

**IN THE I ADDITIONAL SESSIONS COURT / SPECIAL COURT UNDER
PoCSO ACT AND CHILDREN'S ACT, THODUPUZHA**

Present: Smt. ASH K. BAL, I ADDL. SESSIONS JUDGE / SPECIAL JUDGE

Friday the 16th day of January, 2026 / 26th day of Pousha , 1947

SESSIONS CASE No. 993/2023

(Refiled from S.C. No. 822/2023)

(C.P. No. 103/2023 of JFCM, Adimaly)

(Crime No. 765/2017 of Adimaly Police Station)

Complainant : State of Kerala, represented by
Sub Inspector of Police, Adimaly Police Station.

By Adv. Sri. P.S. Rajesh,
Additional Public Prosecutor, Thodupuzha.

Accused : Dikson S/o. Dominic,
Kalapparambil House, Anaviratty Bhagam,
Anaviratty Kara, Anaviratty Village.

By Adv. Sri. P.S. Biju

Charge : u/s.20(b) (ii) A NDPS Act and s. 77 of JJ Act.
Plea : Not guilty
Finding : Not guilty
Sentence : The accused is found not guilty of the offence alleged
against him and acquitted u/s.235(1) Cr PC.
Trial : 04/06/2025, 27/09/2025, 14/11/2025, 29/11/2025 &
06/12/2025
Hearing : 13.01.2026
Judgment : 16.01.2026

TABULAR FORM

Serial No. : Sessions Case No. 993/2023

Name of Police station and crime number of offence : Crime No. 765/2017 of Adimaly Police Station.

Name and designation of Committing Magistrate : Sri. Lijo James, JFCM, Adimaly.

DESCRIPTION OF THE ACCUSED

Sl. No.	Name	Father's/ Husband's Name	Occup ation	Reli gion	Residence	Age
1.	Dikson	Dominic	--	--	Kalapparambil House, Anaviratty Bhagam, Anaviratty Kara, Anaviratty Village.	30/17

DATE OF

Occurrence : 04/07/2017

Complaint : 04/07/2017

Apprehension : 04/07/2017

Release on bail : 06/07/2017

Commitment : 05/10/2023

Commencement of trial : 08/05/2025

Commencement of Evidence : 04/06/2025

Close of trial : 06/12/2025

Sentence or order : 16/01/2026

Service of copy of Judgment or finding on accused : 16/01/2026

Explanation for delay : No delay

Period of detention undergone during Investigation, enquiry or trial for the purpose of : --
428 Cr.P.C.

J U D G M E N T

Accused herein who is the 3rd accused in the final report, along with two others stand charge sheeted by SI of Police Adimaly in Crime No.765/2017 alleging offences u/s.20(b)(ii) A NDPS Act and s. 77 of JJ Act.

2. Prosecution case is that on 04.07.2017 at about 9.20 am accused no. 1 and 2 in the final report were found in possession of 22 grams of ganja, given to them by the accused herein for sale among school children and thereby committed the offence.

3. The offence was detected by CW7 and allegedly recovered the contraband from the possession of accused no. 1 and 2. He has arrested them and registered the FIR in this case. Thereafter CW8 and CW9 have conducted the investigation and after completing the investigation CW9 has filed the final report before Court.

4. When this case was taken up for trial learned Additional Public Prosecutor has pointed out that accused no. 1 and 2 in the final report were discharged for the offence U/s 77 of JJ Act and they already pleaded guilty

of offence of 20(b)(ii) A of NDPS Act and have remitted the fine also. Case against this accused was split up and is now pending before this court for disposal.

5. Accused appeared before Court and was defended by a lawyer of his choice. After enquiry and after hearing both sides, Charge was framed against him for offence u/s.20(b)(ii)A of NDPS Act and s. 77 of JJ Act and when the charge was read over and explained to the accused, he pleaded not guilty.

6. Thereafter from the side of prosecution, PW1 to PW6 were examined and Exhibit P1 to Exhibit P8 and MO1 series were marked. On closing the prosecution evidence, accused was questioned u/s.313(1) (b)Cr.PC. He has denied all the incriminating circumstances revealed in evidence against him. The case was adjourned for defence evidence. Accused has not adduced any evidence in defence.

7. Points raised for consideration are:

1. Whether the accused has handed over ganja to accused no.1 and 2 in the original charge for sale of ganja among school children as alleged?
2. What if any is the offence proved against the accused?

