

IN THE COURT OF THE FAST TRACK SPECIAL JUDGE, HARIPAD

(SESSIONS DIVISION, ALAPPUZHA)
Present:- Sri. Hareesh G., Special Judge

Saturday, the 28th day of March, 2026

S.C. No.1418/2024

(Crime No.707/2024 of Thrikkunnappuzha Police Station)

Complainant : State of Kerala - represented by S.I. of Police, Thrikkunnappuzha Police Station.

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

Accused : Rajesh @ Manoj.

(By Adv.Sri. Muhammed Azharudeen A.)

Charge : u/Ss.74, 75(2) & 75(1)(iv) of Bharatiya Nyaya Sanhita, 2023 and U/Ss.8 r/W 7 & 12 r/W 11(i) of the Protection of Children from Sexual Offences Act, 2012.

Plea : Not guilty.

Finding : Not guilty.

Sentence or Order : ***The accused is acquitted u/S.258(1) of BNSS for the offences punishable u/Ss.74, 75(2) & 75(1)(iv) of Bharatiya Nyaya Sanhita, 2023 and U/Ss.8 r/W 7 & 12 r/W 11(i) of the Protection of Children from Sexual Offences Act, 2012.***

DESCRIPTION OF THE ACCUSED

Sl.No.	Name	Father's name	Religion	Occupation	Residence	Age
1	Rajesh @ Manoj S/o Uthaman, Laksham Veedu, Mangalam Muri, Arattupuzha P/W-1, Arattupuzha Village.					40/24

Date of:-

Offence	Report	Apprehension	Release on bail	Committal
16/09/2024	19/11/2024	28/10/2024	28/10/2024	-
Commencement of trial	Close of trial	Sentence/ order	Explanation for delay, if any	
10/12/2025	23/03/2026	28/03/2026	-	

This Sessions Case having been finally heard on 23/03/2026 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 Sub Inspector of Police attached to the police station at Thrikkunnappuzha in Crime No.707/2024 of the Thrikkunnappuzha police station. The accused is put to trial alleging commission of the offences punishable u/Ss.74, 75(2) & 75(3) of the Bharatiya Nyaya Sanhita, 2023 (For short, BNS) and u/Ss.8 r/W 7 and 12 r/W 11(i) of the Protection of Children from Sexual Offences Act, 2012 (For short PoCSO Act).
- (2)** The prosecution allegation against the accused is as follows:- that the accused with his intention to sexually molest the 15 year old victim girl, at 10.15 am on 16/09/2024 in the sit-out of the house situated on the south-eastern side of the electric post bearing No.A/BM/73/3 installed beside the road leading to Mangalam Lakshamveedu Colony in Ward 1 of Arattupuzha Panchayat of

Mangalam Muri of Arattupuzha Village, caught hold of the right hand of her and also made sexually coloured remarks to her and thereby committed the offences punishable u/Ss.74, 75(2) & 75(3) of the Bharatiya Nyaya Sanhita, 2023 and u/Ss.8 r/W 7 and 12 r/W 11(i) of the Protection of Children from Sexual Offences Act, 2012.

(3) This case had its genesis on Ext.P1 FIS given by PW1 before PW16, the ASI of Police attached to the police station at Thrikkunnappuzha; then PW15, the S.I. of Police attached to the police station at Thrikkunnappuzha registered the case as per Ext.P8 First Information Report. Then, after completing the investigation, PW15 has laid the final report before the Addl. Sessions Court-1, Alappuzha (the Special Court for trial of offences under the POCSO Act & Children's Court) by citing CWs 1 to 21 as charge witnesses. The Special Court took cognizance of the offences alleged in the final report and taken the case on the files under the present number and issued process to the accused. Thereafter, the case was made over to this Court for trial and disposal.

