

IN THE COURT OF FAST TRACK SPECIAL JUDGE, ALUVA

Present: Sri. Shibu Daniel, Special Judge

Thursday, 30th day of April, 2026

CMP 2/2026

in

SC 1210/2021

(Crime 420/2021 of Edathala Police Station)

Complainant : State of Kerala, Rep. By the Sub Inspector of Police,
Edathala Police Station

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

Accused : Anandu, S/o Suljith, Thekkinedathu House,
Puthenthura, Neendakara, Kollam.

(By Adv. Sri. Mohammed Siyad M.F)

ORDER

This is a petition filed by the learned Special Public Prosecutor seeking issuance of summons to an additional witness for the purpose of proving the age of the survivor in this case.

2. The case of the prosecution in brief is that they have so far examined several witnesses in this case, that the child survivor in this case was born within the limits of Mavelikkara municipality, that the present birth registrar is to be summoned for the purpose of proving the age of the child since the person who issued birth certificate has been reported a undergoing treatment for mental illness.

The learned defence counsel did not seriously object the petition.

3. On perusal of the records of the case, it is found that the investigation officer had in fact cited the then birth registrar as CW18 in the final report. The prosecution alleges that the survivor in this case was a child as defined under Section 2(d) of the Protection of Children from Sexual Offences Act. It is necessary for the prosecution to prove the age of the survivor on the date of the incident so that it can be decided as to whether the offences under the POCSO Act will be attracted or not. On that premise, it can be found that it is necessary for the prosecution to prove the age of the survivor.

In the result, the petition is allowed.

Dictated in online platform, corrected and pronounced by me in open court on this 30th day of April, 2026.

Sd/-

Shibu Daniel

Special Judge

ORDER
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Dated: 30.04.26