

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. 339/2025

Crime No. 118/2025/2025 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. Jithu Prakash (Appu), aged 20/2025  
S/o Prakash.P  
Pulluparackal House,  
Kurumbanmoozhi Bhagom,  
Chathenthara.PO,  
Kollamula Village,  
Pathanamthitta Distirct.

2. Sulekha T K, aged 43/2025  
S/o Krishnankutty,  
Thattaparambil House,  
Near S N Puram Temple,  
S N Puram P O,  
Kothala Kara,  
Kooroppada Village.

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

CHARGE : u/ss.10 r/w 9(l), 6 r/w 5 (1),64 (2) (m) r/w  
3(5)of BNS/ secs.376(2)(n) r/w 34 of IPC, `  
secs.65 (1) r/w 3(5) of BNS/ secs. 376(3) r/w  
34 of IPC,6 r/w 5(j)(ii) of POCSO Act, 87 r/w  
3(5) of BNS/ secs.366 r/w 34 IPC, u/ss.10 r/w  
9(q),6 r/w 5(q) and the 2<sup>nd</sup> accused is also  
found not guilty of the offences punishable u/  
ss. 17 and 21 of POCSO Act.

PLEA : Not guilty.

FINDING : Not guilty

SENTENCE/ORDER : The 1<sup>st</sup> accused is found not guilty of the offences punishable u/ss.10 r/w 9(l), 6 r/w 5 (1),64 (2) (m) r/w 3(5)of BNS/ secs.376(2) (n) r/w 34 of IPC, secs.65 (1) r/w 3(5) of BNS/ secs. 376(3) r/w 34 of IPC,6 r/w 5(j) (ii) of POCSO Act, 87 r/w 3(5) of BNS/ secs.366 r/w 34 IPC, u/ss.10 r/w 9(q),6 r/w 5(q) and the 2<sup>nd</sup> accused is also found not guilty of the offences punishable u/ss. 17 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 : 01-04-2026, 20-04-2026

HEARING : 28-04-2026

JUDGMENT : 28-04-2026

### **TABULAR FORM**

Serial No. : S.C. No. 339/2025  
 Name of Police station : Pallickathodu Police Station.  
 of and Cr. no. of offence : Crime No. 118/2025

### **DESCRIPTION OF THE ACCUSED**

Sl. No.	Name	Father's Name	Occupation	Religion	Residence	Age
1	Jithu Prakash	Prakash.P		Hindu	Pulluparackal House, Kurumbanmoozhi Bhagom, Chathenthara.PO Kollamula Village, Pathanamthitta	20/2025

					Distirct.	
2	Sulekha T K,	Krishnan kutty,		Hindu	Thattaparambil House, Near S N Puram Temple, S N Puram P O, Kothala Kara, Kooroppada Village.	43/2025

**Date of**

Occurrence	:	From 22-09-2024 To 31-10-2024
Complaint	:	27-01-2025
Apprehension	:	22-02-22025. 24-02-2025
Release on bail	:	14-05-2025
Commitment	:	Nil
Commencement of trial	:	01-04-2026
Close of Trial	:	20-04-2026
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. 118/2025 against accused nos.1 and 2 alleging offences punishable u/ss.332(b), 65(1),64(2)

(m),87,3(5) of BNS,Secs.376 IPC, Sec.6 r/w 5 j (ii), 5(l), 5(q),10 r/w 9(l),9q,16,21 of POCSO Act.

