

IN THE COURT OF THE SPECIAL JUDGE, FAST TRACK  
SPECIAL COURT, NADAPURAM

(SESSIONS DIVISION KOZHIKODE)

Present **Sri.DEVAN K.MENON**, Special Judge

Saturday, the 28<sup>th</sup> day of March, 2026/

7<sup>th</sup> day of Chaithram, 1948

**SESSIONS CASE NO.277/2025**

(Crime No.761/2024 of Kuttiady Police Station)

Complainant	:	State of Kerala, represented by Sub Inspector of Police, Kuttiadi Police Station.  By Special Public Prosecutor, Sri. Manoj Aroor
Accused	:	Surendran S/o. Gopalan, Aged 50/24, Umayam Kunnummal Thazha House, Cherapuram Post, Kakkat  By Adv. Pramod Kakkattil
Charge	:	Under Section 10 r/w 9(1) of the Protection of Children from sexual Offences Act ("PoCSO Act")
Plea	:	Not guilty
Finding	:	Not Guilty
Sentence/order	:	Acquitted u/s.255 of BNSS
Date of trial	:	27.02.2026 & 27.03.2026.

Hearing	:	28.03.2026
Judgment/Order	:	28.03.2026

**TABULAR FORM**

Serial No.	:	Sessions Case No.277/2025
Name of Police Station and Crime No. of offence	:	Crime No.761/2024 of Kuttiadi Police Station)

**DESCRIPTION OF THE ACCUSED**

Sl. No.	Name	Father's name	Occupation	Religion	Residence	Age
	Surendran	Gopalan	--	Hindu	Umayam Kunnummal Thazha House,  Cherapuram Post.,Kakkat	50/24

**Date of**

Occurrence	:	13.12.2024
Complaint	:	17.12.2024
Apprehension	:	18.12.2024
Released on bail	:	04.01.2025
Commencement of trial	:	24.09.2025
Commencement of evidence	:	27.02.2026
Close of trial	:	28.03.2026

Sentence/Order	:	28.03.2026
Service of copy of judgment of finding on accused	:	28.03.2026
Explanation for delay	:	No delay
Period of detention undergone during investigation, enquiry of trial for the purpose of 428 Cr.P.C.	:	Arrested on 18.12.2024 - released on bail 04.01.2025

This case having been finally heard on 28.03.2026 and on the same day, the court delivered the following:

### J U D G M E N T

1. This case arises from the final report submitted by the Sub-Inspector of Kuttiyady Police Station against the accused, alleging offences punishable under Sections 8 read with 7, and 10 read with 9(n) of the Protection of Children from Sexual Offences Act (hereinafter referred to as the “POCSO Act”), in Crime No. 761 of 2024 of Kuttiyady Police Station.
2. **The prosecution case:** - On 13-12-2024 at 9 pm, while at Kakkui in Vadakara Taluk and on multiple occasion from the bus stop at Kakkuni by holding his shoulders and catching his things etc subjected the victim to aggravated sexual assault. Therefore, the accused committed the alleged offences.

3. On 17-12-2024, the Police recorded the first information statement of the survivor. On the basis of the first information furnished by the survivor, the Sub Inspector of Police, Kuttiady Police Station, registered Crime No. 761 of 2024 of the Kuttiady Police Station on 17-12-2024 at 08:35 pm for the alleged offences. Thereafter the accused was arrested on 18-12-2024 and remanded in judicial custody. Later by way of the order in Crl M C no 589 of 2014, of the Additional District and Sessions Court for the Trial of Cases Relating to Atrocities and Sexual Violence against Women and Children, Kozhikode the accused was enlarged on bail.
4. The Investigating Officer after completion of the investigation, forwarded the final report to the Additional District and Sessions Court for the Trial of Cases Relating to Atrocities and Sexual Violence against Women and Children, Kozhikode. After taking cognizance of the aforesaid offences, the case was taken on file in the above number. Subsequently, the case was transferred to this Court pursuant to the order of the Principal Sessions Judge, Kozhikode.
5. The accused is represented by the counsel of his own choice. On appearance of the accused before this court, the accused was served with copies of the prosecution records under Section 230 of the Bharatiya Nagarik Suraksha Sanhita (“BNSS” for short). Thereupon, the learned

Special Public Prosecutor has opened the prosecution case under section 249 of the BNSS.

