

**IN THE COURT OF THE FAST TRACK SPECIAL JUDGE, HARIPAD**  
(SESSIONS DIVISION, ALAPPUZHA)

Present:- Sri. Hareesh G., Special Judge

Thursday, the 30<sup>th</sup> day of April, 2026

**S.C. No.934/2025**

(Crime No.87/2025 of Veeyapuram Police Station)  
(C.P. No.46/2025 of Judicial First Class Magistrate's Court-1, Haripad)

Complainant : State of Kerala – represented by Inspector of Police, Veeyapuram Police Station.

*(By Adv.Sri.S. Reghu, Spl. Public Prosecutor)*

Accused : Surya S @ Chikku.

*(By Adv.Sri. Unni J. Variath)*

Charge : u/S.75 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

Plea : Not guilty.

Finding : Not guilty.

Sentence or Order : ***The accused is acquitted u/S.258(1) of BNSS for the offence punishable u/S.75 of the Juvenile Justice (Care and Protection of Children) Act, 2015.***

**DESCRIPTION OF THE ACCUSED**

| Sl.No. | Name                                                                                                  | Father's name | Religion | Occupation | Residence | Age   |
|--------|-------------------------------------------------------------------------------------------------------|---------------|----------|------------|-----------|-------|
| 1      | Surya S @ Chikku S/o Rajan, Puthusseri Kizhakkathil Veedu, Cheruthana South Muri, Cheruthana Village. |               |          |            |           | 32/25 |

Date of:-

| Offence               | Report         | Apprehension   | Release on bail               | Committal  |
|-----------------------|----------------|----------------|-------------------------------|------------|
| 14/12/2024            | 25/03/2025     | 17/02/2025     | 19/02/2025                    | 02/07/2025 |
| Commencement of trial | Close of trial | Sentence/order | Explanation for delay, if any |            |
| 18/02/2026            | 28/04/2026     | 30/04/2026     | -                             |            |

This Sessions Case having been finally heard on 28/04/2026 and stood over for consideration to this day and the Court delivered the following:

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

- (1) This case is based on the final report filed by the Inspector of Police attached to the police station at Veeyapuram in Crime No.87/2025 of the said police station. The accused is put to trial alleging commission of the offence punishable under Sec.75 of the Juvenile Justice (Care and Protection of Children) Act (For Short J.J. Act).
- (2) The prosecution allegation against the accused is as follows:- that the accused is the wife of the defacto complainant and the accused during the subsistence of her marriage with CW1, at 08.00 am on 14/02/2024 abandoned her 4 years old daughter and went away with Sreejith S/o Babu, Puneril House, Karuvatta Village. Thus, the accused has committed the offences punishable under Sec.75 of the Juvenile Justice (Care and Protection of Children) Act.

- (1)** The case had its genesis on Ext.P1 FIS given by PW1 before PW2; on the basis of Ext.P1 F.I.S, PW2 has registered the case as per Ext.P2 FIR and after completing the investigation, PW2 has laid the final report before the Judicial First Class Magistrate's Court-1, Haripad by citing CWs 1 to 9.
- (2)** The learned Magistrate took cognizance of the offence and taken the case on the file as C.P. No.46/2025 and committed the case to the Hon'ble Children's Court, Alappuzha u/S.32 of BNSS. 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.
- (3)** Upon receipt of the case records, this Court issued process to the accused. The accused appeared before the Court in response to the process issued. On her appearance before the Court, the accused was furnished with copies of all relevant prosecution records and since she was released on bail at the investigation stage of the case, the accused was permitted to continue on the same bail bond executed by her during the investigation of the case. The accused was defended by the counsel appointed by her.
- (4)** The learned Special Public Prosecutor opened the case u/S.249 of Bharatiya Nagarik Sureksha Sanhitha (For short B.N.S.S) by

describing by what evidence he proposes to prove the guilt of the accused. Thereafter, the counsel for the accused and the Special Public Prosecutor were heard u/S.250 of the BNSS and since there is sufficient materials to frame charge against the accused, charge u/S.75 of the Juvenile Justice (Care & Protection of Children) Act was framed, read over and explained to the accused. The accused pleaded not guilty to the charge and claimed to be tried.

