

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

WEDNESDAY THE 29th DAY OF APRIL, 2026
9th day of Vaisakham 1948

SESSIONS CASE No. 307/2023
Crime No. 400/2023 of Karukachal Police Station

COMPLAINANT : State of Kerala,
represented by the Inspector of Police,
Karukachal Police Station

ACCUSED : By Special Public Prosecutor : Sri. P.S.Manoj
Sreejith S, aged 21/2023
S/o Sajeev,
Suvarnamandiram house,
Vettikkavala village,
Kollam District.

By Advocate : Sri. Sajikumar. E.A

CHARGE : U/ss.12 r/w 11(i), 12 r/w 11(ii), 12 r/w 11 (iii), 12 r/
w (iv), 12 r/w 11(vi) of POCSO Act, secs 354-D
(1) (i), 354-A(1) (ii), 509, 420 of IPC, Secs 67A,67
B of IT Act

PLEA : Not guilty

FINDING : Not guilty

SENTENCE/ORDER : The accused is found not guilty of the offences
punishable u/ss. 12 r/w 11(i), 12 r/w 11(ii), 12 r/w 11
(iii), 12 r/w (iv), 12 r/w 11(vi) of POCSO Act, secs
354-D (1) (i), 354-A(1) (ii), 509, 420 of IPC, Secs
67A,67 B of IT Act. Accordingly accused is
acquitted of the said offences u/s. 235 (1) of CrPC. The
bail bond executed by him stands cancelled and he is
set at liberty.

DATE OF TRIAL : 07.06.2024,14.08.2024,23.08.2024,
30/08/2024,03.09.2024,05/09/2024,10/09/2024,
25/09/2024,14/10/2024,24.10.2024,01/08/2025

HEARING : 23-04-2026

JUDGMENT : 29-04-2026

TABULAR FORM

Serial No. : S.C. No. 307/2023
 Name of Police station : Karukachal Police Station.
 of and Cr. no. of offence : Crime no. 400/2023

DESCRIPTION OF THE ACCUSED

Sl. No	Name	Father's Name	Occupation	Religion	Residence	Age
	Sreejith. S	Sajeev	--	Christian-	Suvarnamandiram House, Vettikkavala village, Kollam District.	21/2023

Date of

Occurrence : From 01/09.2022 to 10/03.2023
 Complaint : 11.03.2023
 Apprehension : 13.04.2023
 Release on bail : 19-05-2023
 Commitment : Nil
 Commencement of trial : 07.06.2024
 Close of Trial : 1/8/2025
 Sentence or order : 29-04-2026
 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 29-04-2026 in the presence of the Special Public Prosecutor and having stood over for consideration on 29-04-2026 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, Karukachal Police Station in Crime No. 400/23 of Karukachal Police Station alleging offences punishable u/ss 354 (A) (ii), 354 D, 509, 201 of Indian Penal Code, ss. 67(a), 67(b) of Information Technology Act, sections 11(i) , 11 (ii), 11(iii), 11(iv), 11 (vi), 12 of Protection of Children from Sexual Offences Act, 2012.

2. The case of the prosecution unfolded from the materials on record is as follows:-

The accused got acquainted with CW1 the victim on the last of December 2022 through social media. He used to chat with her through his WhatsApp and Instagram account having number 7034746183 on her mobile phone having number 9744907781. He also used to make the child to take the photographs of her private parts and to send it to his mobile phone and he sent his nude pictures and pictures of his private parts to her. During their video-call sessions, he exhibited his nudity to her, did masturbation and showed it to the victim and enticed her to do so. Thereafter, on 10.03.2023 at 07.40 a.m, on the verandah in front of 'Drishya Textiles' that situates near Karukachal bus stand, by enticing the victim child, he obtained her chain that weighs two sovereigns of gold and thereafter he caused disappearance of

evidence. Thereby the accused is alleged to have committed the aforesaid offences.

3. On completion of investigation, on 10.05.2023 CW35 the Inspector of Police, Karukachal submitted final report before the Additional District and Sessions Court(POCSO), Kottayam. The said court has taken this case on file as SC 307/23 and thereafter as per the order of the Hon'ble District and Sessions Judge, the case was transferred to this court for trial and disposal in accordance with the law.