(4) 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 his appearance before the Court, the

accused was furnished with copies of all relevant prosecution records and since he was enlarged on bail at the investigation stage of the case, the accused was permitted to continue on the same bail bond executed by him during the investigation of the case. The accused was defended by the counsel appointed by him.

- (5)** 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/Ss.74, 75(2) & 75(1)(iv) of Bharatiya Nyaya Sanhita, 2023 and U/Ss.8 r/W 7 & 12 r/W 11(i) of the Protection of Children from Sexual Offences Act, 2012 was framed, read over and explained to the accused. The accused pleaded not guilty to the charge and claimed to be tried.
- (6)** Thereafter, from the side of the prosecution, **PW1 to PW16** were examined and marked **Exts.P1 to 12.**
- (7)** 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 him in the prosecution evidence. The accused denied all the incriminating circumstances brought against him and stated that he is innocent of the prosecution allegations.

- (8)** The accused filed an additional statement wherein it is stated that on the alleged date of incident, he was not present in his house and he reached the house in the evening only. As per the statement of the accused, there exists a dispute between him and the parents of the victim with respect to a pathway and this case is falsely foisted against him to demoralize him physically and mentally. It is also stated by the accused that following the dispute regarding the pathway, the victim and her relatives manhandled him by entering into his house.
- (9)** Thereafter, the learned counsel for the accused and the learned S.P.P. were heard u/S.255 of 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. DW1 was examined from the side of the accused when he was called upon to enter on his defence.
- (10)** Among the prosecution witnesses examined, PW1 is the victim girl; she has set the law in motion by lodging Ext.P1 FIS. PW2 is the mother of the victim girl; she is also examined to prove the

incident in this case. PW3 is the attestor of Ext.P2 scene mahazar. PW4 is the teacher of Mangalam Govt. Higher Secondary School; he deposed that he has got hearsay knowledge about the incident and he has informed the matter to the Headmistress of the school. PW5 is the class teacher of the victim girl; she is examined to prove that she has got hearsay knowledge about the incident. PW6 is the Headmaster of Mangalam Govt. H.S.S. He has arranged counsellor for the victim girl. PW7 is the counsellor of Mangalam Govt. HSS. She gave counselling to the victim girl. PW8 is the doctor in the Taluk Hospital, Haripad; she has examined the victim girl and issued Ext.P3 series certificate. PW9 is the Registrar attached to the department for registration of births/deaths/marriage of the Municipal Office, Alappuzha; she has issued Ext.P4 certificate regarding the date of birth of PW1. PW10 is the sister of the accused. PW11 is the medical officer in the Taluk Hospital, Haripad; he conducted potency examination on the accused and issued Ext.P5 certificate. PW12 is the Village Officer, Arattupuzha; he has prepared Ext.P6 scene plan with respect to the crime scene. PW13 is the Secretary of the Arattupuzha Grama Panchayat; he has issued Ext.P7 certificate showing the ownership of the place of occurrence. PW14 is the WCPO

attached to the police station, Thrikkunnappuzha; she was the VLO of the victim girl. PW15 is the S.I. of Police attached to the police station, Thrikkunnappuzha; he has registered this case as per Ext.P8 FIR; after completing the investigation, he has laid the final report; through him, Exts.P8 to P12 documents were marked. PW16 is the ASI of Police attached to the police station, Thrikkunnappuzha; she has recorded Ext.P1 FIS given by the victim girl.

(11) The prosecution has given up CWs 3, 5, 6 to 8 & 14.

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

(13) The following points arise for consideration:-

- 1) Has the prosecution proved that PW1 was a child as defined in the Protection of Children from Sexual Offences Act, 2012 when the incident took place?
- 2) Whether the accused assaulted and used criminal force to PW1?
- 3) Whether the accused committed sexual harassment on PW1?
- 4) Whether the accused made sexually coloured remarks to PW1?
- 5) Whether the accused committed sexual assault on PW1?
- 6) What, if any is the offence committed by the accused?

7) Regarding sentence or order?

