

IN THE COURT OF THE FAST TRACK SPECIAL JUDGE, CHANGANASSERY**Present : Smt. Saima P.S., Special Judge.****TUESDAY THE 24th DAY OF MARCH 2026****3rd day of Chaithram ,1948****SESSIONS CASE No.243/2025****Crime No. 82/2025 of Erumely Police Station**

COMPLAINANT : State of Kerala,
represented by the Inspector of Police,
Erumely
By Special Public Prosecutor : Sri. P.S.Manoj

ACCUSED : Favas Faisal K.M, aged 23/2024
S/o Faisal Kaimal,
Vallikattil House,
Olakulam Bhagam,
Mukuttuthara P.O,
Kulamula Village.

By Advocates : Sri. Muhammed Haris.K.S

CHARGE : U/ss. 78(2) r/w 78(1)(i), 329(3), 351(2) r/w 351(1) of
BNS, u/ss. 12 r/w 11(iv) of POCSO Act

PLEA : Not guilty.

FINDING : Not guilty

SENTENCE/ORDER : The accused is found not guilty of the offences
punishable u/ss. 78(2) r/w 78(1)(i), 329(3), 351(2) r/w
351(1) of BNS, u/ss. 12 r/w 11(iv) of POCSO Act .
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 : 16-03-2026

HEARING : 24-03-2026

JUDGMENT : 24-03-2026

TABULAR FORM

Serial No. : S.C. No. 243/2025
Name of Police station : Erumely Police Station.
of and Cr. no. of offence : Crime No.82/2025

DESCRIPTION OF THE ACCUSED

Sl. No.	Name	Father's Name	Occupation	Religion	Residence	Age
	Favas Faisal K.M	Faisal Kaimal,		Christian	Vallikattil House, Olakulam Bhagam, Mukuttuthara P.O, Kulamula Village.	23/2024

Date of

Occurrence	:	From 01-06-2023 To 20-01-2025
Complaint	:	22-01-2025
Apprehension	:	22-01-2025
Release on bail	:	25-02-2025
Commitment	:	Nil
Commencement of trial	:	16-03-2026
Close of Trial	:	16-03-2026
Sentence or order	:	24-03-2026
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 24-03-2026 in the presence of the Special Public Prosecutor and having stood over for consideration on 24-03-2026 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 Sub Inspector of Police, Erumeli Police Station in crime no. 82/2025 alleging offences punishable u/ss. 78, 329(3), 351(1) of BNS, u/ss. 11(iv), 12 of POCSO Act.

2. The prosecution case is as follows:-

With intent to commit sexual assault on CW2 the victim child, since June 2023 accused constantly contacted the victim over phone, despite the warning

from CW1 the mother of the victim child. Thereafter he bought a mobile phone for the victim and handed over the same to her and then began to contact her over that phone by enticing her. When CW1 objected the aforesaid act of the accused, on 20-01-2025 at 9 am accused trespassed into the courtyard of the house bearing building no. 125 that situates in Ward no. VI of Erumeli Grama Panchayath wherein CW1 and CW2 were residing and threatened CW1. 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 mother of victim before CW20 the Asst. Sub Inspector of Police, Erumeli Police Station, CW21 the Sub Inspector of Police, Erumeli Police Station registered FIR as crime no. 82/2025 of Erumeli Police Station u/ss. 78, 329(3), 351(1) of BNS, u/ss. 11(v), 12 of POCSO Act. Thereafter CW21 conducted investigation, arrested the accused on 22-01-2025, produced him before the jurisdictional Magistrate on 23-01-2025 and he was remanded to judicial custody. The accused was released on bail on 25-02-2025. On completion of investigation, on 11.03.2025 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.

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. 78(2) r/w 78(1)(i), 329(3), 351(2) r/w 351(1) of BNS, u/ss. 12 r/w 11(iv) of POCSO 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. 78(2) r/w 78(1)(i), 329(3), 351(2) r/w 351(1) of BNS, u/ss. 12 r/w 11(iv) of POCSO Act?

2. Sentence or order.

8. Point No. 1 :-

PW1 the mother of 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 doesn't remember the reason for which she has lodged Ext. P1. She specifically stated that the accused is unknown to her and he didn't come to her house and made fuss.

9. According to PW2 the victim she has not given any statement to the police. She denied Ext. P2 the relevant portion of her statement. She stated that she is not remembering whether she has given any statement to the Magistrate. She specifically stated that the accused is unknown to her and he has not bought a mobile phone for her.

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. 78(2) r/w 78(1)(i), 329(3), 351(2) r/w 351(1) of BNS, u/ss. 12 r/w 11(iv) of POCSO Act . 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.

Item no. 1 in T-69/25 is to be confiscated after the period of appeal.

Dictated to the Confidential Assistant transcribed and typed by her, corrected by me and pronounced in open court on this the 24th day of March, 2026.

Sd/-
SAIMA P.S,
SPECIAL JUDGE

APPENDIX**A. PROSECUTION WITNESSES :**

PW1 16-03-2026 : Mother of Victim

PW2 16-03-2026 : Victim

B. DEFENCE WITNESS : NIL**C. COURT WITNESS : NIL****A. EXHIBITS FOR PROSECUTION :**

P1/PW1 22-01-2025 : First Information Statement.

P1(a)/PW1 22-01-2025 : Relevant Portion of First Information Statement.

P2/PW2 22-01-2025 : Relevant Portion of statement of PW2.

B. EXHIBIT FOR DEFENCE: NIL

C. EXHIBIT FOR COURT: NIL

MATERIAL OBJECT MARKED : NIL.

Sd/-
SPECIAL JUDGE.