

IN THE COURT OF SESSIONS KOTTAYAM DIVISION

Present: Smt. Lilly K, Addl.Sessions Judge - I

Thursday 26th day of March 2026

5th Chaithra, 1948

S C No.523/2021

(CP No.15/2021 of Judicial First Class Magistrate Court-I, Kanjirappally)

Complainant

State of Kerala, represented
by Sub Inspector of Police,
Pallickathodu Police Station,
Cr.No.22/2021 of Pallickathodu
P.S

***By Addl. Public Prosecutor
Adv. Smt. Meera S S.***

Accused:

Manoj C, Aged 27/21,
S/o.Chamy, Payyamkodu House,
Payyamkodu Colony Bhagam,
Payyamkodu Kara,
Kayarady Village,
Palakkadu District.

By Adv. Bibin Varghese

Charge

: U/s. 363 and 366 of Indian Penal
Code

Plea

: Not guilty

Finding

: Not guilty

Sentence/Order

: The accused is found not
guilty of having committed
offences under Section 363
and 366 of Indian Penal Code
and he is acquitted under
Section 255 of BNSS.

JUDGMENT

The final report was filed by Sub Inspector of Police, Pallickathodu, against the accused, alleging offences punishable under Section 363 and 366 of Indian Penal Code.

2. Prosecution case is that the accused promised to marry the defacto complainant's minor daughter and kidnapped her from a place near her house to Vadakancherry in Palakkad District at 11.00 A.M. on 11.01.2021 and thereby committed the offence.

3. Cognizance was taken and the case was taken on file as CP No.15/2021 of Judicial First Class Magistrate's Court-I, Kanjirappally. After complying the mandatory provisions, the case was committed to the Court of Session under Section 209 of Cr.P.C., as per Order dated 08.10.2021. The case was taken on file as SC No. 523/2021 and was made over to this Court for trial and disposal.

4. The accused, who was on bail, appeared on summons. Heard the Public Prosecutor and the counsel for accused.

Charge was framed under Sections 363 and 366 of Indian Penal Code. Charge was read over and explained to the accused, to which, he pleaded not guilty. During trial, PW1 to PW3 were examined and Exhibit P1 to P9 were marked. The remaining witnesses were given up by the learned Public Prosecutor. After closing the evidence for the accused in the prosecution, the accused was examined under Section 351 of BNSS. The accused denied the incriminating circumstances that appeared in evidence against him.

5. Heard both sides under Section 255 of BNSS.

6. The only point to be considered is:

Whether the accused is entitled to get an order of acquittal under Section 255 of BNSS?

7. **The Point:-** According to the learned counsel for the accused, PW1 and PW2, the defacto complainant and her daughter did not support the prosecution case and the prosecution did not establish that the accused had kidnapped PW2 as alleged and hence there was no evidence against the accused.

8. The learned Additional Public Prosecutor did not raise any argument that there was evidence against the accused.

9. The records revealed that PW1 had given Exhibit P1 complaint to the police regarding missing of her daughter. But during evidence it was admitted that the accused is the husband of her daughter and both PW1 and PW2 had no grievance against the accused.

10. PW3 is the Investigating Officer who had conducted the investigation and seized the records with respect to the travel allegedly done by accused and PW2 in bus. The available records reveal that there is nothing to connect the accused in the offences charged and this is a case where there is no evidence against the accused and hence the accused is entitled to get an order of acquittal under Section 255 of BNSS. Hence the point is found accordingly.

In the result, the accused is found not guilty of having committed offences under Section 363 and 366 of Indian Penal Code and he is acquitted under Section 255 of BNSS.

The bail bond executed by the accused stands cancelled and he is set at liberty.

Dictated to and typed by the Dictation Software, corrected and pronounced by me in open Court, on this the 26th day of March, 2026.

Sd/-

Lilly K.

**Addl. Sessions Judge - I,
Kottayam.**

APPENDIX

A. Prosecution Witness:-

<u>Rank</u>		<u>Date</u>	<u>Name of Witness</u>	<u>Description</u>
PW1	CW1	16.03.26	Bindhu Suresh, W/o. Suresh, Mailappally house, Anickadu Village	Informant and mother of the victim
PW2	CW2	16.03.26	Arya Suresh, D/o. Suresh Mailappally house, Anickadu Village	Victim
PW3	CW35	23.03.26	Aji P Elias Sub Inspector of Police Pallickathodu PS	Police Witness

B. Defence Witnesses : Nil

C. Court Witnesses : Nil

List of Prosecution/Defence/Court Exhibits :**A. Prosecution Exhibits:-**

<u>Exhibit Number</u>	<u>Date</u>	<u>Description of the Exhibit</u>	<u>Proved through</u>
P1/PW1	16.03.26	First Information Statement	PW1
P2/PW3	23.03.26	Waybill of KSRTC Bus No. RPM 670 dated 11.1.2021	PW3
P2(a)/PW3	23.03.26	Form No.15 in respect of way bill dated 15.01.2021	PW3
P3/PW3	23.03.26	Birth Certificate issued by the Registrar of Birth and Death, Arpookara Grama Panchayath	PW3
P4/PW3	23.03.26	Waybill of KSRTC Bus No. RPK 379 dated 11.01.2021	PW3
P4(a)/PW3	23.03.26	Form No.15 in respect of the way bill dated 11.01.2021	PW3
P5/PW3	23.03.26	Seizure Mahazar dated 19.01.2021 in respect of the way bill of KSRTC Bus No. RPK 329	PW3
P6/PW3	23.03.26	Way Bill of KSRTC Bus No. RPK 391 dated 10.01.2021	PW3
P6(a)/PW3	23.03.26	Form No.15 in respect of way bill of KSRTC Bus No. RPK 391	PW3
P7/PW3	23.03.26	Seizure Mahazar dated 19.01.2021 in respect of	PW3

		the way bill of KSRTC Bus No. RPK 391	
P8/PW3	23.03.26	Way Bill of KSRTC Bus No. RPA 246 dated 11.01.2021	PW3
P9/PW3	23.03.26	Seizure Mahazar dated 20.01.2021 in respect of the way bill dated 11.01.2021	PW3

B. Defence Exhibits : Nil

C. Court Exhibits : Nil

D. Material Objects : Nil

Id/-

Addl.Sessions Judge-I

Serial No. of the Case : Sessions Case No.523/2021

Crime No. : Cr.No. 22/2021

Name of Police Station : Pallickathodu Police Station

DESCRIPTION OF THE ACCUSED

Sl. No	Name	Father's Name	Occupation	Residence	Age
1	Manoj C	Chamy		Payyamkodu House, Payyamkodu Colony Bhagam, Payyamkodu Kara, Kayarady Village, Palakkadu District.	27/21

S.C. No.523/2021
Copy of Judgment
Dated: 26.03.2026

Dates of

Occurrence : 11.01.2021
Complaint : 11.01.2021
Date of Arrest : 12.01.2021
Release on bail : 23.01.2021
Commitment : 08.10.2021
Name of committing Magistrate : Sri. Naseeb A Abdul Razak
Judicial First Class Magistrate-I,
Kanjirappally
Commencement of Trial : 16.03.2026
Dates of Trial : 16.03.2026,23.03.2026
Close of Trial : 23.03.2026
Date of Hearing : 25.03.2026
Date of Judgment : 26.03.2026
Reason for delay : No delay
Remarks : Nil

Id/-
Addl.Sessions Judge-I

//True Copy//

Copied by:
Compared by:

Sd/-
Lilly K.
Addl. Sessions Judge - I
Kottayam.