

IN THE COURT OF FAST TRACK SPECIAL JUDGE, ALUVA

Present: Sri.Shibu Daniel, Special Judge

Tuesday, 26th day of May, 2026/5th day of Vaisakha, 1948

SESSIONS CASE No.981/2024
(Crime No.393/2024 of Kalamassery Police Station)

CMP : 03/ 2026

Complainant

State of Kerala, Rep. by the Inspector of
Police, Kalamassery Police Station.

(By Special Public Prosecutor Smt.
Yamuna P.G)

Accused

Ibrahim, Age 51,
S/o. Kunjammu,
Perunthadi House,
Anchukunnu Kara,
Anchukunnu Village,
Panamaram, wayanad

ORDER

Petition filed by the Learned Special Public Prosecutor for the purpose of examination of an additional witness.

2. The case of the prosecution as revealed from the petition is that the child survivor in this case had initially studied in a school at Sulthan Bathery and the admission register of the said school needs to be brought on record for proving the age of the child and for the said purpose, the present Headmistress of the school who is the custodian of the register may be summoned as an additional witness.
3. The petition was not seriously objected by the learned counsel appearing for the accused. Both sides were heard.
4. The point to be decided is whether the petition needs to be allowed or not.

5. It is the case of the prosecution that the survivor in this case was a child as defined under Section 2(d) of the Protection of Children from Sexual Offences Act on the date of the incident. For proving the said aspect, the Investigating Officer had procured a copy of the admission register of the school where the child was studying when the crime was reported and the headmistress of the said school was also cited as a witness.
6. During evidence it was brought on record that the particular school from where the Investigating Officer had obtained the document was not the first school attended by the child. Going by Section 94 of the Juvenile Justice Act, the extract of the school admission register where the child had started his schooling is a legally acceptable document for the purpose of proving the age of the survivor. Once the prosecution alleges commission of offences under the Protection of Children from Sexual Offences Act also to the case, it becomes their duty to prove that the survivor was a child as defined under Section 2(d) of the Act. In this circumstance, the request of the prosecution cannot be held as unreasonable. The petition is therefore liable to be allowed and I do so.
7. In the light of result, the petition is allowed.

Dictated in online platform, corrected and pronounced by me on this the 26th day of May, 2026.

Shibu Daniel
Special Judge

Appendix : Nil

Special Judge

ORDER IN
CrI.MP.03/2026
IN SC. 981/2024
DATED: 26.05.2026