

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

**TUESDAY THE 28<sup>th</sup> DAY OF APRIL 2026**  
**8<sup>th</sup> day of Vaisakam ,1948**

**SESSIONS CASE No. 337/2025**  
**Crime No. 182/2025 of Pallickathodu Police Station**

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

**ACCUSED** : 1. Binu Vijayan, aged 22/2025  
S/o Vijayan  
Maruthimoottil House,  
Kurumbanmoozhi Panankuduntha Bhagom,  
Chathankara Kara,  
Kollamula Village,  
Pathanamthitta District  
  
2. Sulekha T K, aged 43/2025  
S/o Abhilash,  
Thattaparambil House,  
S N Puram Temple Bhagom,  
S N Puram P O,  
Kothala Kara,  
Kooroppada Village.  
  
3. Sini Vijayan, aged 48/2025  
S/o Vijayan  
Maruthimoottil House,  
Kurumbanmoozhi Panankuduntha Bhagom,  
Chathanthara Kara,  
Kollamula Village,  
Pathanamthitta District.

By Advocates : Sri. Allen Philip Joseph,  
Sri. Levin .T.Thomas & Thomas Varghese

CHARGE : U/ss. 6 r/w 5 (l),6 r/w 5 j(ii),6 r/w 5 (q),10 r/w 9(l),10 r/w 9 (q) of POCSO Act, sec. 64(1) r/w 63 (a),87,64(2)(h)of BNS and 2<sup>nd</sup> and 3<sup>rd</sup> accused are found not guilty of the offences punishable u/s.17 r/w16 and 21 of POCSO Act. Accordingly they are acquitted of the said offences u/s. 255 BNSS.

PLEA : Not guilty.

FINDING : Not guilty

SENTENCE/ORDER : The 1<sup>st</sup> accused is found not guilty of the offences punishable u/ss.6 r/w 5 (l),6 r/w 5 j(ii),6 r/w 5 (q),10 r/w 9(l),10 r/w 9 (q) of POCSO Act, sec. 64(1) r/w 63 (a),87,64(2)(h)of BNS and 2<sup>nd</sup> and 3<sup>rd</sup> accused are found not guilty of the offences punishable u/s.17 r/w16 and 21 of POCSO Act. Accordingly they are acquitted of the said offences u/s. 255 BNSS. The bail bond executed by them stands cancelled and they are set at liberty.

DATE OF TRIAL : 26-03-2026, 01-04-2026

HEARING : 28-04-2026

JUDGMENT : 28-04-2026

**TABULAR FORM**

Serial No. : S.C. No. 337/2025  
 Name of Police station : Pallickathodu Police Station.  
 of and Cr. no. of offence : Crime No.182/2025

**DESCRIPTION OF THE ACCUSED**

Sl. No.	Name	Father's Name	Occupation	Religion	Residence	Age
1	Binu Vijayan,	Vijayan	Two	Hindu	Maruthimoottil House, Kurumbanmoozhi	22/2025

			wheeler mechanic		Panankuduntha Bhagom, Chathankara Kara, Kollamula Village, Pathanamthitta District	
2	Sulekha T K	Abhilash,	House wife	Hindu	Thattaparambil House, S N Puram Temple Bhagom, S N Puram P O, Kothala Kara, Kooroppada Village.	43/2025
3	Sini Vijayan,	Vijayan	Home Nurse	Hindu	Maruthimoottil House, Kurumbanmoozhi Panankuduntha Bhagom, Chathanthara Kara, Kollamula Village, Pathanamthitta District.	48/2025

**Date of**

Occurrence	:	From 01-05-2024 To 25-2-2025
Complaint	:	25-02-2025
Apprehension	:	28-02-2025, 05-03-2025, 28-02-2025
Release on bail	:	04-03-2025, 04,03-2025&21-03-2025,
Commitment	:	Nil
Commencement of trial	:	26-03-026
Close of Trial	:	01-04-2026
Sentence or order	:	28-04-2026
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 28-04-2026 in the presence of the Special Public Prosecutor and having stood over for consideration on 28-04-2026 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 Inspector of Police, Pallickathodu Police Station in crime no. 182/25 against accused no.1 to 3 alleging offences punishable u/ss. 64 (1) r/w 63 (vi)a, 87 of BNS, Sec.6 r/w 5 j (ii), 5 (l),5 (q),10 r/w 9(l), 9(q),16,21 of POCSO Act.