4. In pursuance of summons, accused appeared before the court. The copies of relevant prosecution records were furnished to him. After hearing the learned Special Public Prosecutor and also the learned Counsel appearing for the accused, as there was no ground to discharge the accused u/s 227 CrPC, charge was framed against him u/ss 12 r/w 11(i), 12 r/w 11(ii), 12 r/w 11 (iii), 12 r/w (iv), 12 r/w 11(vi) of POCSO Act, secs 354-D (1) (i), 354-A(1) (ii), 509, 420 of IPC, Secs 67A,67 B of IT Act. That charge was read over and explained to accused, to which he pleaded not guilty and claimed to be tried.

5. On the side of the prosecution, PWs1 to PW27 were examined and Exts. P1 to P50 were marked. MO1 to MO3 were also marked. CW33 was dispensed with. The remaining witnesses were given up by the learned Special Public Prosecutor. After completing the prosecution evidence, accused was examined u/s 313 (1) (b) of CrPC. He denied the entire allegations levelled against him and maintained innocence. Thereafter, this case was adjourned for hearing u/s 232 of CrPC. Since this court is satisfied that this is not a case of 'no evidence' to order an acquittal u/s 232 of CrPC, the accused was called upon to enter on his defence and to adduce any

evidence which he might have in support thereof. No oral or documentary evidence has been adduced by the accused.

6. Heard both sides.

7. The points that arise for consideration are as follows.

1. Was PW1 the victim, a child at the time of commission of the alleged offence ?
2. Whether accused committed offences punishable u/s 12 r/w 11(i),(ii), (iii), (iv), (vi) of POCSO Act ?
3. Whether accused committed the offence u/s 354- D (1) (i) of IPC ?
4. Whether accused committed offence u/s 354- A (1) (ii) of IPC?
5. Whether accused committed offence punishable u/s 509 of IPC ?
6. Whether accused committed offence punishable u/s 420 of IPC?
7. Whether accused committed offence punishable u/s 67 A of IT Act?
8. Whether accused committed offence punishable u/s 67 B of IT Act ?

9.Sentence or Order

8. The case advanced by the prosecution can be narrated in brief for the purpose of understanding the same at a glance.

On 11.03.2023, PW1 the victim child gave Ext. P1 FIS (First Information Statement) to PW22 the Civil Police Officer (CPO), in the

presence of PW2 her mother, alleging that accused committed sexual harassment on her and obtained her chain that weighs two sovereign of gold from her by enticing her. On the basis of Ext. P1 statement, PW23 the Sub Inspector of Police registered FIR against the accused as Crime no. 400/23 u/ ss 354 A (1) (ii) , 354-D, 509 IPC, sec. 67 A,67 B, sec.11(i),11(ii), 11(iii),11(iv), 11(vi) of POCSO Act. On the same day itself PW2 produced MO1 mobile phone that was used by the victim before PW27 the Inspector of Police and he has seized the same under Ext. P5 mahazar and has produced the same before court along with Ext. P31 property list. PW3 the uncle of the victim and PW23 are attestors to Ext. P5 mahazar. Thereafter CW23 the Judicial First Class Magistrate-1 Changanassery recorded the statement of the victim u/s 164 CrPC. The victim was taken to General Hospital, Kottayam for medical examination. She was accompanied by PW2 her mother and PW22 and was examined by PW9, the consultant Gynaecologist who issued Ext. P12 Report of medico- legal examination of survivor in sexual offence.

9. On 12.03.2023, PW1 showed the room from where she contacted the accused through her mobile phone to PW27 and he has prepared Ext. P3 scene mahazar. PW2 and CW3 the father of the victim are attestors to Ext. P3. On investigation, since it revealed that the accused committed offence u/s 12 of POCSO Act, PW27 submitted Ext. P33 report before court stating that investigation is being conducted by incorporating section 12 of POCSO Act also. He has prepared Ext. P13 inventory in respect of Ext. P12 report and produced Ext. P12 before court along with Ext. P41 Form 15. PW10 CPO is an attestor to Ext. P13.

10. In the presence of PW2, PW1 showed to PW27 the place wherein she handed over her gold chain to accused and he had prepared Ext P4 scene mahazar. PW2 and CW3 are attestors to Ext. P4 mahazar.