6. Upon consideration of the records of the case and the documents produced therewith, and after hearing the submissions of the learned Counsel for the accused and the learned Special Public Prosecutor, charge only for the offence punishable under Section 10 read with 9 (l) of the POCSO Act was framed. The charge was read over and explained to the accused in the vernacular, to which he pleaded not guilty and claimed to be tried.
7. The prosecution cited 24 witnesses, of whom three witnesses were examined as PW1 to Pw3, and Ext. P1 was marked. Ext P2 /Pw1 was marked subject to proof. Since the survivor and the other relevant witnesses did not support the prosecution case, the learned Special Public Prosecutor gave up the remaining witnesses.
8. Since there is no incriminating circumstance appeared in the prosecution evidence, the examination of the accused under section 351(1)(b) of BNSS was dispensed with.
9. Heard both sides under section 255 BNSS.
10. The following points arise for consideration: -

- I. *Whether the accused repeatedly by holding the shoulders*

*and catching the thighs etc. of Pw1 committed the aggravated sexual assault punishable under Section 10 read with Section 9(l) of the POCSO Act?*

*II. What are the findings?*

*III. If found guilty, order as to sentence?*

11. **Point No I:-** Here, as per the prosecution, on 13-12-2024 at about 9:00 p.m., at Kakkuni in Vadakara Taluk, and on multiple occasions at the bus stop at Kakkuni, the accused, by holding the victim's shoulders and touching him inappropriately, subjected the victim to aggravated sexual assault.

12. In order to substantiate the prosecution case, the survivor was examined as PW1, his grandfather as PW2, and his mother as PW3. In his deposition, PW1 stated that on 13-12-2024 he went to Kakkuni to purchase porotta. While returning, he was allegedly attacked by an unknown person. Ext. P1 First Information Statement was marked through PW1. However, PW1 deposed that the person who attacked him fled the scene and was not the accused. PW1 did not identify the accused.

13. PW2, the grandfather of PW1, stated that PW1 is his daughter's son and resides with him. He further deposed that he has only hearsay knowledge regarding the incident and does not know the assailant.

14. PW3, the mother of PW1, in her oral evidence, stated that she has no direct knowledge of the incident and that she has no complaint against the accused..

15. On a consideration of the evidence of PW1 to Pw3, it is evident that nothing incriminating is available against the accused. Though it was attempted from the side of the prosecution by marking Ext P1 that Pw1 indeed given a statement to the police by alleging the involvement of the accused, Pw1 while in the box did not identify the accused and did not say anything by implicating the accused for the alleged offences. It is apposite to note that no other eye witness is also available in the case. The remaining witnesses are either formal or official witnesses. In view of the fact that the material witnesses did not support the prosecution and that there is no positive evidence in support of the prosecution case, the remaining witnesses were rightly given up by the learned Special Public Prosecutor. In this background, the mere marking of the First Information Statement, in the absence of any supporting evidence, cannot result in a conviction. Consequently, the examination of the accused under section 351(1)(b) of BNSS was dispensed with. Since the prosecution has failed to prove the allegations against the accused for the offence punishable

under Section 10 read with 9 (l) of the POCSO Act. Accordingly, this point is answered against the prosecution.

**16. Point Nos. II and III:** - In view of the findings on Point No I , this Court finds that the guilt of the accused in respect of the offences charged has not been proved. The accused is, therefore, entitled to an acquittal of the said offences.

**In the result,**

*The accused is not found guilty of the offence punishable under Section 10 read with 9 (l) of the POCSO Act, and he is acquitted of those offences U/s.255 of BNSS. The bail bond stands cancelled and the accused is set at liberty.*

(Dictated to the C.A., transcribed by him, corrected and pronounced by me in open court, on this the 28<sup>th</sup> day of March, 2026).

Sd/-

DEVAN K. MENON  
SPECIAL JUDGE

**APPENDIX****A. Prosecution witnesses:-**

Rank		Name	Whether Eye witness, Police witness, Expert witness, Medical witness, Other witness	Date of Examination
PW1	:	Survivor (For anonymity, the name and address are not disclosed)	: Survivor.	: 27.02.2026
PW2	:	Grand father of the survivor (Being the grand father of survivor, to keep anonymity of the survivor, the name and address are not disclosed)	: Other witness	: 27.02.2026
PW3	:	Mother of the survivor (Being the mother of survivor, to keep anonymity of the survivor, the name and address are not disclosed)	: Other witness	: 27.03.2026

**B. Defence witnesses:**

Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical
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		witness, Other witness
Nil		

**C. Court Witnesses:**

Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, Other witness
Nil		

**A. Prosecution Exhibits:**

Sl. No.	Exhibit Number	Description	Date of documents
1.	Ext.P1/PW1	FIS	17.12.2024
2.	Ext.P2/PW1	Relevant portion of 161 statement	--

**B. Defence Exhibits:**

Sl. No	Exhibits Number	Description
	Nil	

**C. Court Exhibits**

Sl.	Exhibits Number	Description
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No		
	Nil	

**D. Material Objects:**

Sl. No	Exhibits Number	Description
	Nil	

Sd/-

DEVAN K.MENON  
SPECIAL JUDGE ,  
FAST TRACK SPECIAL COURT,  
NADAPURAM.

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SPECIAL JUDGE

SC 277/2025

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**COPY JUDGMENT IN**

**S.C 277/2025**

**DATED 28<sup>th</sup> MARCH 2026**