3. Sentence and punishment?

8. **Point Nos.1 and 2:** As the facts to be discussed are the same all these points can be considered together in order to avoid the risk of repetition. Offence in this case was detected by CW8 who was examined as PW6 before court. He has deposed that on 04.07.2017 while working as Sub Inspector of Police Adimaly at about 09.00 am he got an information that two persons are conducting sale of ganja among school children in the bus waiting shed near Adimaly Technical High School. After giving intimation to his Senior Officer, CI of Police, Adimaly, and after entering the information in the GD, proceeded to the spot along with police party in the department jeep. When they reached near the spot, they saw two persons in the bus waiting shed, wearing dress, tallying with the description given by the informant. Two children wearing school uniform were also found near to them. On seeing the police jeep, the children have rushed to the school compound and the accused who were in the bus waiting shed made an attempt to escape from there. The police party obstructed them and on questioning they have given the details including their name and address. PW5 has introduced himself and informed them that he is intending to conduct body search as they are suspected to conduct sale of ganja to the school going children. He informed them about their right to get their body

searched done in the presence of Magistrate or Gazetted Officer. But they informed PW5 that the body search can be done by PW5 himself. Accordingly in the presence of a witness who came there, PW5 has conducted the body search of accused no. 1 and 2 in the charge and recovered two plastic packet containing ganja from them. ₹1,800/- was recovered from the money purse kept in the belt worn by A1. Thereafter on conducting body search of accused no. 2 in the charge, a plastic packet containing ganja was recovered from the shirt pocket. Thereafter the police party inspected the Hero Honda bike bearing registration number KL-06F 5028 which was kept near the bus waiting shed and on inspection a plastic packet containing ganja was recovered from beneath the seat of the bike. On questioning them they passed the information to PW5 that they purchased ganja from the accused herein. PW5 have arrested accused no. 1 and 2. The content in the packets were weighed and there was a total quantity of 22 grams of ganja. The same was packed, tied the packet with a white thread and sealed and affixed the seal and taken a sample by giving the marking S1. The money purse of the first accused were taken in custody by giving the marking P2. The currency notes recovered from first accused, Hero Honda bike etc were taken in custody as per seizure mahazar marked as Exhibit P1. The vallet and the belt recovered from the

A1 were marked as MO1. PW5 has further stated that thereafter he reached the police station and registered the FIR marked as Exhibit P4. The seized items were produced before court as per Exhibit P5 property list. He has identified the Section 57 report given to the higher official and it was marked as Exhibit P8. In cross examination PW5 admitted that accused herein was not present on the spot and that at the time of seizure of the vehicle he was not aware of the fact that it was owned by accused herein. He has denied the suggestion that the accused herein was arrested by him on the basis of the information collected from others that the bike recovered by the police belonged to the accused herein.

9. The Senior CPO attached to Adimaly police station who was allegedly present along with PW5 at the time of effecting seizure of ganja from accused no. 1 and 2 in the charge and who witnessed the seizure was examined as PW2. His testimony is in tune with the testimony of PW1. According to him also on getting information regarding the sale of ganja by two persons, to the school going children they reached the spot at 09.20 am and on seeing them school going children in school uniform have fled away from there. There were two persons found there and on seeing the police party they made an attempt to escape from the spot. PW5 has

stopped them and questioned them. He informed the accused persons that they reached there on getting information regarding the sale of ganja to the school going children and that he is intending to conduct their body search for which they have the right to get search in the presence of Magistrate or Gazetted officer. The accused persons gave consent for the search by PW5 himself. Accordingly, PW5 has conducted search and recovered plastic packets containing ganja from the possession of accused no. 1 and 2 in the charge. Apart from that, currency notes worth ₹1,800/- recovered from the possession of the first accused was admitted as the sale proceeds of ganja. On questioning the accused, they passed the information that they got the ganja from the accused herein and thereafter PW5 have arrested the accused. The total quantity of ganja recovered from the possession of the accused was found to be 22 grams. The same was taken as sample. PW5 has prepared a merger on the spot. The vehicle found on the spot from which also ganja was recovered was taken in custody. The money purse and the belt of the accused produced before court were identified by PW5 and were marked as MO1 series. He has registered Exhibit P4 FIR and submitted that the material objects collected from the spot were produced before court by preparing Exhibit P5 property list. He

has further deposed about the submission of Section 57 report to his higher officials.

10. PW1 examined before court is the Senior CPO, who was allegedly present along with PW5 at the time of detection of offence and recovery of ganja from their possession. He has tendered evidence in tune with the prosecution case and his testimony is in strict support of the evidence tendered by PW5. According to PW1 also, ganja in plastic packets were recovered from the possession of accused no. 1 and 2 in the jug and also from the vehicle which was stopped near to them and the total quantity of ganja recovered was 22 grams.

11. PW2 is occurrence witness cited by the prosecution to prove the recovery of ganja from the accused no. 1 and 2. He has deposed that he has witnessed the incident and according to him he has seen the recovered ganja from the accused no. 1 and 2 in the bus weighting shed near the technical school and there is also affixed to his signature in the Exhibit P1.