11. On 14.03.2023, PW27 has seized Ext. P6 Guest relation card, Ext P7 Bill and Ext P8 Certificate u/s 65B of Evidence Act which were produced before him by PW4 the Receptionist of Arcadia Hotel that situates at Karukachal wherein the accused is alleged to have stayed on the night of 09.03.2023, under Ext. P9 seizure mahazar. PW5, a staff of the said hotel is an attestor to Ext. P9 mahazar. PW27 has produced Exts. P6 to P8 before court along with Ext. P32 Form 15.

12. PW10 CPO collected Ext. P22 Ownership Certificate and Ext. P23 Certificate under Section 65-B of Evidence Act that were issued by PW20 the Secretary, Nedumkunnam Grama Panchayath and produced it before PW27 and he has seized the same by preparing Ext. P28 inventory and produced Exts. P22 and P23 before court along with Ext. P48 Form15. PW25 CPO is an attestor to Ext. P28.

13. PW18 CPO collected Ext. P20 Birth Certificate of victim and Ext. P21 Certificate under Section 65B of Evidence Act that were issued by PW19 the Secretary, Ayarkunnam Grama Panchayath and produced it before PW27 and he has seized the same by preparing Ext. P29 inventory and produced Exts. P20 and P21 before court along with Ext. P49 Form 15. PW25 is an attestor to Ext. P29.

14. PW27 arrested the accused on 13.04.2023 and in connection with his arrest, has prepared Exts. P34 arrest memo, P35 arrest intimation, P36 custody memo and P37 inspection memo. He has prepared Ext. P38 address

report of accused. PW27 seized MO3 mobile phone from the possession of accused at the time of his arrest as per Ext. P37 memo and has produced MO3 before court along with Ext.P45 property list.

15. As led and identified by the accused, PW27 recovered MO2 mobile phone which was alleged to be used by the accused for committing the offences from a shop named ' Salala Mobiles' that situates at Enathu under Ext. P10 recovery mahazar and has produced the same before court along with Ext. P39 property list. PW7 and PW24 are attestors to Ext. P10 mahazar. The accused was taken to General Hospital, Changanachery for medical examination. He was accompanied by PW11 CPO and was examined by PW8 the Casualty Medical Officer, who after examination issued Ext. P11 Report of examination of male accused in sexual offence (including potency). Accused was produced before the jurisdictional magistrate on the same day itself and he was remanded to judicial custody. PW7 seized Ext. P11 report that was produced before him by PW11 by preparing Ext. P14 inventory and produced Ext. P11 before court along with Ext. P40 Form 15.

16. PW12, the Principal of the School wherein the victim was admitted in the 1st standard has produced the Admission Register of the said School for the period from 2005 - 2006 to 2016 - 2017 before PW27 and he has seized the said register under Ext. P17 mahazar. PW13 is an attestor to Ext. P17 mahazar. The said register was returned to PW12 as per Ext. P16 Kycheet. PW12 has also produced Ext. P15 attested copy of the relevant page of the admission register wherein the admission details of the victim was noted, before PW27 and he has produced Ext. P15 before court along with Ext. P50 Form-15.

17. PW7 has seized the photographs of accused and victim that were produced before him by PW14 SCPO and PW2 as per Ext. P25 inventory and Ext. P26 inventory and has produced those photographs before court along with Exts. P42 and P43 Form 15 respectively. PW5 is an attester to Exts. P25 and P26. PW7 has also produced Ext. P44 report stating that on investigation it revealed that accused has committed offence under Section 201 of IPC and hence that section has also been incorporated.

18. PW18 CPO collected Exts. P18 and P19 scene plans prepared by PW17 the Village Officer, Nedumkunnam and produced it before PW27 and he has seized the same under Ext. P27 inventory and produced Exts. P18 and P19 before court along with Ext. P47 Form 15. PW5 is an attester to Ext. P27.

19. PW27 has prepared and produced Ext. P46 Forwarding Note before the court for sending MO1 to MO3 mobile phones and photographs of victim and accused to the District Forensic Science Laboratory for examination. PW21 SCPO received the said material objects from the court and produced the same before the Forensic Science Laboratory at Ettumanoor. PW27 has recorded the statement of the witnesses and on completion of investigation, on 10.05.2023, he had submitted final report before the Additional District and Sessions Court, Kottayam. The accused was released on bail on 19.05.2023. Thereafter, on 6.3.24 PW26 the Scientific Officer, District Forensic Science Laboratory, Kottayam issued Ext. P30 Cyber Forensic Analysis Report.