(14) Point No.1:-

In this case, the prosecution alleges the offence punishable under Secs.8 r/W 7 and 12 r/W 11(i) of Protection of Children from Sexual Offences Act; therefore, the prosecution is bound to prove the age of the victim as a foundational fact. The mother of the victim deposed before the court as PW2. She would testify that her daughter was born on 17/05/2009. The said evidence regarding the date of birth of PW1 is not challenged by the accused. The Hon'ble High Court of Kerala in **Raveendran V. S. v. Deputy Superintendent of Police [2025 KHC 226 :2025 KER 14285 : 2025 KLT OnLine 1341]** held '**Undisputedly, the most competent person to depose about the age of a child is the child's mother.**'

(15) PW9 is the Registrar attached to the department for registration of births/deaths/marriage in the Municipal Office, Alappuzha. She testified that she has issued **Ext.P4** certificate showing the date of birth of PW1 and as per the said certificate, PW1 was born on 17/05/2009. PW9 deposed that she has also issued a certificate u/S.63 of BSA along with Ext.P4 certificate and the said certificate is marked as **Ext.P4(a)**. Here, the evidence of

PW9 and Ext.P4 document is also not challenged by the accused. Thus, it is found that the prosecution has proved that the date of birth of PW1 is on 17/05/2009.

(16) As per S.2(1)(d) of the Protection of Children from Sexual Offences Act, '*child*' means any person below the age of 18 years. Regarding the mode of determination of the age of victims, there is no specific provision under the Protection of Children from Sexual Offences Act. S.34(2) of the Protection of Children from Sexual Offences Act states that if any question arises in any proceeding before the Special Court whether a person is a child or not, the Special Court shall determine such a question after satisfying itself about the age of such person and it shall record in writing its reasons for such determination. However, no procedure is prescribed under the Act, or the rules made thereunder with the mode of age determination. Likewise, the Code of Criminal Procedure does not provide any such procedure.

(17) It is quite worthy to note that in **P. Yuvaprakash v. State represented by Inspector of Police (2023 KHC 6709)**, the Hon'ble Supreme Court held that conjoining reading of S.34(1) of Protection of Children from Sexual Offences Act and S.94 of the Juvenile Justice (Care & Protection of Children) Act would show

that whenever there is a dispute with regard to the age of a person arises in the context of her/him being a victim under the Protection of Children from Sexual Offences Act the Court have to take recourse to the steps indicated in S.34 of the J.J. Act. Furthermore, in **Biju v. State of Kerala (2024 (2) KHC 297)**, the Hon'ble High Court of Kerala held that for establishing the age of a child under the Protection of Children from Sexual Offences Act, anyone of the ways permitted under the Indian Evidence Act can be resorted to. In this case as already mentioned herein above the prosecution has proved the date of birth of PW1 as 17/05/2009. As per the prosecution allegation the offence was committed against PW1 at 10.15 am on 16/09/2024. Thus it is found that on the said date PW1 has not completed the age of 18 years and therefore she is a child as defined in the PoCSO Act. This point is answered accordingly.

(18) Point No.2 to 5:-

The victim girl gave evidence as PW1. She deposed that she is of 17 years age and she has got acquaintance with the accused. She deposed that at the time of the incident, she was studying in 10th standard in Mangalam Govt. Higher Secondary School. She deposed that the incident happened at 10.20 am on 16/09/2024. She would depose that on the said day, the school was off and

therefore, she went to the house of Veena Akka for collecting the video clippings of the Onam celebration held in her house. It is her evidence before the court that while she was returning from the house of Veena Akka, the accused called her to his house by saying that his wife is on the phone and she wanted to talk to her. PW1 deposed that while she was talking with the wife of the accused, he caught hold of her hand and dragged her into the house. It is her evidence before the court that the accused asked her whether she is having any boyfriend. PW1 deposed that the accused then told her how a baby is begotten. PW1 further deposed that the accused has held her hand tightly and though she asked her to release, he did not do it. It is her evidence before the court that the accused pressed her breast. She deposed that the accused intimidated her that if she divulge the matter to anybody, he will commit suicide. PW1 deposed that she informed the matter to her mother and after two days, the matter was also informed to the police. The FIS given by PW1 to the police is marked as **Ext.P1**.

