

IN THE COURT OF THE FAST TRACK SPECIAL JUDGE, CHANGANASSERY
Present : Smt. Saima P.S., Special Judge.

TUESDAY THE 7th DAY OF APRIL 2026
17th day of Chaithram ,1948

SESSIONS CASE No. 19/2026
Crime No.1078/2025 of Manimala Police Station

COMPLAINANT : State of Kerala,
represented by the Inspector of Police,
Manimala.

By Special Public Prosecutor : Sri. P.S.Manoj

ACCUSED : M J George, aged 54/2025
S/o Joseph Joseph,
Mappilakkunnel House,
Ullayam Bhagom,
Kadayanikkadu P O,
Vazhoor Village,
Kottayam
By Advocates : Sri. Joseph C.K and R.Binu

CHARGE : U/ss. 8 r/w 7, 10 r/w 9 (p) of POCSO Act, secs
75(2) r/w 75 (1) (i),74,76 of BNS.

PLEA : Not guilty.

FINDING : Not guilty

SENTENCE/ORDER : The accused is found not guilty of the offences
punishable u/ss 8 r/w 7, 10 r/w 9 (p) of POCSO
Act, secs 75(2) r/w 75 (1) (i),74,76 of BNS.
Accordingly accused is acquitted of the said
offences u/s 255 of BNSS. The bail bond
executed by him stands cancelled and he is set
at liberty.

DATE OF TRIAL : 27-03-2026

HEARING : 07-04-2026

JUDGMENT : 07-04-2026

TABULAR FORM

Serial No. : S.C. No. 19/2026
 Name of Police station : Manimala Police Station.
 of and Cr. no. of offence : Crime No.1078/2025

DESCRIPTION OF THE ACCUSED

Sl. No.	Name	Father's Name	Occupation	Religion	Residence	Age
	M J George	Joseph Joseph,	niKoolipa		Mappilakkunnel House, Ullayam Bhagom, Kadayanikkadu P O, Vazhoor Village, Kottayam	54/2025

Date of

Occurrence : From 30-09-2025 To 01-10-2025
 Complaint : 02-10-2025
 Apprehension : 10-10-2025
 Release on bail : Custody
 Commitment : Nil
 Commencement of trial : 27-03-2026
 Close of Trial : 07-04-2026
 Sentence or order : 07-04-2026
 Service of copy of judgment or finding on accused : N.A.
 Explanation for delay : No delay.

This Sessions Case coming on for final hearing on 07-04-2026 in the presence of the Special Public Prosecutor and having stood over for consideration on 07-04-2026 and the court on the same day delivered the following:

J U D G M E N T

This case is instituted upon the final report submitted by the Sub Inspector of Police, Manimala Police Station in crime no. 1078/2025 alleging offences punishable u/ss 74,75 (1) (i),76 of BNS, u/ss 8 r/w 7,10 r/w 9(p) of POCSO Act.

2. The prosecution case is as follows:-

CW1 the victim girl was aged 15 years in 2025. The accused is the brother-in-law of CW2 the father of the victim. On 1/10/2025 at 2 am in the bedroom of the house named 'Mappilkunnel' that situates in Vazhoor village wherein the accused was residing with his family, accused forcibly covered the mouth and nose of the victim who was sleeping, with his hands and then lifted the banyan and bra worn by her, squeezed her breast and bit on her right nipple. He also squeezed her vagina by putting his hands through the pants worn by her. He then warned her not to divulge the incident to anyone. Thereby the accused is alleged to have committed the aforesaid offences.