20. Point no. 1

The age of the victim is a foundational fact that has to be proved beyond reasonable doubt before the presumption under the POCSO Act can be raised against the accused. It must be proved by cogent evidence that the victim was in fact a '**child**' as defined in Section 2(d) of the POCSO Act. *"The age is the most significant and basic element to attract offences under POCSO Act and unless it is established by adducing positive evidence, the rigour of the provisions in the POCSO Act cannot be pressed into service"* (**Santhosh vs.State of Kerala 2021 (3) KLJ 927**).

21. The oral testimonies of PW1 and PW2, the mother of the victim would reveal that the date of birth of PW1 is 12.05.2006. The Hon'ble High Court in **David Vs State of Kerala (2020 (4) KHC 717)** has held that "*as far as the age of the victim girl as also her date of birth are concerned, the most competent witness is her mother.*" According to PW12, as per the details in the admission register produced by him, the date of birth of the victim is 12.05.2006. As per Ext. P15, the date of birth of PW1 is 12.05.2006. PW19 would also depose that as per Ext. P20 birth certificate of PW1, the date of birth of PW1 is 12.05.2006. The oral testimonies of PW1, PW2, PW12 and PW19 with respect to the date of birth of the victim has not been discredited in cross-examination. Thus the evidence let in by PW1, PW2, PW12 and PW19 coupled with Ext. P15 and P20 does establish that the victim was in fact a 'child' when the alleged occurrences took place. The point is found in favour of the prosecution.

22. Point nos. 2 to 8:-

For convenience, these points are considered together.

PW1 the victim child would depose that she got acquainted with accused through Instagram and later they fell in love with each other. She stated that she used to contact the accused through Instagram and WhatsApp and was seeing him for the first time through video call. According to her, during their video call sessions, accused used to exhibit his nakedness to her and as per his demand she also used to exhibit her private parts to him. He also used to do masturbation and ask her to do so. She further stated that accused sent his obscene pictures to her and as demanded by him she also sent her obscene pictures to him. Thereafter, on 10.03.2023 at 07.30 a.m at Karakachal bus stand, accused obtained her chain which was worn by her, that weighs two sovereigns of gold stating that he needs the same for purchasing a new bike. She further stated that after handing over the chain to accused, she went to her school to attend exam. She also stated that she told to PW15 her friend about her relationship with accused and handing over her gold chain to him. PW15 then warned her not to give her gold chain to him. She further stated that on 10.03.2023 after her exam she returned to her home in the afternoon and told her mother that her chain is found missing. Accordingly she, her parents and brother went to the bus stop and conducted search of gold chain, there. They also conducted search in the buses in which she went to school and returned to home, from school. While so, PW16 the mother of PW15 contacted PW2 the mother of the victim and asked PW2 to meet her at her house. Accordingly they went to the house of PW16. Then PW16 informed PW2 that she (PW1) gave that chain to accused and about her relationship with accused, which she (PW16) came to know from PW15 her daughter. Thereafter, on 11.03.2023 when her (PW1) parents preferred complaint before Karukachal Police she immediately informed the said fact to accused. He then asked her to delete the photos and videos and

told her that if she didn't do so it would cause trouble to him and accordingly she deleted those photos and videos. She further stated that she had shown the place of occurrences to the Investigating Officer and was subjected to medical examination. She identified her statement u/s 164 CrPC. She also identified the accused in the dock and MO1 Mobile phone used by her.

23. During the course of trial, the contents in Ext. P2 Pendrive annexed to Ext. P30 report was exhibited in the court. When Ext. P2(a) PDF file was opened, she identified two messages in page number 791 of the said file said to be sent to her by the accused. She identified the picture of her private parts in page number 11695 & page no.11698 of the said file said to be sent by her to the accused. She also identified Exts. P2(a) (a) to P2(a) (f) obscene pictures of her said to be sent by her to accused.