(19) PW2 is the mother of the victim girl (PW1). She would depose that her daughter was born on 17/05/2009 and the accused is residing her next door. PW2 deposed that her daughter told her that the accused pressed her breast. She also deposed that the

accused also told her daughter how babies are born. She also deposed that, the abovementioned incident happened on 16/09/2024. She deposed that the wife of the accused is abroad and while PW1 was passing near his house, he saw PW1 and the accused called PW1 by saying that his wife is calling her. It is the evidence of PW2 that the accused asked her daughter about her love affair. PW2 further deposed that the accused caught hold of the hand of PW1 and he explained to her how babies are born. PW2 deposed that the accused forcefully dragged her daughter in to the house and pressed her breast. It is her evidence before the court that the daughter had informed the matter to her and she and the another lady residing in her neighbourhood asked the accused about the incident. PW2 deposed that the accused denied the incident and threaten that he will commit suicide, if the matter is known to others. PW2 further deposed that she has informed the matter to the police and the police has reached the place.

(20) PW3 is one Mini. She deposed that she came to know that the accused sexually molested PW1 and she came to know that the accused caught hold of the breast and hand of the victim child. She deposed that she has signed the mahazar prepared by the police and the mahazar is marked as **Ext.P2**.

- (21)** PW4 is the teacher in the Mangalam Govt. HSS. He deposed that he is having the charge of student's police cadet in the school. He deposed that on the day of the physical test of SPC was conducted, the mother of the victim girl informed him that a person has caught hold of her daughter and the said person has also made sexually coloured remarks to her and therefore, the child could not attend the physical test as she is mentally down. He further deposed that he has informed the matter to the Headmaster and the Headmaster has authorized the school counsellor to give counselling to the child.
- (22)** PW5 is the class teacher of the victim girl. She deposed that the mother of the girl informed her that during the vacation time, a person having close nexus with the house of the child, has caught hold of the hand of the child. PW5 deposed that after the vacation, she enquired the matter to the child and informed the matter to the Headmaster of the school.
- (23)** PW6 is the Headmaster of Mangalam Govt. Higher Secondary School. He deposed that as informed by the teachers, he has arranged counsellor for the child.
- (24)** PW7 is the counsellor of Mangalam Govt. Higher Secondary School. She deposed that she gave counselling to the child and

she was told that a person having acquaintance with the child misbehaved with her.

(25) PW8 is the Consultant Gynaecologist in the Taluk Hospital, Haripad. She deposed that on 20/09/2023, she examined the victim girl and issued **Ext.P3** series certificate. It is her evidence before the court that the girl was brought with the history that at 10.00 am on 16/09/2024, one Rajesh caught hold of the hand of the victim without her consent. She deposed that consent was not given for bodily examination of the victim and therefore, no physical examination of the child was done.

(26) PW10 is the sister of the accused. She deposed that the accused is residing in the property which belong to her parents.

(27) PW11 is the doctor attached to the Taluk Hospital, Haripad. He deposed that on 28/10/2024, he examined the accused and issued **Ext.P5** certificate stating that the accused is sexually potent.

(28) PW12 is the Village Officer attached to the Village Office, Arattupuzha. He deposed that he has prepared a scene plan of the crime scene and the said scene plan is marked as **Ext.P6**.

