

**IN THE COURT OF THE FAST TRACK SPECIAL JUDGE, CHANGANASSERY****Present : Smt. Saima P.S., Special Judge.****WEDNESDAY THE 18<sup>th</sup> DAY OF MARCH 2026****27<sup>th</sup> day of Phalgunam ,1947.S.E****SESSIONS CASE No.205/2025****Crime No.1609/2024 of Chingavanam Police Station**

**COMPLAINANT** : State of Kerala,  
represented by the Inspector of Police,  
Chingavanam

**ACCUSED** : By Special Public Prosecutor : Sri. P.S.Manoj  
Abhinand K M, aged 20/2024  
S/o Mikesh,  
Koyiparambil House,  
Kelankavala Bhagom  
Spuram P.O,  
Kurichi Village

By Advocates : Sri. Gokul.K.S, and Adv,. Kessiya .E.Anil

**CHARGE** : u/ss. 351(2), 64(1) of BNS, u/ss. 4 r/w 3(a) of  
POCSO Act, u/s. 67 B(a) of IT Act.

**PLEA** : Not guilty.

**FINDING** : Not guilty

**SENTENCE/ORDER** : The accused is found not guilty of the offences  
punishable u/ss. 351(2), 64(1) of BNS, u/ss. 4 r/w  
3(a) of POCSO Act, u/s. 67 B(a) of IT Act.  
Accordingly accused is acquitted of the said offences  
u/s. 255 of BNSS 2023. The bail bond executed by  
him stands cancelled and he is set at liberty.

**DATE OF TRIAL** : 07-03-2026

**HEARING** : 18-03-2026

**JUDGMENT** : 18-03-2026

**TABULAR FORM**

Serial No. : S.C. No. 205/2025  
Name of Police station : Chingavanam Police Station.  
of and Cr. no. of offence : Crime No.1609/2024

**DESCRIPTION OF THE ACCUSED**

Sl. No.	Name	Father's Name	Occupation	Religion	Residence	Age
	Abhinand K M	Mikesh			Koyiparambil House, Kelankavala Bhagom Spuram P.O, Kurichi Village	20/2024

**Date of**

Occurrence	:	From 01-09-2024 To 30-11-2024
Complaint	:	20-12-2024
Apprehension	:	21-12-2024
Release on bail	:	--
Commitment	:	Nil
Commencement of trial	:	07-03-2026
Close of Trial	:	07-03-2026
Sentence or order	:	18-03-2026
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 18-03-2026 in the presence of the Special Public Prosecutor and having stood over for consideration on 18-03-2026 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 Inspector of Police, Chingavanam Police Station in crime no. 1609/2024 alleging offences punishable u/ss. 351(2), 64(1) of BNS, u/ss. 3(a), 4 of POCSO Act, u/s. 67 B of IT Act.

2. The prosecution case is as follows:-

The accused befriended CW1 the victim child through Instagram and on a day in the month of October 2024 accused made her to send her nude photos to him through Instagram. Thereafter on a day in the month of November 2024 he committed penetrative sexual assault on the victim, in the bedroom of the house bearing building no. 434 that situates in Ward no. XIX of Kurichy Grama Panchayath wherein the victim was residing with her family. Thereby the accused is alleged to have committed the aforesaid offences.

3. On the basis of the FIS (First Information Statement) given by CW1 the victim before CW8 the Asst. Sub Inspector of Police, Chingavanam Police Station, CW22 the Sub Inspector of Police, Chingavanam Police Station registered FIR as crime no. 1609/2024 of Chingavanam Police Station u/s. 64(1) of BNS, u/ss. 3(a), 4 of POCSO Act, u/s. 67 B of IT Act. CW23 the Inspector of Police, Chingavanam conducted investigation, arrested the accused on 21-12-2024, produced him before the jurisdictional Magistrate on the same day itself and was remanded to judicial custody. On completion of investigation, on 18.02.2025 he 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 02-04-2025.

4. In pursuance of summons, accused appeared before this court. The 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. 351(2), 64(1) of BNS, u/ss. 4 r/w 3(a) of POCSO Act, u/s. 67 B(a) of IT Act. 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 & PW2 were examined and Exts. P1, P1(a) & P2 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 of BNSS.

7. The points that arises for consideration are:-

1. Whether the prosecution has succeeded in proving that the accused has committed the offences punishable u/ss. 351(2), 64(1) of BNS, u/ss. 4 r/w 3(a) of POCSO Act, u/s. 67 B(a) of IT Act?

2. Sentence or order.

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

PW1 the victim though stated that she has given Ext. P1 FIS , denied Ext. P1(a), the relevant portion of Ext. P1 statement. She stated that she is not remembering the reason for which she preferred Ext. P1 statement and whether she has given any statement to the Magistrate. She further stated that she has

not shown the place of occurrence to the Investigating Officer and she was not taken before the Doctor for medical examination. She specifically stated that the accused is unknown to her, he has not committed any sexual violence to her and has not coerced her to send her nude photos to his mobile phone. She further stated that she doesn't know the mobile number of the accused.

9. According to PW2 the mother of PW1 the victim, she has not given any statement to the Investigating Officer. She denied Ext. P2 the relevant portion of her previous statement.

10. Thus PW1 & 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. 351(2), 64(1) of BNS, u/ss. 4 r/w 3(a) of POCSO Act, u/s. 67 B(a) of IT Act. Accordingly accused is acquitted of the said offences u/s. 255 of BNSS 2023. The bail bond executed by him stands cancelled and he is set at liberty.

After the period of appeal, return item no. 1 in T-34/25 (Samsung mobile phone) to victim and item no. 1 in T-59/25 (Redmi mobile phone) to accused,

after getting removed the contents in it, by sending the same to District Forensic Science Laboratory (DFSL) and after obtaining a report to that effect from DFSL.

Dictated to the Confidential Assistant transcribed and typed by her, corrected by me and pronounced in open court on this the 18<sup>th</sup> day of March, 2026.

Sd/-  
SAIMA P.S,  
SPECIAL JUDGE

### **APPENDIX**

#### **A. PROSECUTION WITNESSES :**

PW1 07-03-2026 : Victim  
PW2 07-03-2026 : Mother of Victim

#### **B. DEFENCE WITNESSES : NIL**

#### **C. COURT WITNESS: NIL**

#### **A. EXHIBITS FOR PROSECUTION :**

P1/PW1 20-12-2024 : First Information Statement.  
P1(a)/PW1 20-12-2024 : Relevant Portion of First Information Statement.  
P2/PW2 20-12-2024 : Relevant Portion of 161 Statement of PW2

#### **B. EXHIBITS FOR DEFENCE: NIL**

#### **C. EXHIBITS FOR COURT: NIL**

#### **MATERIAL OBJECTS MARKED : NIL.**

Sd/-  
**SPECIAL JUDGE.**