24. PW2 the mother of the victim would depose that she came to know about the incident on 10.03.2023. According to her, on that day, after examination PW1 returned to their house in the noon and told her, that her(PW1) chain is found missing. She began to search the chain. She and PW1 went to Karukachal bus stand and searched the chain. They also conducted search in the bus in which PW1 went to school. While so, PW16 contacted her over phone and she then met PW16 at her residence. At that time she came to know from PW16 about the relationship of PW1 with the accused and handing over her gold chain to accused. She was told by PW16 that she came to know about the relationship of PW1 with accused and about handing over of her gold chain to accused from PW15. Thereafter when she (PW2) enquired with PW1 about the information received from PW16 she admitted the fact that she gave her gold chain to accused. On 11.03.2023, she

gave complaint at Karukachal Police Station. Accordingly, when the police officials enquired with PW1, she narrated the incidents to them.

25. According to PW3 the maternal uncle of the victim, he came to know about the occurrences from PW2.

26. The remaining witnesses in this case are mostly official witnesses examined for compliances of legal formalities.

27. The only person having direct knowledge of the sexual harassment and cheating is PW1 the victim.

28. When cross examined PW1 admitted the fact that in Ext P2(a) there is neither any message from accused demanding her to give her gold chain to him nor she demanding the accused to return the gold chain to her. She also admitted the fact that in those photos she has not seen the naked photos of the accused. She further stated that she is having a good relationship with her mother and she used to disclose each and everything to her mother and her mother used to check her whatsapp.

29. When cross examined, PW2 also stated that she used to check the whatsapp of her daughter (PW1). She categorically stated that till the date she gave statement to the police, she was not having any suspicion on her daughter's behaviour. She further stated that her daughter didn't tell her that she gave her chain to the accused.

30. The evidence let in by PW2 and PW3 makes it clear that they have only hearsay knowledge about the incident.

31. The prosecution alleges that the accused made the victim child to exhibit her nudity and to send her nude pictures to him and he also exhibited his nudity to her and sent his nude pictures to her.

MO1 to MO3 mobile phones and standard photographs of accused and victim were sent to DFSL for examination. Ext. P30 is the Cyber Forensic Analysis Report.

32. As per Ext. P30 report, for conducting examination , the mobile phone (MO2) that was alleged to be used by the accused for committing the offence was marked as **Q1**, the mobile phone (MO3) that was seized from the possession of accused at the time of his arrest was marked as **Q2** and the mobile phone(MO1) that was used by the victim was marked as **Q3**. The standard photographs exposing a girl and a man supplied for comparison were marked as **S1** and **S2** respectively.

33. In Ext P30 , the results of examination are as follows:-

1. *The questioned mobile phone marked **Q1** could not be examined, as the same is not getting powered on and is not detected by forensic mobile phone data extraction device available in the laboratory.*
2. *Obscene image and video files of the persons exposed in the standard photograph marked **S1** and **S2** could not be retrieved from the phone memory of the questioned mobile phone marked **Q2**.*
3. *Instagram and WhatsApp applications were found to be installed in questioned mobile phone and user account details of the applications are enclosed in a folder named **Data from Q2** in **Annexure 1** pen drive. Details of IMO application could not be recovered from the phone memory of the questioned mobile phone marked **Q2**.*
4. *Chat and data files (image, video, and audio files) retrieved from the phone memory of the questioned mobile phone marked **Q2** are enclosed in the folder named **Data from Q2** in **Annexure 1** pendrive.*

5. *Obscene image and video files of the persons exposed in the standard photograph marked S1 and S2 could not be recovered from the questioned memory card marked Q2M.*
6. *Image, video and audio files were retrieved from the questioned memory card marked Q2M and the soft copy of the same is enclosed in a folder named 'Data from Q2M' in Annexure 1 pen drive.*
7. *Image files of the man exposed in the standard photograph marked S2 and nude image files (of woman) without face were retrieved from the phone memory of the questioned mobile phone marked Q3 and soft copy of the same is enclosed in a folder named Data from Q3 in Annexure 1 pen drive. The file properties of the retrieved nude image files (of woman) without face revealed that the same were uploaded in Snapchat application.*
8. *Instagram and WhatsApp applications were found to be installed in questioned mobile phone and the user account details of the applications are enclosed in a folder named Data from Q3 in Annexure 1 pendrive. Details of IMO application could not be retrieved from the phone memory of the questioned mobile phone marked Q3.*
9. *WhatsApp Chat between the user accounts 919744907781 @ s. WhatsApp .net (Owner) and 917034746183 @s. WhatsApp.net Sreejith was retrieved from the Phone memory of the questioned mobile phone marked Q3 and soft copy of the same is also enclosed in the folder named Data from Q3 in Annexure 1 pendrive.*

10. Chat, call logs and data files(image, video and audio files) retrieved from the phone memory of the questioned mobile phone marked **Q3** are enclosed in the folder named **Data from Q3** in **Annexure 1** pen drive.

