

**IN THE COURT OF SPECIAL JUDGE, SPECIAL COURT FOR SC/ST (POA)
ACT CASES, KOTTARAKKARA.**

Present : R.Jayakrishnan, Special Judge.

Wednesday, 13th day of May, 2026 (23rd day of Vaisakha, 1947)

SESSIONS CASE No.826/2025

Accused A1: Aneesh James, age 43/2025,
S/o James, Puthuthadathil Melathil Veedu,
Manalil, Manalil.P.O, Ayiranalloor.

A2: Sano Thomas, age 26/2025,
S/o Thomas, Thengazhikathu Veedu, Vellachal,
Manali.P.O, Ayiranalloor.

Charge : U/ss 115(2), 296(b) R/W 3(5) BNS & Sec. 3(1)
(s), 3(2)(va) of SC/ST (POA) Act.

Plea of the accused : Not guilty.

Finding of the Judge : Not guilty.

**Sentence/
Order** : The accused are acquitted u/s 258(1) of
the Bharatiya Nagarik Suraksha Sanhita,
for the offence punishable u/ss 115(2),
296(b) r/w 3(5) BNS & Sec.3(1)(s), 3(2)(va)
of SC/ST (POA) Act.

**Name of Police Station
and Crime No.** : Yeroor
247/2025

Prosecution conducted by : Special Public Prosecutor, Sri. G.S.Santhosh
Kumar

Accused defended by : Adv.Sri.Shefina Jaleel.

**Date of which copy of
judgment was given
to the accused** : 13.05.2026

JUDGMENT

The accused not belong to SC/ ST community assaulted PW1 and PW2 belong to SC community is the crux of the case.

2. The prosecution unfolded the case in the following way:-

PW1 and PW2 visited there wifes' residence at Vellachal on 07.02.2025 in connection with the festival of Andathoor Varppukunnu Umamaheswara temple. On that day at around 10.00 PM while they watching the procession in connection with the festival at Vellachal junction the accused not belong to SC/ST community came there and the 1st accused caught hold the collar of the shirt of PW1 calling the caste name in filthy language and the 2nd accused beat on the cheek of PW1 and when PW2 questioned the same the 2nd accused also beat PW2 and both of the accused beat and kicked them thereafter. PW1 gave Ext.P1 statement before PW7. PW8 registered a case on the basis of ExtP1 statement given by PW1 as per ExtP5 FIR. PW13 the DySP of Punalur conducted the investigation. PW13 completed the investigation and submitted the charge sheet.

3. PW3 is an occurrence witness. PW4 is the wife of PW2. PW5 is a Village Officer Ayiranalloor identified Ext.P3 certificate. PW6 is the Assistant Engineer, KSEB, Karavallur identified Ext.P4 certificate. PW9 and PW10 are occurrence witnesses. PW11 is the brother in law of PW1 and PW2. PW12 is the wife of PW1.

4. The investigation in this case revealed that the accused not belong to S/ST community with their common intention to assault PW1 and PW2 belong to SC community, on 07.02.2025 at around 10.00 PM while PW1 and PW2 watching the procession in connection in the festival of Andathoor Varppukunnu Umamaheswara temple at Vellachal junction, the accused abused and insulted PW1 by calling is caste name in filthy language and the both accused assaulted PW1 and PW2 and thus committed the offence u/s 115(2), 296(b), 3(5) BNS and Sec.3(1)(S), 3(2)(va) of SC/ST POA Act.

5. On issuance of summons, the accused appeared before the Court and copies of the prosecution records were furnished to the accused. The accused are on bail.

6. Notice was issued to the learned Special Public Prosecutor and he appeared.

7. After hearing the accused and the prosecution and on perusing the prosecution records charge under Sections 115(2), 296(b) r/w 3(5) BNS & Sec. 3(1)(s), 3(2)(va) of SC/ST (POA) Act was framed against the accused. They pleaded not guilty and claimed to be tried.

8. Thereafter, the prosecution examined PW1 to PW13 and Exts.P1 to P7 were marked.

9. When the accused were examined under Section 351 BNSS, they denied

the incriminating circumstances. They reiterated their innocence. The 1st accused further stated that he does not know PW1. He does not know the caste of PW1. A false case is foisted against him. The 2nd accused further stated that he knows PW1 and PW2. He has no previous enmity with PW1 and PW2. No incident was happened there on that day. Thereafter, the accused and the prosecution were heard on the point under section 255 BNSS. Since the acquittal of the accused were not felt warranted under that provision, the accused were called upon to enter on their defence. No witnesses were examined and no documents were marked.