- (29)** PW13 is the Secretary attached to the Arattupuzha Grama Panchayat. He deposed that as instructed by the police, he has issued an ownership certificate with respect to the crime scene and the certificate is marked as **Ext.P7**.
- (30)** PW14 is the WCPO attached to the police station, Thrikkunnappuzha. She deposed that she has appointed as the Victim Liaison Officer of the victim girl and she has taken the victim girl before the Magistrate for recording her statement and also to the doctor for medical examination.
- (31)** PW15 is the S.I. of Police attached to the police station, Thrikkunnappuzha; he deposed that he has registered this case as per **Ext.P8** FIR and then inspected the scene of occurrence and prepared Ext.P2 scene mahazar. PW15 deposed that vide **Ext.P9** report, he has appointed VLO for the victim girl. He deposed that he has sent the victim girl for medical examination and obtained Ext.P3 series certificate. Due to an inadvertent mistake, the medical certificate of the victim girl, which was already marked through PW8 was again marked as Ext.P10 through PW15.
- (32)** It is the evidence of PW15 that he has also obtained Ext.P4 certificate from the Municipal Office, Alappuzha. He 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.P11 & P12** respectively. PW15 deposed that he has sent the accused for medical examination and obtained Ext.P5 certificate. He further deposed that he obtained Ext.P7 ownership certificate and Ext.P6 scene plan with respect to the crime scene.

(33) PW16 is the ASI of Police attached to the police station, Thrikkunnappuzha; she deposed that she has recorded Ext.P1 FIS given by PW1.

(34) The prosecution has adduced the abovementioned evidence. The accused has taken up a contention that he was falsely implicated in this case as there was a dispute with regard to a way exists between him and the family of PW1.

(35) To substantiate his contentions, from the side of the accused, his niece was examined as **DW1**. She testified before the court that on the date of the alleged incident, she reached the house of the accused at about 12.00 hours. DW1 deposed that in the house of the accused, she did not feel there existed any incident. DW1 testified that there was a dispute between the accused and the family members of PW1 with regard to a way. She further

deposed there was also a dispute between those persons as the mother of the victim girl threw waste materials in the property of the accused. She deposed that the members in the house of PW1 used to walk through the side of the house of the accused and the mother of PW1 disclosed in the Kudumbasree that she has witnessed the accused and his wife lying together. DW1 further deposed that as the pathway adjacent to the house of the accused was closed, the family members of PW1 have to take a long way to reach Arattupuzha. DW1 deposed that on the alleged date of incident, the children of the accused were also present in the house.

(36) The counsel for the accused filed an argument note. As per the said argument note, there is delay in lodging the FIS and the said delay is not properly explained. It is also argued that there is inconsistency in between the testimony of PW1 before the court and her statement given to the Magistrate. In the argument note, it is also highlighted that there is shifting of place of occurrence ie. as per the scene mahazar, the incident took place in the sit-out of the house of the accused, but as per the version of PW1 before the court, the accused dragged her into his house and molested her. As per the argument note, PW1 made improvements while giving evidence before the court. The

counsel for the accused also stated in the argument note that neither PW1 nor her mother gave consent for medical examination of PW1 and that cast very serious doubts with regarding the prosecution case. As per the argument note, PW3 - who is examined to prove the incident, did not support the prosecution. It is stated in the argument note that these anomalies in the prosecution evidence are very serious and therefore, no conviction can be entered solely based on the interested testimony of PW1.

(37) The contentions raised from the side of the accused are put to scrutiny. First of all, regarding the delay in lodging the FIS is considered. PW1 testified before the court that the incident happened at 10.20 am on 16/09/2024. Here in this case Ext.P1 FIS is seen lodged at 04.20 pm on 19/09/2024. PW1 deposed that the accused has threatened her that if she discloses the matter to anybody, he will commit suicide. But, as per Ext.P1 FIS, after the incident, she has disclosed the matter firstly to her mother and her mother went to the house of accused and asked him about the incident and then the accused sought apology by leaning on the foot of PW2 and told that he will commit suicide, if the matter is disclosed to somebody. Thus, it can be seen that there is drastic change in the evidence of PW1 before the court as well as

before the police. As per Ext.P1 FIS, the accused has not threatened PW1 of committing suicide, but she came to know about the threatening of the accused through her mother.