11. Obscene image and video files of the persons exposed in the standard photograph marked **S1** and **S2** could not be retrieved from the questioned memory card marked **Q3M**.

12. Audio files were retrieved from the questioned memory card marked **Q3M** and a soft copy of the same is enclosed in the folder named **Data from Q3M** in **Annexure 1** pen drive.

34. As per Ext. P30 report, WhatsApp chat between the user no. 919744907781 (MO1) and 917034746183 (MO2) was retrieved from the phone memory of the questioned mobile phone marked **Q3**. But prosecution has not produced any document which would prove that MO2 mobile phone belongs to accused. Without proving the same, it cannot be stated that it was the accused who constantly followed the victim, exhibited his nakedness, sent his obscene pictures to MO1 through MO2 and made the victim to do so through MO1 to MO2.

35. The prosecution further alleges that as demanded by the accused, on 10.03.2023 at 07.30 a.m, PW1 handed over her chain that weighs 2 sovereigns of gold to the accused at Karukachal bus stand. As per Ext. P12, PW1 has stated to PW9 that accused demanded her gold chain during their video-chat. As per Ext. P30 report, no such video-chat has been retrieved from MO1 mobile phone. More over, prosecution has not let in any sort of evidence which would show that PW1 was in possession of a chain that weighs two sovereigns of gold and accused dishonestly obtained the same

from her. When testified, PW27 the Investigating Officer categorically stated that he has not recovered the gold chain that belonged to victim from the accused. There is nothing on record which would prove that the Investigating Officer has made any attempt to recover the gold chain alleged to be given to the accused by the victim.

36. To hold the accused guilty for commission of offence as alleged by the prosecution, the solitary evidence of PW1 is sufficient provided the same inspires confidence and appears to be absolutely trustworthy, unblemished and should be of sterling quality. The question as to who can be said to be a sterling witness has been considered by the Apex Court in **Rai Sandeep @ Deepu And Another V State of NCT of Delhi (2012 KHC 4419)** as under :

“the ‘sterling witnesses’ should be of a very high quality and caliber whose version should, therefore, be unassailable. The court considering the version of such witness should be in a position to accept it for its face value without any hesitation. To test the quality of such a witness, the status of the witness would be immaterial and what would be relevant is the truthfulness of the statement made by such a witness. What would be more relevant would be the consistency of the statement right from the starting point till the end, namely, at the time when the witness makes the initial statement and ultimately before the court. It should be natural and consistent with the case of the prosecution qua the accused. There should not be any prevarication in the version of such a witness. The witness should be in a position to withstand the cross-examination of any length and strenuous it may be and under no circumstance should give room for any doubt as to the factum of the occurrence, the persons involved, as well as, the sequence of it. Such a

version should have co-relation with each and everyone of other supporting material such as the recoveries made, the weapons used, the manner of offence committed, the scientific evidence and the expert opinion. The said version should consistently match with the version of every witness. It can even be stated that it should be akin to the test applied in the case of circumstantial evidence where there should not be any missing link in the chain of circumstances to hold the accused guilty of the offence alleged against him. Only if the version of such a witness qualifies the above test as well as all other similar such tests to be applied, it can be held that such a witness can be called as a 'sterling witness' whose version can be accepted by the court without any corroboration and based on which the guilty can be punished. To be more precise, the version of the said witness on the core spectrum of the crime should remain intact while all other attendant material, namely, oral, documentary and material objects should match the said version in material particulars in order to enable the court trying the offence to rely on the core version to sieve the other supporting materials for holding the offender guilty of the charge alleged."

