

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

(SESSIONS DIVISION KOZHIKODE)

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

Saturday, the 28th day of March, 2026/

7th day of Chaithram, 1948

SESSIONS CASE NO.1120/2024

(Crime No.458/2023 of Perambra Police Station)

Complainant	:	State of Kerala, represented by Sub Inspector of Police, Prambra Police Station. By Special Public Prosecutor, Sri. Manoj Aroor
Accused	:	Vishnu. M.S. S/o. Sasi, Aged 28/23, Mundayil House, Menhanyam By Adv. Rajeevan Mallissery
Charge	:	Under Sections 354D(1)(i) r/w 354D(2), 506(1), 450 and 376(2) (n) of the Indian Penal Code ("IPC") & under Sections 66C, 66D, 66E and 67 of the I.T.Act
Plea	:	Not guilty
Finding	:	Not Guilty
Sentence/order	:	Acquitted u/s.255 of BNSS
Dates of trial	:	27.03.2026
Hearing	:	28.03.2026

Judgment/Order	:	28.03.2026

TABULAR FORM

Serial No.	:	Sessions Case No.1120/2024
Name of Police Station and Crime No. of offence	:	Crime No.458/2023 of Perambra Police Station)

DESCRIPTION OF THE ACCUSED

Sl. No.	Name	Father's name	Occupation	Religion	Residence	Age
	Vishnu. M.S	Sasi	--	Hindu	Mundayil House, Menhanyam	28/23

Date of

Occurrence	:	Between 01.05.2022 and 14.06.2023
Complaint	:	14.06.2023
Apprehension	:	04.08.2023
Released on bail	:	25.08.2023
Commencement of trial	:	15.04.2025
Commencement of evidence	:	27.03.2026
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 04.08.2023 - released on bail 25.08.2023

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. The accused have been sent up for trial for the offences punishable under Section 354 D (2), 506, 450 and 376 (2) (n) of the Indian Penal Code (hereinafter referred to as “IPC”) and the offences punishable under sections 66C, 66 D, 66E and section 67 of the Information Technology Act, 2000 (hereinafter referred to as IT Act). The prosecution arises from the final report forwarded by the Inspector of Police, Perambra Police Station, in Crime No. 458 of 2023 of the said police station.
2. **The prosecution case:** - The accused, who is a friend of the victim’s husband, started residing near the victim’s matrimonial home along with his family on rent from February 2022. During this period, an intimacy developed between the accused and the victim. In the first week of May 2022, the accused, along with the victim, travelled in a car bearing

registration No. KL-57-N-6325 to Wayanad Churam. While returning, they stopped at a hostel located at Thamarassery, where the accused took a selfie photograph with the victim. Subsequently, the accused began stalking the victim both over the phone and in person and intimidated her by threatening to show the photograph to her husband.

3. Thereafter, on 20/07/2022, when the victim was at her residence bearing No. 7/391 of the Perambra Grama Panchayat, the accused reached the said house and, by criminally intimidating her, trespassed into the bedroom situated in the south-western part of the first floor and committed rape on her, also capturing photographs of the act on his mobile phone. Later, by threatening to show the said photographs to her husband if she did not comply, on 16/08/2022, he took the victim to a resort known as Agraharam at Thirunelli in Mananthavady Taluk, where, in Room No. Pachavadi DLX 201, he again committed rape on her. The accused further compelled the victim to obtain a credit card linked to her loan account at HDFC Bank, Nadakkavu Branch, retained the SIM card associated with the bank records, and, after gaining access to her email ID and password, fraudulently ported the SIM card in his own name and used the credit card to withdraw ₹1,00,000/-. He also forwarded the

victim's nude photographs to her husband's phone, thereby committing the aforesaid offences.

4. On 14/06/2023 the victim provided the first information statement to the police and on the basis of the same on that day at 08:49 pm, the Inspector of the Perambar Police Station registered Crime No 458 of 2023 against the accused. On 04/08/2023, the accused were arrested and produced before the court. Thereafter on the basis of the order of the Hon'ble Sessions Court, Kozikkode in Crl MC No 1448 of 2023 dated 25/08/2023, the accused were enlarged on bail. The Investigating Officer after completion of the investigation, forwarded the final report to the Judicial First-Class Magistrate Court-I, Perambra where the case was taken on file as CP No 26 of 2024. Upon compliance with the statutory formalities, including the furnishing of copies of the prosecution records to the accused, the learned Magistrate committed the case to the Court of Session, Kozhikode. Thereafter, the case was made over to this court.
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 for the offences punishable under sections 354 D (1) (i) read with 354 D (2), 506 (i), 450, 376 (2)(n) of the IPC and under section 66C, 66D, 66E and under section 67 of the I.T. Act was framed. The charge was read over and explained to the accused in the vernacular, to which the accused pleaded not guilty and claimed to be tried.
7. The prosecution cited 25 witnesses, of whom three witnesses were examined as PW1 to PW3, and Ext. P1 was marked. Exts P1 (a)/Pw1 and P1 (b)/Pw1 were marked subject to proof. No formal proof was offered with respect to those documents. Since the survivor and her parents 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 followed and contacted Pw1 with the intention of fostering personal interaction, despite her clear indication of disinterest, and thereby committed the offence of stalking punishable under Section 354D(1)(i) read with Section 354D(2) of the IPC?*
- II. *Whether the accused criminally intimidated Pw1 by threatening to injure her reputation through sharing her nude photographs with her husband, and thereby committed the offence punishable under Section 506(i) of the IPC?*
- III. *Whether the accused, on 20/07/2022 at about 12 hours, trespassed into the house of Pw1 with the intention of committing an offence punishable with imprisonment for life, and thereby committed the offence of house trespass punishable under Section 450 of the IPC?*
- IV. *Whether the accused, on multiple occasions since May 2022, committed rape on Pw1 and thereby committed the offence punishable under Section 376(2)(n) of the IPC?*
- V. *Whether the accused frequently withdrew money from the bank account of Pw1 by using her credit card and thereby*