(38) Before the court, PW1 deposed that the accused threatened her that if the matter is disclosed to anybody, he will commit suicide. Thus, it is found that the reason stated by PW1 before the belated lodging of her Ext.P1 FIS cast some doubt and found that the said reason stated by PW1 cannot be accepted on the face value. As per Ext.P1 FIS, the accused caught hold of her hand when she tried to leave his house and told her that babies are born when the organ of a male comes into contact with the reproductive organ of the female and the ejaculation from the male organ reaches inside the body of female. But, before giving evidence, PW1 did not narrate the said facts told by the accused. Thus, it can be seen that while giving evidence before the court, PW1 has committed a material omission.

(39) While giving evidence before the court, PW1 maintained a case that the accused by holding her hand dragged her into the house. But, in Ext.P1 FIS, PW1 did not make such a case. Most importantly, while giving evidence before the court, PW1 deposed that the accused caught hold of her breast, but while giving

Ext.P1 FIS before the court, PW1 has no such case. Thus, it can be seen that while giving evidence before the court, PW1 has made a deliberate attempt to attribute more serious overt act from the part of the accused, which does not find a place in Ext.P1 FIS.

(40) Here, the prosecution examined PW3 to prove the fact that she went along with the mother of PW1 to ask the incident to the accused and she deposed that she did not went to the house of the accused to enquire the matter. Thus, it is found that there is only the solitary testimony of PW1 regarding the incident and her evidence is found not free from suspicion. PW1 does not assume to characteristic of a sterling witness. Thus, it is found that it is very unsafe to rely on the testimony of PW1 to enter a finding against the accused. There is delay in lodging Ext.P1 FIS and the delay is not properly explained by the prosecution. Furthermore, it is found that PW1 is not a trustworthy witness. From the nature of contentions taken by the accused the chance of he being implicated in a false case cannot be ruled out.

(41) Provisions of Protection of Children from Sexual Offences Act, 2012 are both stringent and rigorous and therefore the burden heavily lies on the prosecution. It must be recalled that the well-

established rule of criminal justice is that "***fouler the crime higher the proof***". More serious the offence the stricter the degree of proof require.

(42) 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 trust worthy 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 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.

(43) Now with regard to the presumption u/Ss.29 and 30 of the Protection of Children from Sexual Offences Act, 2012. It is well settled that to raise the said presumption the prosecution must prove the foundational facts. Here it is found that PW1 72 are not reliable witnesses. The presumption under S.29 of the Protection of Children from Sexual Offences Act, 2012 does not, in any way,

affect the obligation of the prosecution to produce admissible evidence which, if accepted, would constitute the offence and when the prosecution produces admissible evidence to prove the foundational facts constituting the offence, the accused must, at the pain of losing, prove that he did not commit the offence on the principle of preponderance of probability. The essence of S.29 of the Protection of Children from Sexual Offences Act, 2012 is only that a higher degree of proof of facts constituting the guilt of the accused, as is usually insisted in criminal trials, is not insisted from the prosecution in a case arising under the Protection of Children from Sexual Offences Act, 2012. Even when a Statute presumes guilt, it must meet the standards of reasonableness and liberty enshrined in Articles 14 and 21 of the Constitution. Upshot of the discussion is that the evidence of PW1 is not sufficient to inspire the confidence of the court to enter a finding against the accused. The evidence of PW2 is not convincing enough to hold that she is a sterling witness. The chance for false implication of the accused by PW1 cannot be ruled out in the light of the contention raised by the accused.

(44) To sum up, on the failure of the prosecution to adduce convincing and weighty evidence to establish the guilt of the accused it is found that the accused has succeeded to rebut the presumptions

u/Ss.29 and 30 of the Protection of Children from Sexual Offences Act, 2012 by the touchstone of preponderance of probability.