37. It is evident from the aforesaid decision that the evidence of a sterling witness is one that appears natural and consistent with the case of the prosecution qua the accused; that such witnesses, under no circumstances, shall give room for any doubt as to the factum of the occurrence and that the evidence shall have co-relation with each and every supporting materials. To put it differently, the version of such witnesses on the core spectrum of the crime should remain intact while all other attendant materials, namely, oral, documentary, and the material objects should match the said version in material particulars.

38. It is evident from the prosecution case itself that the victim is a person who is not sincere even to her mother. Though she states that she used to disclose each and everything to her mother, it is clear from her testimony that she betrayed her mother by joining with her to conduct search of gold chain alleged to be worn by her, in the premises of the bus stand and in the buses in which she travelled on the alleged date of occurrence.

39. Though PW1 narrated the alleged overt act in tune with Ext. P1, when her evidence is viewed in the light of various other circumstance brought out in evidence, it could be seen that it is not reliable and credible and it doesn't inspire confidence. Her testimony suffers from serious infirmities. No corroborating evidence is forthcoming to support her version. It creates serious doubt about the veracity of the statement made by her. Indeed there are several significant variations in material facts. The attendant circumstances do not co-relate to the offences alleged against the accused. In the facts and circumstances of the case, the solitary version of PW1 cannot be taken as a gospel truth at face value. So she can not be considered as a sterling witness and the evidence tendered by her cannot be relied upon so as to find the guilt of the accused. Therefore, it is unsafe to rely upon her solitary testimony to rest a conviction in respect of serious offence, as canvassed in the instance case.

40. In the light of the above discussion, it can be concluded that the prosecution has failed to prove the charge levelled against the accused beyond reasonable doubt. The points are found accordingly.

41. Point no. 9:-

In view of the finding on point no.1 to 8, accused is found not guilty of the offences punishable u/ss. 12 r/w 11(i), 12 r/w 11(ii), 12 r/w 11 (iii), 12 r/w (iv), 12 r/w 11(vi) of POCSO Act, secs 354-D (1) (i), 354-A(1) (ii), 509, 420 of IPC, Secs 67A,67 B of IT Act. Accordingly accused is acquitted of the said offences u/s. 235 (1) of CrPC. The bail bond executed by him stands cancelled and he is set at liberty.

After the period of appeal, return MO1 mobile phone to the victim after getting removed the contents in it, by sending it to DFSL and after obtaining a report to that effect from DFSL.

Destroy MO2 mobile phone and confiscate MO3 mobile phone , 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 29th day of April, 2026.

Sd/-
SAIMA P.S,
SPECIAL JUDGE

APPENDIX

PROSECUTION WITNESSES :

PW1	07.06.2024 &14/08/2024	: Victim
PW2	23.8.2024	: Lathikamol
PW3	23.08.2024	: Sunilkumar P.T
PW4	23.08.2024	: Binu
PW5	23.08.2024	: Aneeshkumar
PW6	23.08.2024	: Muhammed Ajmal
PW7	23.08.2024	: Vahid
PW8	30.08.2024	: Dr. Jobin Jose
PW9	30.08.2024	: Dr. Lathakumari

PW10 30.08.2024 : Kannan V.R
 PW11 30.08.2024 : Aby .P.Jacob
 PW12 03.09.2024 : Abhilash
 PW13 03.09.2024 : Asha .P.Sam
 PW14 03.09.2024 : Suresh
 PW15 05.09.2024 : Parvathy
 PW16 05.09.2024 : Lekha
 PW17 05.09.2024 : Sree Rejini .V
 PW18 05.09.2024 : Ratheeshkumar
 PW19 10.09.2024 : Harishkumar N
 PW20 10.09.2024 : Sujith .T
 PW21 10.09.2024 : Praeep V.R
 PW22 10.09.2024 : Divya Viswambaran
 PW23 10.09.2024 : Anilkumar.R
 PW24 25.09.2024 : Sailvam
 PW25 25.09.2024 : Shins.M
 PW26 14.10.2024 : Anu Philip
 PW27 24.10.2024 : Maheshkumar .K.M
 01.08.2025

DEFENCE WITNESSES : Nil

COURT WITNESS : NIL.