2. The prosecution case is as follows:-

CW2 the victim child is the daughter of the 2nd accused. The 1st accused is the son of the 3<sup>rd</sup> accused. The victim child and the 2nd accused are residing in the house named 'Naduthottiyil' that situates at Nadepeedika Bhagom, Kooroppada Village. With the intention to ravish the victim child, the 1st accused who was residing in the aforesaid house with the consent and knowledge of 2<sup>nd</sup> accused, from 3/5/2024 till 12/6/2024 in the bedroom and hallroom of the aforesaid house committed penetrative sexual assault on the victim child on multiple occasions. Thereafter from 12/6/2025 onwards with the consent and knowledge of the 3<sup>rd</sup> accused, the 1<sup>st</sup> accused and the victim child resided in her house (3rd accused) named Maruthimoottil that situates at Kurumpanmoozhi, Panamkuduntha Bhagom, Kollumula Village,

Pathanamthitta and the 1<sup>st</sup> accused committed penetrative sexual assault on CW1 the victim child in the bedroom of the aforesaid house on multiple occasions. Subsequently, from 17/9/2025 onwards, while the 1<sup>st</sup> accused and the victim child were residing in the house named 'Kulangarakuzhi' that situates at Kannamkara bhagom, Enadhimangalam village wherein CW16 Bipin V. @ Kannan, the friend of the 1<sup>st</sup> accused was residing, the 1<sup>st</sup> accused committed penetrative sexual assault on the victim child on multiple occasions in the bedroom of the said house and as consequence of the sexual assault, the victim child became pregnant and thereafter from 6/11/2024 onwards, in the bedroom of the house named 'Cherusserikunnel' that situates at Perumkulam, Chathanpara bhagom, Anickadu Village wherein the 2<sup>nd</sup> accused was residing for rent, the first accused committed penetrative sexual assault on the victim child on several occasions knowing that she is pregnant and on 27/1/2025, the 1<sup>st</sup> accused kidnapped the victim child from the aforesaid house and took her to his house named 'Maruthimoottil' that situates at Kurumpanmoozhi, Panamkudantha Bhagom and committed penetrative sexual assault on her on multiple occasions in the bedroom of the said house knowing that she is pregnant. It is further alleged that the 2<sup>nd</sup> and 3<sup>rd</sup> accused intentionally aided the first accused in committing the aforesaid offences on the victim child and they also failed to report the authorities concerned regarding the commission of

aforesaid sexual assault on the victim child. Thereby the accused are alleged to have committed the aforesaid offences.

3. On the basis of the FIS (First Information Statement) given by CW21 the sister of CW2 the victim child before CW42 ASI of Police, Pallickathodu Police Station, CW46 the Inspector of Police, Pallickathodu registered FIR as crime no.182/25 of Pallickathodu Police Station u/ss. 64 (1),63(vi)(a),87of BNS,6,5j(ii),16,21ofPOCSO Act against 1<sup>st</sup> and 2<sup>nd</sup> accused. Then CW46 the Inspector of Police, Pallickathodu Police Station conducted the investigation, arrested the accused nos.1 and 3 on 28/2/2025 and produced them before the jurisdictional Magistrate on 1/3/2025 and they were remanded to judicial custody. He has arrested the 3rd accused on 7/3/2025 and produced her before the jurisdictional Magistrate and she was remanded to judicial custody. The 3rd accused was released on bail 28/3/2025. On completion of investigation, on 25/4/2025, CW46 submitted final report before the Addl. District & Sessions Court-I, (POCSO Court), 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 1st and 2nd accused were released on bail on 28/5/2025 and 5/6/2025 respectively.

4. In pursuance of summons, accused appeared before this court. The copies of relevant prosecution records were furnished to them. After hearing

both sides, as there was no ground to discharge them u/s.250 BNSS, charge was framed against the 1<sup>st</sup> accused u/ss.6 r/w 5 (l),6 r/w 5 j (ii),6 r/w 5 (q),10 r/w 9(l),10 r/w 9 (q) of POCSO Act u/s. 64(1) r/w 63 (a),87,64(2)(h)of BNS and against 2<sup>nd</sup> and 3<sup>rd</sup> accused u/s.17 r/w16 and 21 of POCSO Act. It was read over and explained to accused nos. 1 to 3, to which they pleaded not guilty and claimed to be tried.