2. The prosecution case is as follows:-

CW1 the victim child was aged 15 years in 2025. She is the daughter of the second accused. On 3/5/2024 at about 10 am and thereafter on several occasions, in the house named 'Naduthottiyil' that situates at Nadepeedika Bhagom, Kooroppada Village wherein the victim and 2<sup>nd</sup> accused were residing, the 1<sup>st</sup> accused hugged and kissed the victim on multiple occasions. Subsequently, on 26/6/2024 at night, the 2<sup>nd</sup> accused created a situation for the 1<sup>st</sup> accused to sleep along with the victim in the hallroom of the aforesaid house. He then disrobed the victim and committed penetrative sexual assault on her. Thereafter till October 2024, he committed penetrative sexual assault on the victim in the hallroom and bedroom of the aforesaid house on multiple occasions. Later, on 22/9/2024 at 10 am and thereafter on several occasions, with the consent of the 2<sup>nd</sup> accused, the 1<sup>st</sup> accused committed penetrative sexual assault on the victim in the bedroom of the house named 'Cherusserikunnel' that situates at Perumkulam, Chathenpara bhagom, Anickadu Village wherein CW1 the victim and the 2<sup>nd</sup> accused were residing then and in consequence of the sexual assault, the victim became pregnant. Subsequently, on 10/1/2025 with the consent of the 2<sup>nd</sup> accused, the 1<sup>st</sup> accused took the victim child to his house named 'Pulluparackal' that situates

at Kurumpanmoozhi bhagom, Kollumula Village and from that day onwards till 27/1/2025, in the bedroom of the said house, the 1st accused committed sexual assault and penetrative sexual assault on the victim, knowing that she is pregnant. It is further alleged that the 2<sup>nd</sup> accused intentionally aided the 1<sup>st</sup> accused in committing the aforesaid offences and she failed to report the commission of the aforesaid offences towards the victim by the 1<sup>st</sup> accused to the authorities concerned. Thereby the accused were alleged to have committed the aforesaid offences.

3. On the basis of the FIS (First Information Statement) given by CW1 the victim before CW22 CPO, Vechoochira Police Station, CW52 the Inspector of Police, Vechoochira registered FIR against 1st accused as crime no.66/25 of Vechoochira Police Station u/ss. 332(a),65(1),64(2)(m) of BNS and Sec.5 j(ii), 5(l),6 of POCSO Act. Since it revealed that the places of occurrence come within the territorial jurisdiction of Pallickathodu Police Station, the case records were transferred to that Police Station and the case was re-registered as crime no.118/25 of Pallickathodu Police Station u/ss. 332 a, 65(1) 64(2)(2) m of BNS, Sec. 5 j (ii),5 (l), 6 of POCSO Act. Then CW53 the Inspector of Police, Pallickathodu Police Station conducted the investigation, arrested the 1st accused on 28/1/2025 produced him before the jurisdictional Magistrate on the same day itself and he was remanded to judicial custody. He was released on bail on 15/5/2025. The 2<sup>nd</sup> accused who was arrested on 24/2/2025 was

produced before the jurisdictional Magistrate on the same day itself and she was remanded to judicial custody. On completion of investigation, on 11/4/2025, CW53 submitted final report against 1st and 2nd accused 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 2nd accused was released on bail on 5/6/2025.

4. In pursuance of summons, 1st and 2nd 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 of BNSS, charge was framed against the first accused u/ss.10 r/w 9(l), 6 r/w 5 (1),64 (2) (m) r/w 3(5)of BNS/ secs.376(2)(n) r/w 34 of IPC, secs.65 (1) r/w 3(5) of BNS/ secs. 376(3) r/w 34 of IPC,6 r/w 5(j)(ii) of POCSO Act, 87 r/w 3(5) of BNS/ secs.366 r/w 34 IPC, u/ss.10 r/w 9(q),6 r/w 5(q) of POCSO Act and against the 2nd accused u/s.17 and 21 of POCSO Act. It was read over and explained to the accused, 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, P1(a) to P1(c), 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 BNSS was dispensed with.

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

7. The points that arises for consideration are:-

1. Whether the 1<sup>st</sup> accused has committed the offences punishable u/ss.10 r/w 9(l), 6 r/w 5 (1),64 (2) (m) r/w 3(5)of BNS/ secs.376(2)(n) r/w 34 of IPC, secs.65 (1) r/w 3(5) of BNS/ secs. 376(3) r/w 34 of IPC,6 r/w 5(j)(ii) of POCSO Act, 87 r/w 3(5) of BNS/ secs.366 r/w 34 IPC, u/ss.10 r/w 9(q),6 r/w 5(q) of POCSO Act?
2. Whether the 2<sup>st</sup> accused has committed the offences punishable u/ss. 17 and 21 of POCSO Act?
3. Sentence or order.

