

**IN THE COURT OF SPECIAL JUDGE FAST TRACK SPECIAL COURT,
MATTANNUR**

Present: Smt. Anit Joseph, Special Judge

Dated this the 8th day of August 2025

SC 48/2025

(Crime 953/2024 of Kuthuparamba Police Station)

Station House Officer,
Kuthuparamba Police Station

: Complainant

Vs

Accused

:

A1. Sameesh Kumar

A2. Divya Damodharan

ORDER

1. This is a case instituted upon a final report filed by the Inspector of Police, Koothuparamba police station in crime No. 953/2024 of that police station. In the case, the accused person named above stands charged for the offence punishable under Sec. 354, 354(A)(1)(I) IPC and Sec. 7, 10 r/w 8, Sec. 9(l)(m) r/w Sec. 21 of the POCSO Act.

2. The Prosecution case is that; the accused who is the paramour of the victim minor girl's mother sexually assaulted her on a Sunday in the month of December, 2022 at 5 pm at the gym near Kuthuparamba Veterinary Hospital and on a day in the month of February, 2023 at 4.30 P.M by catching hold on her shoulder with sexual intent and thereafter on a day in the month of August, 2023 in the car which was parked near C.V super market at Pookod, by hugging and kissing her after giving sweets with sexual intent. Also, the 2nd accused who is her mother failed to report the sexual harassment against her daughter to the authorities concerned.

3. Learned counsels for the petitioners argued that the case is a false one, cooked up by the husband of the 2nd accused, who is now on

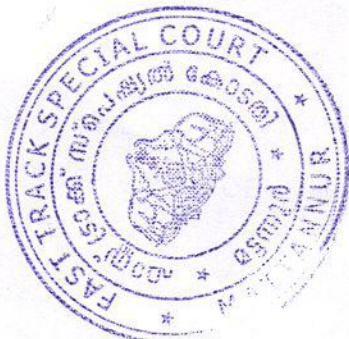
inimical terms with her. According to them, the cases between the 2nd accused and her husband pending in the family court alone are sufficient to show that the accusation is falsely brought to harass the accused persons, who are colleagues and thus, best friends.

4. The above background of the case alone is not a reason to disbelieve the prosecution's case and discharge the accused. After hearing both sides and after perusing the materials on record, I am satisfied that there is ground for presuming that the accused persons had committed the offenses.

5. In a POCSO case, what is important is the testimony of the alleged victim. In the circumstances, no discharge can be made without examining the victim, unless utter groundlessness is proved on the basis of the materials. In the case on hand, such a groundlessness cannot be perceived at all. So, it can be conclusively held that a prima facie case has been made out against the accused persons. That apart, the accused persons failed to bring a discharge plea within the period prescribed by the statute.

In the result, the discharge claim is dismissed, and the case is posted for framing charge.

(Dictated to the Confidential Assistant, transcribed by him, corrected and pronounced by me in open court on the 8th day of August, 2025).




**ANIT JOSEPH, SPECIAL JUDGE,
 FAST TRACK SPECIAL COURT, MATTANNUR**