10. Head, both sides.

11. The following points arise for determination.

1. Whether the accused, with their common intention abused PW1 and PW2 in filthy language and caused annoyance to them as alleged?
2. Whether the accused, with their common intention, voluntarily caused simple hurt to PW1 and PW2 as alleged?
3. Whether the accused abused PW1 by calling his caste name in filthy language as alleged?
4. Whether the accused assaulted PW1 and PW2 since they belong to SC community.

5. Whether the accused have committed any offence?

6. If so, what is the sentence?

12. **Point Nos. 1 to 4:-** The specific case of the prosecution is that the accused not belong to SC/ST community with their common intention to assault PW1 and PW2 and abused PW1 by calling his caste name in filthy language. On the other hand, the contention of the accused is that the accused never committed any offence as alleged by the prosecution. One Achu, who is the friend of the brother in law of PW1 and PW2 filed a complaint against the accused and the accused were arrested and remanded to judicial custody. Thereafter in order to prevent their release from the jail, Achu along with PW11 filed the present case against the accused through PW1.

13. The evidence of PW1 would show on 07.02.2025 at around 10.00 PM at Vellachal junction, which is near to the residence of his wife, while watching the procession of the temple one person caught hold his shirt. He asked his wife who is he and she told him that his name is Aneesh. The 1st accused again asked him why he is waiting there and what is his business there. At that time the 2nd accused beat on his cheek. PW2 questioned the same and at that time the 2nd accused called the caste name and beat him. When they returned to home both accused again beat and kicked him. He gave Ext.P1 statement before the police. Since he has to discuss the matter with the other family members there is delay in giving

statement before the police. In the cross examination he admitted that his wife told him that the person who caught hold his shirt is Aneesh. He denied the suggestion put by the counsel for the accused that he never stated before the police that the 1st accused called his caste name. Later police showed the accused to him. He did not remember the date. The police showed the accused at the Yeroor police station. At the time of incident there were no police in the place of occurrence. He stated before the police that the 1st accused called the caste name of the PW2. He never went to the hospital. Achu is the friend of his brother in law Unni. He denied the suggestion put by the counsel for the accused that in order to prevent the release of the accused from the jail in a case filed by Achu and Unni, PW11 used him to file a false case against the accused.

14. The evidence of PW2 would show that he also deposed in tune with PW1. His evidence would further show that the 1st accused caught hold the shirt of PW1. He called the caste name of PW1 in filthy language. When he questioned the same the accused also beat him. When they returned to home the accused beat and kicked them. He stated that the accused do not know their caste. In cross examination PW2 stated that he along with PW1 went to the police station to give the complaint. He gave statement before the police after one month of the incident. The accused called the caste name of PW1. He knows that the accused have a case with one Achu. He denied the suggestion put by the counsel for the accused that as per the direction of Achu who is the friend of his brother in law PW11. In

order to prevent the release of the accused from the jail a false case is filed against the accused. The evidence of PW3 would show that he saw the incident. The incident was on 07.02.2015 at around 10.00 PM at Vellachal junction. The 1st accused called the caste name of PW1 and the 2nd accused beat on the cheek of PW1. When PW2 questioned the same the accused also beat PW2. Immediately police came there. In the cross examination he admitted that Achu is his friend. He is a close relatives of PW1 and PW2. He denied the suggestion put by the counsel for the accused that as per the direction of Achu a false case is filed against the accused through PW1. The evidence of PW4 would show that she is the wife of PW2. She also deposed in tune with PW1 and PW2. In the cross examination PW4 admitted that Achu is the friend of her brother Unni. She denied the suggestion put by the counsel for the accused that as per the instruction of her brother and Achu she is giving false statement before the Court. The evidence of PW9 would show that he saw the incident. His evidence would show that the 1st accused called the caste name of PW1 and beat PW1 and PW2. In the cross examination he admitted that Achu is the son of the brother of his father. Achu filed a case against the accused and in that case he gave a statement before the police. At the time of filing the case the accused were in the Jail. He denied the suggestion put by the counsel for the accused that in order to prevent release of the accused from the jail, as per the direction of Achu he is falsely giving a statement before the Court. The evidence of PW10 would show that he saw the incident. He also

