

IN THE COURT OF THE FAST TRACK SPECIAL JUDGE, HARIPAD

Present:- Hareesh G., Special Judge

Tuesday, the 20th day of January, 2026

Crl.M.P. No.1/2026 in S.C. No.1225/2023

(Crime No.1633/2020 of Kayamkulam Police Station)

- Petitioner : State of Kerala - represented by Sri.S. Reghu, Special Public Prosecutor, Fast Track Special Court, Haripad.
- Cr.Petitioner/Accused : 1. Vijayan, aged 68/20, S/o Govindan, Krishnasree Veedu, Eruva West Muri, Pathiyoor Village.
2. Sharan, aged 35/20, S/o Vijayan, Lavis Veedu, Eruva West Muri, Pathiyoor Village.
3. Laly Thankachi, aged 62/20, W/o Vijayan, Krishnasree Veedu, Eruva West Muri, Pathiyoor Village.
4. Shilpa, aged 32/20, W/o Sharan, Lavis Veedu, Eruva West Muri, Pathiyoor Village.
5. Prasanna, aged 50/20, W/o Soman, Karliyil Veedu, Eruva West Muri, Pathiyoor Village.
6. Sunil @ Ambili, aged 39/20, S/o Sivanandan, Cherukara Veedu, Eruva West Muri, Pathiyoor Village.
7. Shyam, aged 30/20, S/o Raveendran, Sharika Veedu, Eruva West Muri, Pathiyoor Village.

8. Sunilkumar @ Kochumon, aged 45/20, S/o Anirudhan, Kolasseril Veedu, Eruva West Muri, Pathiyoor Village.

9. Santhosh, aged 42/20, S/o Mohanan, Valyathu Veedu, Eruva West Muri, Pathiyoor Village.

10. Vishnu Prasad, aged 21/20, S/o Krishnadas, Krishnalayam, Eruva West Muri, Pathiyoor Village.

(by Adv. Sri.D. Biju)

Application : Re-opening prosecution evidence

Order : Dismissed.

This Crl.M.P having been finally heard on 17/01/2026 and the Court on this day passed the following:-

ORDER

- (1)** This is an application submitted by the Special Public Prosecutor attached to this Court with a prayer to recall PW1 for the purpose of marking some additional documents through her.
- (2)** As per the averments in the application, during the examination of PW1, certain documents could not be produced as those documents could not be obtained at that time. For the just decision of the case, those documents are to be marked in evidence. Hence, PW1 is to be recalled, otherwise the prosecution will lose vital evidence.

- (3) The accused/respondents filed an objection to the application stating the following contentions. That none of the documents produced along with the application is legally sustainable. The defacto complainant in this case filed MC No.43/2020 before the Judicial First Class Magistrate Court-1, Kayamkulam and the said case has finally been decided. As per the order in the said MC, the 1st respondent in the MC was restrained from committing any domestic violence against the complainant. In the said order, the allegation against the 2nd respondent therein was rejected. It is not discernible how the statement recorded u/S.161 of Cr.PC in Cr.No.1633/2020 of the Kayamkulam police station is binding in this case.
- (4) The documents are produced after the conclusion of the trial. The records produced are not liable to admitted. Hence, the application is to be dismissed.
- (5) Heard the learned SPP and the learned counsel for the accused.
- (6) The following points arise for consideration
- (i) Whether there is sufficient ground to recall PW1?
 - (ii) Order?

(7) **Point No.1**

This is a case based on the final report filed in Cr.No.1633/2020 of the police station, Kayamkulam. The offences alleged in the said case is u/Ss.323, 354, 427 r/w 34 of the Indian Penal Code and u/S.75 of the J.J. Act. Gist of the prosecution allegation in the case is that the defacto complainant in this case secured an order from the

JFMC-1, Kayamkulam and while the defacto complainant reached her matrimonial house with the said order, the accused persons manhandled her and they have also outraged her modesty and thereby committed the aforesaid offences.

- (8)** The trial of the case has been completed and the accused persons were examined u/S.313(1)(b) of Cr.PC. Thereafter, from the side of the accused, one document was also marked and now the case is posted for final hearing. This case is being tried along with SC No.7/2025 wherein the defacto complainant in this case is the sole accused. That case also reached the final stage.
- (9)** In this case, the application is filed to mark the following documents:- (1) Attested copy of FIR in Cr.No.118/2020 of Kareelakulangara police station, (2) Attested copy of petition in MC No.43/2020 at Judicial First Class Magistrate Court, Kayamkulam, (3) Common order in CMPO 952/2020 and CMPO 1075/2020 in MC No.43/2020, (4) Cr.PC 164 statement in 1633/2020, (5) Affidavit filed in MC No.43/2020; and (6) Attested copy of petition filed by Sonia Sarath u/S.23(2)/18 of D.V. Act at Judicial First Class Magistrate Court, Kayamkulam.
- (10)** On going through the averments in the petition, it is not at all discernible, how and in what manner the aforesaid documents are relevant for the just and proper decision of the case. What is the

significance of those documents in this case is not stated in the application. The application simply states that PW1 is to be recalled for making the documents. In the application the reason for the non-production those documents before investigating officer at the time of the investigation of the case is not stated. The prosecution remind inactive till the case reaches its final stage. It is noticed that the documents sought to be produced relate to MC No.43/2020 of the JFMC, Kayamkulam. It is to be noted that the said case was disposed by the court and the decision rendered in that case is not at all relevant in the facts and circumstances of this case.

(11) Here, the fact in issue is whether the accused manhandled PW1 and marking of the documents cited in the application is not at all relevant to decided that issue. First of all, it is noticed that the application is highly belated and filed only as an experimental method. Since the prosecution could not state the relevancy of the documents to be marked by recalling PW1 it is found that the prayer in the application cannot be allowed. It is to be borne in mind that the Court is not expected to take irrelevant documents in evidence, but can permit the parties to adduce evidence which is relevant in the fact in issue. Thus, it is found that there is no sufficient reason to recall PW1 and the application is liable to be dismissed. This point is answered accordingly.

(12) Point No.(ii)

Vide discussion in the point No.1 it is found that the prayer in the application is not liable to be allowed. In the result, **the application is dismissed.**

(Dictated to the Confidential Asst. typed by her directly on the computer corrected and pronounced by me in open court on this the 20th day of January, 2026).

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

-//True Copy//-

Special Judge,
Fast Track Special Court, Haripad.