- (45)** 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.
- (46)** Upshot of the discussion is that the prosecution could not prove the overt act of the accused persons herein beyond reasonable doubt and it is also found that the prosecution evidence is not sufficient to prove that the accused has committed the offences punishable u/Ss.74, 75(2) & 75(1)(iv) of Bharatiya Nyaya Sanhita, 2023 and U/Ss.8 r/W 7 & 12 r/W 11(i) of the Protection of Children from Sexual Offences Act, 2012. These points are answered accordingly.
- (47) Point No.6:-**

Vide discussions made in the foregoing points, it is found that the prosecution has failed to prove that the accused has committed

the offence punishable u/Ss.74, 75(2) & 75(1)(iv) of Bharatiya Nyaya Sanhita, 2023 and U/Ss.8 r/W 7 & 12 r/W 11(i) of the Protection of Children from Sexual Offences Act, 2012. This point is answered accordingly.

(48) 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.74, 75(2) & 75(1)(iv) of Bharatiya Nyaya Sanhita, 2023 and U/Ss.8 r/W 7 & 12 r/W 11(i) of the Protection of Children from Sexual Offences Act, 2012.

In the result,

the accused is acquitted u/S.258(1) of BNSS for the offences punishable u/Ss.74, 75(2) & 75(1)(iv) of Bharatiya Nyaya Sanhita, 2023 and U/Ss.8 r/W 7 & 12 r/W 11(i) of the Protection of Children from Sexual Offences Act, 2012. The bail bond executed by the accused stands cancelled and he 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 28th day of March, 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	Victim of the offence	-	20/01/26
PW2	Mother of the victim	-	21/01/26
PW3	Mini	Witness	21/01/26
PW4	Habeeb T.M.	Teacher, Govt. H.S.S, Mangalam	22/01/26
PW5	Latha V. Pillai	Class teacher of the victim	22/01/26
PW6	Abdul shamlad	Headmaster, Govt. H.S.S., Mangalam	22/01/26
PW7	Shimi C. George	Councillor, Govt. H.S.S., Mangalam	22/01/26
PW8	Dr. Jane Jacob	Gynecologist, Taluk Hospital, Haripad	23/01/26
PW9	Divya Krishnan	Registrar of Births & Deaths, Municipal Office, Alappuzha	23/01/26
PW10	Manju	Sister of the accused	23/01/26
PW11	Dr. Nikhil B. Vinayak	Taluk Hospital, Haripad	24/01/26
PW12	Saju Varghese	Village Officer, Arattupuzha	24/01/26
PW13	Harikumar T.D.	Secretary, Arattupuzha Grama Panchayat	24/01/26
PW14	Athira S.	WCPO, Thrikkunnappuzha P.S.	10/01/26
PW15	Ajith K.	S.I. of Police, Thrikkunnappuzha P.S.	21/01/26
PW16	Sangeetha	A.S.I. of Police, Thrikkunnappuzha P.S.	07/03/26

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
DW1	Aswathi	Relative of the accused	17/03/26

List of Prosecution/Defence/Court Exhibits:-

Sl.No.	Exhibit Number	Description	Date
1	P1/PW1	First Information Statement	19/09/24
2	P2/PW3	Scene mahazar	20/09/24

3	P3/PW8	Medical certificate	20/09/24
4	P4/PW9	Birth certificate	15/10/24
5	P4(a)/PW9	Certificate	15/10/24
6	P5/PW11	Potency certificate	28/10/24
7	P6/PW12	Scene plan	21/10/24
8	P7/PW13	Ownership certificate	12/11/24
9	P8/PW15	First Information Report	19/09/24
10	P9/PW15	Order regarding appointment of VLO	19/09/24
11	P11/PW15	Arrest memo	28/10/24
12	P12/PW15	Arrest intimation	28/10/24

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.