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

When testified though PW1 the victim stated that she had given Ext. P1 FIS to the police, stated that she doesn't remember the reason for which she has preferred Ext. P1. She denied Ext. P1(a) to P1(c), the relevant portions of her statement to the Police. She specifically stated that in connection with this case, she was not subjected to medical examination, has not produced the

dresses worn by her at the time of alleged occurrence to the Investigating Officer and has not shown the place of occurrence to him. She denied the suggestion that she had gone to hospital for undergoing abortion. She further stated that she doesn't remember whether she had given any statement to the Magistrate and doesn't know whether her blood samples were collected and handed over to the Police officials for DNA examination. She identified the 2nd accused, her mother in the dock. She categorically stated that the other person ( ie.the 1st accused) in the dock is unknown to her. She denied the suggestion that the 1st accused committed penetrative sexual assault on her and impregnated her. She also denied the suggestion that the 2nd accused who is none other than her mother intentionally aided the 1st accused in committing the aforesaid offences and failed to report the commission of the offences to the authorities concerned.

9. PW2 disowned the statement given by him to the Police. He denied Ext. P2 the relevant portion of his statement to the police . Though he identified his signature in Ext. P3 scene mahazar stated that he had seen the police officials writing something and had affixed his signature on it, on the way.

10. During the course of investigation blood samples of the 1st accused, PW1 the victim and foetus of 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 1<sup>st</sup> 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. In this circumstances, even if a positive report of DNA profiling is received, it does not change the outcome of the case.

13. PW1 the material witness didn't support the prosecution case. There is absolutely no evidence against the 1st and 2nd accused regarding the commission of the offences charged against them. Point nos.1 and 2 are found against the prosecution case.

14. **Point No. 3:-**

In view of the finding on point no.1, the 1<sup>st</sup> accused is found not guilty of the offences punishable u/ss.10 r/w 9(l), 6 r/w 5 (1),64 (2) (m) r/w 3(5)of BNS/ secs.376(2)(n) r/w 34 of IPC, secs.65 (1) r/w 3(5) of BNS/ secs. 376(3) r/w 34 of IPC,6 r/w 5(j)(ii) of POCSO Act, 87 r/w 3(5) of BNS/ secs.366 r/w 34 IPC, u/ss.10 r/w 9(q),6 r/w 5(q) and the 2<sup>nd</sup> accused is also found not guilty of the offences punishable u/ss. 17 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.

After the period of appeal, return item no. 1 in T-131/25 to accused and item no.2 in T131/25 to victim, after getting removed the contents in it, by sending those phones to 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 28<sup>th</sup> day of April, 2026.

Sd/-

**SAIMA P.S,**  
**SPECIAL JUDGE**

**APPENDIX**

**A. PROSECUTION WITNESSES :**

PW1 01-04-2026 : Victim  
PW2 20-04-2026 : Varghese Joseph

**B. DEFENCE WITNESS : NIL**

**C. COURT WITNESS: NIL**

**A. EXHIBITS FOR PROSECUTION :**

P1/PW1 27-01-2025 : First Information Statement.  
P1(a)/PW1 27-01-2025 : Relevant Portion of First Information Statement.  
P1 (b)/PW1 27-01-2025 : Relevant Portion of First Information Statement.  
P1(c)/PW1 27-01-2025 : Relevant Portion of First Information Statement.  
P2/PW2 13-03-2025 : Relevant Portion of 161 statement of PW2  
P3/PW2 13-03-2025 : Scene Mahazar.

**B. EXHIBIT FOR DEFENCE: NIL**

**C. EXHIBIT FOR COURT: NIL**

**MATERIAL OBJECT MARKED : NIL.**

Sd/-  
**SPECIAL JUDGE.**