3. On the basis of the FIS [First Information Statement] given by the victim before CW15 WCPO, Manimala Police Station,CW16

the Sub Inspector of Police (grade) registered FIR against the accused u/ss 74, 75 (1) (i), 76 of BNS,u/ss 8, 7,10, 9 (p) of POCSO Act. Thereafter CW18, the Sub Inspector of Police, Manimala Police station conducted the investigation, arrested the accused on 10/10/2025, produced him before the jurisdictional Magistrate on 11/10/2025 and he was remanded to judicial custody. On completion of investigation, on 2/12/2025 CW18 submitted final report before the Addl. District & Sessions Court-I (POCSO), Kottayam. After taking cognizance of the aforesaid offences, this case was taken on file and as per the Order of the Hon'ble Sessions Judge, Kottayam the case was transferred to this court for trial and disposal in accordance with law. The accused was released on bail on 16/12/2025.

4. On appearance of the accused before this court, copies of relevant prosecution records were furnished to him. After hearing both sides, as there was no ground to discharge him u/s 250(2) of BNSS, charge was framed against the accused u/ss 8 r/w 7,10 r/w 9 (p) of POCSO Act,secs 75(2) r/w75(1) (i),74,76 of BNS. It was read over and explained to the accused, to which he pleaded not guilty and claimed to be tried.

5. On the side of the prosecution, PW1 and PW2 were examined and Exts. P1, P1(a), P2 and P3 were marked. The remaining witnesses were given up by the learned Special Public Prosecutor. Since there is no incriminating evidence against the accused, questioning him u/s. 351 (1) (b) of BNSS was dispensed with.

6. Heard both sides u/s 255 BNSS.

7. The points that arises for consideration are:-

1. Whether accused has committed the offences punishable u/ss 8 r/w 7, 10 r/w 9 (p) of POCSO Act, secs 75(2) r/w 75 (1) (i),74,76 of BNS?

2. Sentence or order.

8. **Point No. 1** :-

When testified though PW1 the victim stated that she had given Ext. P1 FIS, stated that she doesn't remember the reason for lodging Ext. P1. She denied Ext. P1 (a) and P2, the relevant portions of Ext. P1 and her additional statement respectively. According to PW1 she is not remembering whether she has given any statement

to the Magistrate. She stated that she was not subjected to medical examination and has not given any statement to the doctor. She categorically stated that the accused who is her uncle has not committed any sexual violence on her.

9. PW2 the father of the victim and brother-in-law of the accused disowned the statement given by him to the police. He denied Ext.P3 the relevant portion of his previous statement to police. He who is an attester to the scene mahazar stated that he has not witnessed the police officials preparing scene mahazar. According to him, he has affixed his signature on a blank paper.

10. Thus PW1 and PW2 the material witnesses didn't support the prosecution case. They are not trustworthy witnesses. There is absolutely no evidence to connect the accused with the offences alleged against him. The point is found accordingly.

11. Point No. 2:-

In view of the finding on point no.1, accused is found not guilty of the offences punishable u/ss 8 r/w 7, 10 r/w 9 (p) of POCSO Act, secs 75(2) r/w 75 (1) (i),74,76 of BNS. Accordingly accused is

acquitted of the said offences u/s 255 of BNSS. The bail bond executed by him stands cancelled and he is set at liberty.

Dictated to the Confidential Assistant transcribed and typed by her, corrected by me and pronounced in open court on this the 7th day of April, 2026.

Sd/-
SAIMA P.S,
SPECIAL JUDGE

APPENDIX

A. PROSECUTION WITNESSES :

PW1 27-03-2026 : Victim

PW2 27-03-2026 : Father of Victim

B. DEFENCE WITNESS : NIL

C. COURT WITNESS: NIL

A. EXHIBITS FOR PROSECUTION :

P1/PW1 02-10-2025 : First Information Statement.

P1(a)/PW1 02-10-2025 : Relevant Portion of First Information Statement.

P2/PW1 18-10-2025 : Relevant Portion of 161 Statement of PW1

P3/PW2 04-10-2025 : Relevant Portion of 161 Statement of PW2

B. EXHIBIT FOR DEFENCE: NIL

C. EXHIBIT FOR COURT: NIL

MATERIAL OBJECT MARKED : NIL.

Sd/-
SPECIAL JUDGE.