- (5) Thereafter, from the side of the prosecution, **PW1 & PW2** were examined and marked **Exts.P1 to P8**.
- (6) After the closure of the prosecution evidence, the accused was examined u/S.351(1)(b) of BNSS with respect to incriminating circumstances appearing against her in the prosecution evidence. The accused denied all the incriminating circumstances brought against her and stated that she is innocent of the prosecution allegations.
- (7) Thereafter, the learned counsel for the accused and the learned S.P.P. were heard u/S.255 BNSS. Since there is evidence against the accused, it is found that the accused is not entitled to be acquitted u/S.255 of BNSS. From the side of the accused, no evidence was adduced when he was called upon to enter on her defence.

- (8) Among the prosecution witnesses examined, PW1 is the husband of the accused. He has set the law in motion by lodging Ext.P1 FIS. PW2 is the Inspector SHO attached to the police station, Veeyapuram; he has registered the case as per Ext.P2 FIR and after completing the investigation, he has laid the final report. Through him, Exts.P2 to P8 documents were marked.
- (9) The prosecution has given up CWs 2 to 8.
- (10) Heard the learned SPP and the learned counsel for the accused.
- (11) The following points arise for consideration:-
- 1) Whether the accused abandoned her minor girl child?
  - 2) What, if any is the offence committed by the accused?
  - 3) Regarding sentence or order?
- (12) **Point No.1:-**

In this case, law is set in motion by PW1, the father of the abandoned child and the husband of the accused. He deposed that the accused was his wife and he lodged **Ext.P1** FIS alleging that she has abandoned her child. PW1 deposed that he and the accused were not on good terms and therefore, the accused left him. It is his evidence before the court that now the child is now

being looked after by the accused and he has no complaint against her.

**(13)** PW2 is the Inspector of Police attached to the police station, Veeyapuram. He deposed that he has registered the case as per **Ext.P2** FIR and he has prepared **Ext.P3** scene mahazar. PW2 deposed that he has filed **Ext.P4** report to bring on record the address of the accused. PW2 further deposed that he has arrested the accused and the arrest memo and the arrest intimation prepared at the time of arresting the accused are marked as **Exts.P5 & P6** respectively. He further deposed that he has obtained the marriage certificate of the accused and PW1 and the same is marked as **Ext.P7**. The birth certificate of the accused and PW1 is marked as **Ext.P8**.

**(14)** Prosecution alleges the offence u/S.75 of the J.J. Act. But, PW1 himself admitted that now the child is looked after by the accused. Thus, it is found that the accused has not abandoned the child and therefore, she has not committed the offence u/S.75 of the J.J. Act. This point is answered accordingly.

**(15) Point No.2:-**

Vide discussions made in the foregoing points, it is found that the prosecution has failed to prove the offence punishable u/S.75 of

the Juvenile Justice (Care and Protection of Children) Act against the accused beyond reasonable doubt. This point is answered accordingly.

**(16) Point No.3:-**

Vide discussions made in the foregoing points, it is found that the prosecution has failed to prove the offence punishable under Sec.75 of the Juvenile Justice (Care and Protection of Children) Act against the accused.

**In the result,**

***the accused is acquitted u/S.258(1) of BNSS for the offence punishable u/S.75 of the Juvenile Justice (Care and Protection of Children) Act. The bail bond of the accused stands cancelled and she is set at liberty, forthwith.***

*(Dictated to the Confidential Assistant, she typed directly on computer, corrected and pronounced by me in Open Court on this the 30<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  | Biju       | -                                                                                   | 27/03/26           |
| PW2  | Shefeek A. | Inspector SHO, Veeyapuram Police Station                                            | 13/04/26           |

### **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 |
|---------|------|-------------------------------------------------------------------------------------|--------------------|
| - NIL - |      |                                                                                     |                    |

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

| Sl.No. | Exhibit Number | Description                 | Date     |
|--------|----------------|-----------------------------|----------|
| 1      | P1/PW1         | First Information Statement | 14/02/25 |
| 2      | P2/PW2         | First Information Report    | 14/02/25 |
| 3      | P3/PW2         | Scene mahazar               | 15/02/25 |
| 4      | P4/PW2         | Address report              | 17/02/25 |
| 5      | P5/PW2         | Arrest memo                 | 17/02/25 |
| 6      | P6/PW2         | Arrest intimation           | 17/02/25 |
| 7      | P7/PW2         | Marriage certificate        | 24/03/25 |
| 8      | P8/PW2         | Birth certificate           | 24/03/25 |

### **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:-**

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

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

-//True Copy//-

Special Judge,  
Fast Track Special Court, Haripad.