committed the offence punishable under Section 66C of the IT Act?

VI. *Whether the accused cheated Pw1 by unauthorisedly accessing her bank account and withdrawing money, and thereby committed the offence punishable under Section 66D of the IT Act?*

VII. *Whether the accused intentionally captured and transmitted the nude photographs of Pw1 without her consent and thereby committed the offence punishable under Section 66E of the IT Act?*

VIII. *Whether the accused transmitted obscene material in electronic form and thereby committed the offence punishable under Section 67 of the IT Act?*

IX. *What are the findings?*

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

11. **Point Nos I to VIII: -** Here, as per the prosecution, the accused, a friend of the victim's husband, began living near her matrimonial home in February 2022, during which an intimate relationship developed between them and he later started stalking and threatening her using a photograph taken during a trip to Wayanad Churam. On 20/07/2022, he trespassed

into her residence at Perambra Grama Panchayat, criminally intimidated her, and committed rape, also capturing photographs of the act. He subsequently used those photographs to threaten her again and, on 16/08/2022, took her to a resort at Thirunelli in Mananthavady Taluk, where he again committed rape. The accused further committed financial fraud by misusing her credit card after fraudulently porting her SIM card, and also sent her nude photographs to her husband.

12. In order to substantiate the prosecution case, the victim was examined as PW1 and the First Information Statement was marked as Ext. P1. PW2 is the father of PW1 and PW3 is the mother of PW1. As per PW1, the house of the accused is situated near her house, and she admitted having given Ext. P1 statement. However, PW1 deposed that the incident as alleged against the accused never occurred and that the accused had never threatened her. According to PW1, she had a consensual relationship with the accused, and the alleged incident of publication of her nude photographs had not happened.

13. PW1 further stated that she had given Ext. P1 statement under compulsion from her family members and her husband, and that she is deposing before the Court with the consent of her husband. She also stated that she has no complaint against the accused. PW2, the father of

PW1, deposed that PW1 had not informed him about any such incident, that he has no direct knowledge of the same, and that he has no complaint against the accused. PW3, the mother of PW1, similarly stated that she has no direct knowledge regarding the incident and that she also has no complaint against the accused.

14. On a consideration of the evidence of PW1 to PW3, it is evident that there is nothing incriminating against the accused. In the present case, the victim herself and her parents have not supported the prosecution, and PW1 has admitted that she had a consensual relationship with the accused. In view of the fact that the material witnesses have not supported 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, and consequently, the examination of the accused under Section 351(1)(b) of BNSS was dispensed with.

15. Since the prosecution has failed to prove the allegations against the accused for the offences under sections 354 D (1) (i) read with 354 D (2), 506 (i), 450, 376 (2)(n) of the IPC and under section 66C, 66D, 66E and

under section 67 of the I.T. Act, these points are answered against the prosecution.

16. Point Nos. IX and X: - In view of the findings on Point Nos. I to VIII, 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 offences under sections 354 D (1) (i) read with 354 D (2), 506 (i), 450, 376 (2)(n) of the IPC and under section 66C, 66D, 66E and under section 67 of the I.T. Act, and the accused is acquitted of those offences U/s.255 of BNSS. The bail bonds stand 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 28th 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.	27.03.2026
PW2	:	Father of the survivor	:	Other witness	27.03.2026
PW3	:	Mother of the survivor	:	Other witness	27.03.2026

B. Defence witnesses:

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

C. Court Witnesses:

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

Nil		
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A. Prosecution Exhibits:

Sl. No.	Exhibit Number	Description	Date of documents
1.	Ext.P1/PW1	FIS	14.06.2023
2.	Ext.P1(a)/PW1	Portion of FIS	14.06.2023
3	Ext.P1(b)/PW1	Portion of FIS	14.06.2023

B. Defence Exhibits:

Sl. No	Exhibits Number	Description
	Nil	

C. Court Exhibits

Sl. No	Exhibits Number	Description
	Nil	

D. Material Objects:

Sl. No	Exhibits Number	Description
	Nil	

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

///TRUE COPY///

SPECIAL JUDGE

COPY JUDGMENT IN

S.C 1120/2024

DATED 28th MARCH 2026