- N I L -			

**C. EXHIBITS FOR THE COURT:-**

Sl.No.	Exhibit Number	Description	Date
- N I L -			

**D. MATERIALS OBJECTS:-** N I L

Sd/-  
Special Judge,  
Fast Track Special Court, Haripad.

Special Judge,  
Fast Track Special Court, Haripad.