12. PW3 has deposed that while working as Joint RTO, Devikulam, as per the requisition of the Investigating Officer, he has issued the RC particulars of vehicle bearing number KL-6F-5028 and as per the RC

particulars, accused herein is the registered owner of that vehicle. The certificate issued by him was marked as Exhibit P2.

13. PW4 and the chemical examination report was marked as Exhibit P3. As per the report, sample was identified to be ganja.

14. PW6 has deposed that on 05.07.2017 while working as Additional Sub Inspector Adimaly Police Station he has conducted the initial investigation in this case and as part of investigation he has personally recorded the statement of witnesses. The Section 42 report under Section 42 of NDPS Act given by PW5 to the superior officer was marked as Exhibit P6 through PW6.

15. Definite case of prosecution is that on getting information regarding the sale of ganja by two persons to the school children of technical school Adimaly, PW5 and party reached the spot and recovered ganja from the possession of accused no.1 and 2 in the charge. PW5 and PW2 have deposed in tune with the prosecution case and they have tendered evidence regarding the recovery of ganja 22 grams of ganja from the possession of accused persons 1 and 2. At this juncture, it is pointed out by the Additional Public Prosecutor that, A1 and 2 were discharged of the offence u/s. 77 of JJ Act and they have pleaded guilty of the offence

u/s.20(b)(ii)A and they have remitted fine also. Here in this case, the definite case of prosecution is that accused no. 1 and 2 in the original charge has purchased the ganja from the accused herein, who is arrayed as accused no.3 in the final report. PW4 attester to Exhibit P1. has supported the prosecution and has deposed about the presence of accused no. 1 and 2 in the charge. But none of the witnesses have a case against the accused herein. During cross-examination PW5 has admitted that there was nothing which points towards the presence of involvement of A3 in the case and that at the time of recovery of the vehicle. He was unaware of the fact that the accused was the owner of the vehicle. Testimony of PW3 coupled with Exhibit P7 would show that accused herein is the owner of vehicle bearing registration number KL-06 F-5028. Exhibit P7 there is absolutely nothing to connect the accused herein with the case in hand. Merely for the reason that the accused herein was the registered owner of the vehicle which was found in possession of accused no. 1 and 2 in the crime. We cannot jump into the conclusion that accused no. 1 and 2 have purchased the ganja from the accused herein. On going through the available evidence, I am of the view that the evidence adduced on the side of the prosecution is not at all sufficient to prove the involvement of the accused to any extent and the point is answered against the prosecution.

16. **Point No.4:** In view of the above finding, accused is found not guilty of the offence alleged against him and acquitted u/s.235(1) Cr.P.C.

His bail bonds are cancelled and he is set free.

MO1 series shall be destroyed after the appeal.

Dictated to the confidential assistant, transcribed and typed by her and corrected and pronounced by me in open Court on this the 16th day of January 2026.

Sd/-

ASH K. BAL

I Additional Sessions Judge/ Special Judge

APPENDIX

PROSECUTION WITNESS:

Rank	Name	Whether eye witness, Police Witness, Expert Witness, Medical Witness, Other witness
<u>PW1/CW2</u> 04/06/2025 & 27/09/2025	Abbas T.M.	Police witness
<u>PW2/CW1</u> 04/06/2025	Krishna Moorthy	Police witness
<u>PW3/CW5</u> 14/11/2025	K.C. Antony	Expert witness
<u>PW4/CW6</u> 29/11/2025	Jothi P.Mallia	Expert witness
<u>PW5/CW7</u> 29/11/2025	Santhosh Sajeev	Police witness
<u>PW6/CW8</u> 06/12/2025	K.R. Kuttiyachan	Police witness

PROSECUTION EXHIBITS:

Sl.No.	Exhibits Number	Description
1.	P1/PW1	F.I.S. dated 04/07/2017
2.	P2/PW3	RC particulars with Form 15 dated 06/07/2017
3.	P3/PW4	Chemical Analysis Report dated 21/10/2017
4.	P4/PW5	F.I.R dated 04/07/2017
5.	P5/PW5	Property list dated 04/07/2017
6.	P6/PW6	Notice u/s. 42 of NDPS Act dated 04/07/2017
7.	P7/PW6	Third party kaicheet
8.	P8/	Notice u/s. 57 of NDPS Act dated 04/07/2017.

MATERIAL OBJECTS :

MO1(series) – കുറുത്ത ബെൽറ്റോടു കൂടിയ പേഴ്സ്

DEFENCE WITNESS : Nil

DEFENCE EXHIBITS : Nil

COURT WITNESS : Nil

COURT EXHIBITS : Nil

Id/-

I Additional Sessions Judge / Special Judge

//True Copy//

(By Order)

Sheristadar

Typed by: Ambili P N
Compd.by : Shaji P.T

Copy of Judgment
in

S.C. 993/2025

Dated : 16.01.2026

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