deposed in tune with PW9. At the time of incident police came there. In the cross examination he admitted that Achu gave a case against the accused and he gave statement before the police in that case. He knows that the accused in this case in Jail. At the time of filing the complaint. He denied the suggestion put by the counsel for the accused. In order to help the accused he is falsely giving a statement before the Court. The evidence of PW11 would show that the accused assaulted his brothers in law PW1 and PW2. He did not see the incident. When he came to know about the incident he enquired about the 1st accused. The 1st accused pushed him and at that time police came there and they took the accused in the police Jeep and went away from there. He does not know the accused knows the caste of PW1 and PW2. In the cross examination he admitted that at the time of incident Achu was along with him. He denied the suggestion put by the counsel for the accused as per instruction of Achu a false case is filed against the accused through his brother in law. The evidence of PW12 would show that she is the wife of PW1. She also deposed in tune with PW1 and PW2. Her evidence would show that the 1st accused called the caste name of PW1. In cross examination she admitted that at the time of incident police is there. They did not inform the incident to the police. They know that at the time of giving complaint against the accused, the accused are in the jail. She denied the suggestion put by the counsel for the accused that a false case is foisted against the accused.

15. Ext.P1 is the statement given by PW1 before the police. It would show that PW1 gave Ext.P1 statement before the police on 18.02.2025. Ext.P1 would show that the incident was on 07.02.2025 at around 10.00 PM. As per Ext.P1 PW1 and PW2 never went to the hospital for any treatment. The explanation offered by PW1 for the delay in giving Ext.P1 statement before the police is that in order to consult with the family about the filing of the complaint before the police delay is occurred. At this juncture it is important to note that the specific case of the defence is that one Achu, who is one of the friends of the brother in law of PW1 and PW2, PW11 Unni, filed a complaint against the accused and the accused were arrested and remanded to judicial custody. During the custody of the accused in the Sub jail Achu along with Unni instructed PW1 to file a complaint against accused to prevent the release of the accused from the jail is important. It is an admitted fact that PW1 gave Ext.P1 statement before the police while the accused were in the judicial custody. So the contention raised by the defence is more probable. Moreover the evidence of PW11 and other witnesses would show that immediately after the incident police came to the place of occurrence. The evidence of PW11 would show that the police took the accused in custody and they went with the accused. But the prosecution did not offer any explanation under which circumstances the accused were taken in custody by the police and why the police did not register a case on the date of incident against the accused. Moreover the prosecution did not challenged the statement given by PW11 that the police took the accused in

custody from the place of occurrence on the date of incident itself. So as contended by the defence the registration of the present case is doubtful. So the delay in giving the statement before the police to register the present case is very fatal to the prosecution. The explanation offered by PW1 about the delay is not believable.

16. The evidence of PW1 would show that the investigating officer showed the accused to him at the Yeroor police station. It is important note that when PW1 gave Ext.P1 statement before the police the accused were in jail. The formal arrest of the accused were recorded at the Jail. The accused were never given in to the custody of the investigating officer in connection with the investigation. So the statement given by PW1 that the police showed the accused to him at the Yeroor police station and he identified the accused is utterly false. Ext.P1(a) is the body note of PW1 noted by PW7 on 18.02.2025. The prosecution has no case that PW1 sustained any injury and he went to the hospital for any treatment. Ext.P1(a) was noted after 11 days of the incident. In Ext.P1(a) it is stated that there is swelling on the left cheek of PW1. It is not believable. All the above aspects raised a reasonable doubt that due to the pressure of PW11 and one Achu the police registered case against the accused in order to prevent their release from the jail..

17. The version of PW1 and PW2 is that the 1st accused called the caste name of PW1 in filthy language and thereafter the 2nd accused beat PW1 and PW2

and again the accused beat and kicked PW1 and PW2. Ext.P1 would show that PW1 stated before police that the accused called PW1 'എന്തിനാടാ മുളി കുറതായോളി'. At the time giving statement before the police PW1 has no case that the 1st accused called the caste name of PW2 and abused him. It is important to note that PW1 stated that he belongs to Pulaya community. It is an admitted fact that PW1 and PW2 are not residing in the locality of the place of occurrence. They came there in connection with the Andathoor Varppukunnu Umamaheswara temple festival. They came to the place of occurrence where residence of the wives of PW1 and PW2 situated. At this juncture the contention of the defence that the accused do not know the caste of PW1 and PW2 and they have no previous enmity towards PW1 and PW2 is important. The prosecution has no case that the accused have any previous enmity towards PW1 and PW2. Moreover the evidence of PW1 and PW2 would show that they do not know whether the accused know their caste. The evidence of PW1 would show that when the 1st accused caught hold his shirt he asked his wife who is he. Then his wife told him that he is one Aneesh. So it can be seen that PW1 does not know the 1st accused and he came to know that it is Aneesh when his wife PW12 told the same to him. As I already stated above PW1 deposed that he belongs to Pulaya community. But his statement would show that the 1st accused called 'എന്തിനാടാ മുളി കുറതായോളി'. So the contention of the accused that the accused do not know the caste of PW1 is true and correct. It is an admitted fact that the accused know PW11 Unni the brother in law of PW1 and PW2. PW11

belongs to Hindu Kurava community. May be which is the reason that in the statement it is stated that the accused called PW1 'എന്തിനാടാ മുളി കുറവായോളി'. So I am of the view that the evidence would show that the accused do not know the caste of PW1 is true and correct.