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

6. Heard both sides u/s. 255 BNSS.

7. The points that arises for consideration are:-

1. Whether the 1st accused committed the offences punishable u/ss.6 r/w 5 (l),6 r/w 5 j(ii),6 r/w 5 (q),10 r/w 9(l),10 r/w 9 (q) of POCSO Act and u/s. 64(1) r/w 63 (a),87,64(2)(h)of BNS?
2. Whether the 2nd and 3rd accused have committed the offences punishable u/ss.17 r/w16 and 21 of POCSO Act.

3. Sentence or order.

8. **Point No. 1 and 2** :-

PW1 the victim would depose that her date of birth is 21/5/2004 and now she is aged 22 years. She disowned the statement given by her to the police. She denied Ext. P1 the relevant portion of her statement . She stated that she is not remembering whether she has given any statement to Magistrate. She maintained ignorance to the suggestion put to her by the learned Public Prosecutor that in connection with the occurrence, the doctor has collected blood samples from her and from the child born to her. She categorically denied the suggestion that while she was a minor, the 1<sup>st</sup> accused committed penetrative sexual assault on her and in consequence of the sexual assault, she gave birth to a child. She also denied the suggestion that accused nos. 2 and 3 aided the 1<sup>st</sup> accused in committing sexual violence on her while she was a minor and they failed to report the matter to the authorities concerned. She stated that she had not shown the place of occurrence to the Investigating Officer. She further stated that the 1<sup>st</sup> accused is the father of her child .

9. PW2 the sister of PW1 though stated that she had given Ext. P2 FIS statement to the Police, denied Exts. P2 (a) and P2(b) the relevant portions of Ext. P2 statement.

10. During the course of investigation blood samples of the accused and PW1 the victim were collected and forwarded to the FSL and the report is pending. The learned counsel for the accused submitted that the said report has no relevance, considering the nature of the evidence tendered by PW1 the victim. The learned Prosecutor has fairly conceded that the report of DNA profiling being a piece of expert evidence can only be used for corroboration and not conclusive evidence.

11. According to me, even if a positive DNA report is received, it is not sufficient to rope in the accused for the offences charged against him. The DNA evidence is in the nature of opinion evidence as envisaged u/s. 39 of BSA and like any other opinion evidence, its probative value varies from case to case. A positive DNA report can be of great significance, where there is supporting evidence.

12. Here, in this case, PW1 has no case that the accused committed penetrative sexual assault on her while she was under the age of 18 years. There is no evidence regarding her alleged sexual assault with the accused while she was a minor. In this circumstances, even if a positive report of DNA profiling is received, it does not change the outcome of the case.

13. Thus, there is absolutely no evidence against the accused nos. 1 to 3 regarding the commission of the offences charged against them. Thus point nos. 1 and 2 are found against the prosecution case.

14. **Point No. 2:-**

In view of the finding on point no.1 and 2, the 1<sup>st</sup> accused is found not guilty of the offences punishable u/ss.6 r/w 5 (l),6 r/w 5 j(ii),6 r/w 5 (q),10 r/w 9(l),10 r/w 9 (q) of POCSO Act, sec. 64(1) r/w 63 (a),87,64(2)(h)of BNS and 2<sup>nd</sup> and 3<sup>rd</sup> accused are found not guilty of the offences punishable u/s.17 r/w16 and 21 of POCSO Act. Accordingly they are acquitted of the said offences u/s. 255 BNSS. The bail bond executed by them stands cancelled and they are set at liberty.

Inform the FSL to keep the material objects for three months without conducting any test and if no communication is received from the court within that time, dispose the material objects thereafter without conducting the test, as the case is disposed of.

Dictated to the Confidential Assistant transcribed and typed by her, corrected by me and pronounced in open court on this the 28<sup>th</sup> day of April, 2026.

**Sd/-  
SAIMA P.S,  
SPECIAL JUDGE**

**APPENDIX**

**A. PROSECUTION WITNESSES :**

PW1      26-03-2026      : Victim  
PW2      01-04-2026      : Sister of victim

**B. DEFENCE WITNESS :** NIL

C. COURT WITNESS: NIL

A. EXHIBITS FOR PROSECUTION :

P1/PW1 01-03-2025 : Relevant Portion of 161 Statement of PW1

P2/PW2 25-02-2025 : First Information Statement of PW2

P2(a)/PW2 25-02-2025 : Relevant Portion of First Information Statement of PW2

P2(b)/PW2 25-02-2025 : Relevant Portion of First Information Statement of PW2

B. EXHIBIT FOR DEFENCE: NIL

C. EXHIBIT FOR COURT: NIL

MATERIAL OBJECT MARKED : NIL.

Sd/-  
**SPECIAL JUDGE.**