EXHIBIT FOR PROSECUTION :

P1/PW1 11.03.2023 : First Information Statement
 P2/PW1 06.03.2023 : Pen drive along with FSL report
 P2(a)/PW1 06.03.2023 : Pdf file inside the "Data for Q3"
 P2(a)(a)/PW1 06.03.2023 : Pdf file inside the "Data for Q3" Page No.791
 P2(a)(b)/PW1 06.03.2023 : Pdf file inside the "Data for Q3" Page No.793
 P2(a)(c)/PW1 06.03.2023 : Pdf file inside the "Data for Q3" Page no.963

P2(a){d}/PW1	06.03.2023	:	Pdf file inside the “Data for Q3” Page No.11695
P2(a){e}/PW1	06.03.2023	:	Pdf file inside the “Data for Q3”Page No.11699
P2(a){f}/PW1	06.03.2023	:	Pdf file inside the “Data for Q3”Page No.11698
P3/PW2	12.03.2023	:	Scene mahazar
P4/PW2	13.03.2023	:	Scene mahazar
P5/PW3	11.03.2023	:	Seizure mahazar
P6/PW4	09.03.2023	:	Guest form reg no.321
P7/PW4	10.03.2023	:	Room bill (bill no.0256)
P8/PW4	14.03.2023	:	Certificate of 65 (B), 4 (C) of Evidence Act1872
P9/PW5	14.03.2023	:	Seizure mahazar
P10/PW7	13.04.2023	:	Recovery mahazar
P11/PW8	13.04.2023	:	Potency certificate
P12/PW9	11.03.2023	:	Report of medico- legal examination
P13/PW10	12.03.2023	:	Inventory (medico-legal)
P14/PW10	14.04.2023	:	Inventory (potency)
P15/PW12	08.05.2023	:	Copy of relevant page of Admission Register
P16/PW12	28.04.2023	:	Third party kychit
P17/PW13	28.04.2023	:	Seizure mahazar
P18 /PW17	31.05.2023	:	Scene plan
P19/PW17	31.05.2023	:	Scene plan
P20/PW19	22.03.2023	:	Birth Certificate
P21/PW19	22.03.2023	:	65 (B) certificate
P22/PW20	18.03.2023	:	Ownership Certificate
P23/PW20	18.03.2023	:	65 (B) certificate
P24/PW23	11.03.2023	:	First Information Report
P25/PW25	23.04.2023	:	Inventory (photo of accused)
P26/PW25	28.04.2023	:	Inventory (victim)
P27/PW25	04.05.2023	:	Inventory (scene plan)
P28/PW25	04.05.2023	:	Inventory (Ownership)
P29/PW25	06.05.2023	:	Inventory (Birth certificate)
P30/PW26	06.03.2024	:	District Forensic Science Laboratory report
P31/PW27	11.03.2023	:	Property list (T-109/23)
P32/PW27	14.03.2023	:	Form 15 (GRC,Bill,65(B))

P33/PW27	12.03.2023	:	Section Adding report
P34/PW27	11.03.2023	:	Arrest memo
P35/PW27	13.04.2023	:	Arrest intimation
P36/PW27	13.04.2023	:	Custody memo
P37/PW27	13.04.2023	:	Inspection memo
P38/PW27	13.04.2023	:	Address report
P39/PW27	13.04.2023	:	Property list (T.152/23)
P40/PW27	14.04.2023	:	Form 15 (potency)
P41/PW27	12.03.2023	:	Form 15 (Medico-legal)
P42/PW27	28.04.2023	:	Form 15 (Accused photo)
P43/PW27	28.04.2023	:	Form 15 (Victim Photo)
P44/PW27	28.04.2023	:	Section adding report
P45/PW27	13.04.2023	:	Property list (T.151/23)
P46/PW27	03.05.2023	:	Forwarding note
P47/PW27	4.05.2023	:	Form 15 (scene plans 1 &2)
P48/PW27	4.05.2023	:	Form 15(Ownership certificate and 65 (B) certificate)
P49/PW27	06.05.2023	:	Form 15(Birth certificate and 65 (B) certificate)
P50/PW27	28.04.2023	:	Form 15(Certified copy of school admission register)

EXHIBIT FOR DEFENCE : NIL

EXHIBIT FOR COURT : NIL.

MATERIAL OBJECTS MARKED :

MO1	:	OPPO mobile Phone
MO2	:	Vivo mobile phone
MO3	:	Vivo mobile phone

Sd/-
SPECIAL JUDGE.