18. PW1 stated that he belongs to Pulaya community. The evidence of other witnesses would show that the wife of PW1 belongs to Hindu Kurava community and PW2 also belong to Hindu Kurava community. As I stated above in the statement of PW1 it is stated that the 1st accused called the caste name of PW1 as Kurava with the impression that he belongs to Kurava community. Moreover the prosecution did not produce any documents to show that PW1 belongs to Pulaya community or Kurava community. No explanation is offered by the prosecution in this regard. At this juncture it is important to note that at the time of giving Ext.P1 statement before the police PW1 has no case that the 1st accused called the caste name of PW2 also. There is no evidence to show that the 1st accused or 2nd accused called the caste name of PW2 also.

19. Considering the totality of the evidence and the circumstances which I narrated above, I hold that the evidence of PW1 to PW4 and PW9 to PW12 are not believable and reliable. It is not safe to arrive at a conclusion that the accused have committed the offence as alleged by the prosecution on the basis of the evidence of PW1 to PW4 and PW9 to PW12, who are the friends and relatives of PW1. The

prosecution has failed to prove the guilt of the accused beyond all reasonable doubt. Hence, I hold that the accused are not the perpetrators in the crime. The points are found accordingly against the prosecution.

20. **Point Nos.5 and 6:-** In the light of my findings on earlier points, the accused are not found guilty of the offence u/s 115(2), 296(b) r/w 3(5) BNS & Sec.3(1)(s), 3(2)(va) of SC/ST (POA) Act and I acquit him for the said offences. Points are found accordingly.

In the result, the accused are acquitted u/s 258(1) of the Bharatiya Nagarik Suraksha Sanhita, for the offence punishable u/ss 115(2), 296(b) r/w 3(5) BNS & Sec.3(1)(s), 3(2)(va) of SC/ST (POA) Act. However, bail bond of the accused shall survive for 6 months from today, as envisaged u/s 481 of the Bharatiya Nagarik Suraksha Sanhita.

Dictated to the Confidential Assistant transcribed and typed by her, corrected by me and pronounced in open court on this the 13th day of May, 2026.

Sd/-
R.JAYAKRISHNAN
SPECIAL JUDGE.

Appendix

Prosecution Witnesses:

PW1 : Ajith
PW2 : Sudheesh
PW3 : Rajiv

- PW4 : Soorya
PW5 : Sheeba.T (Village Officer)
PW6 : Prakash.G (Assistant Engineer, KSEB)
PW7 : Binu.K.A (SCPO)
PW8 : Gireesh (SHO)
PW9 : Sarath
PW10 : Jyothish
PW11 : Unni
PW12 : Deepan Raji
PW13 : Pradeepkumar.V.S (DySP)

Exhibits for Prosecution :-

- P1 : FIS
P1(a) : Body note
P2 : Scene Mahazar
P3 : Caste Certificate (1st & 2nd accused)
P4 : Report (Supply of Electric circuit)
P5 : FIR
P6 : Report (Taking charge of investigation)
P7 : Report (Address)

Defence Witness :- Nil

Exhibits for defence:- Nil

Material Objects :- Nil

Court Exhibits:- Nil

Id/-
**JAYAKRISHNAN
SPECIAL JUDGE.**

Description of the Accused

Name of accused	Father's name	Occupation	Religion	Residence	Age
Aneesh James	James			Puthuthadathil Melathil Veedu, Manalil, Manalil.P.O, Ayiranalloor.	43/2025
Sano Thomas	Thomas			Thengazhikathu Veedu, Vellachal, Manali.P.O, Ayiranalloor.	26/2025

Date of

Offence	Complaint	Apprehension	Released on bail	Commencement of trial	Close of trial	Sentence/ order	Explanation of delay
07.02.2025	18.02.2025	A1 &A2- 28.02.2025	A1 & A2- 07.03.2025	07.10.2025.	08.05.2026	13.05.2026	No delay

Id/-
R.JAYAKRISHNAN
SPECIAL JUDGE.

//True copy//

Sd/-
SPECIAL JUDGE.

Typed by : Aswathi Devi
Compd by : Bindu.S