

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

TUESDAY THE 28th DAY OF APRIL 2026
8th day of Vaisakam ,1948.

SESSIONS CASE No. 343/2025
Crime No. 158/2025 of Manimala Police Station

COMPLAINANT : State of Kerala,
represented by the Inspector of Police,
Manimala

By Special Public Prosecutor : Sri. P.S.Manoj

ACCUSED : Prince M Prakash, aged 25/2025
S/o Prakash Mathew
Myladumpara House,
Chengarmala Bhagom,
Vaypoor P.O,
Kottangal Village,
Pathanamthitta District.
By Advocates : Sri. Allen Philip Joseph

CHARGE : U/ss. 8 r/w 7,10 r/w 9 (l),10 r/w 9(n),10 r/w 9
(p),4(2) r/w 3 (b),4 (2) r/w 3 (a), 6(1) r/w 5 (n) of
POCSO Act,u/s.354 of IPC/ 74 of BNS, u/s.354
A(2) r/w 354-A(1)(i)of IPC /75 (2), r/w75(1) (i) of
BNS,Sec.376 (2) (f) of IPC /64 (2) (f) of
BNS,Sec.376 (3) of IPC/65 (1) of BNS.

PLEA : Not guilty.

FINDING : Not guilty

SENTENCE/ORDER : The accused is found not guilty of the offences
punishable u/ss. 8 r/w 7,10 r/w 9 (l),10 r/w
9(n),10 r/w 9 (p),4(2) r/w 3 (b),4 (2) r/w 3 (a),
6(1) r/w 5 (n) of POCSO Act,u/s.354 of IPC/ 74
of BNS, u/s.354 A(2) r/w 354-A(1)(i)of IPC /75
(2), r/w75(1) (i) of BNS,Sec.376 (2) (f) of IPC /
64 (2) (f) of BNS,Sec.376 (3) of IPC/65 (1) of
BNS. Accordingly accused is acquitted of the
said offences u/s. 255 BNS. The bail bond

executed by him stands cancelled and he is set at liberty.

DATE OF TRIAL : 01-04-2026
 HEARING : 28-04-2026
 JUDGMENT : 28-04-2026

TABULAR FORM

Serial No. : S.C. No. 343/2025
 Name of Police station : Manimala Police Station.
 of and Cr. no. of offence : Crime No. 158/2025

DESCRIPTION OF THE ACCUSED

Sl. No.	Name	Father's Name	Occupation	Religion	Residence	Age
	Prince M Prakash	Prakash Mathew			Myladumpara House, Chengarmala Bhagom, Vaypoor P.O, Kottangal Village, Pathanamthitta District.	25/2025

Date of

Occurrence : From 29-04-2024 To 06-02-2025
 Complaint : 11-02-2025
 Apprehension : 12-02-2025
 Release on bail : 30-04-2025
 Commitment : Nil
 Commencement of trial : 01-04-2026
 Close of Trial : 01-04-2026
 Sentence or order : 28-04-2026
 Service of copy of judgment : N.A.

or finding on accused

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, Manimala Police Station, in crime no. 158/25 alleging offences punishable u/ss. 354, 354 A (1) (i) of IPC, secs. 74, 75 (1), 64 (2) (f), 65 (1) of BNS, sec.4(2) r/w 3(a), 3(b), 6(1) r/w 5 (n), Sec.8 r/w 7,10 r/w 9(l), 9(n), 9(p) of POCSO Act.

2. The prosecution case is as follows:-

On a day in the last week of April 2024 after noon, in the house named 'Paramakkal' that situates at Kottambra Bhagom wherein CW1 the victim child aged 12 years was residing with her father and CW8 her step-mother, accused who is the nephew of the step-mother of the victim, hold the hands of victim, took her towards her cot and despite her resistance, forcibly hugged her and kissed on her lips and grasped her breast. Thereafter, on a day in the month of August, 2024 at 11.30 pm, while the victim child was sleeping in the aforesaid house, accused put his hands through the top worn by her, grasped her breast, pulled her hands and kept her finger in his mouth. Thereafter, on 5/2/2025 at 11.30 pm, while she was sleeping in the aforesaid house, accused grasped her breast, caught hold of her vagina by putting his hands through the pants worn by her and inserted his finger into her vagina. When the victim woke up, accused forcibly covered her mouth with his hands and then penetrated his penis into her mouth and vagina. 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 CW19 Grade Assistant Sub Inspector of Police, Manimala Police Station, CW23 the Sub Inspector of Police, Manimala registered FIR as crime no.158/25 of Manimala Police Station u/ss. 74, 75 (1), 64 (2) (f) of BNS,Secs.4(2) r/w 3(a),3(b),6(1), 5 (n), 8, 7,10, 9 l, 9 n, 9 p of POCSO Act. Then CW25 the Inspector of Police, Manimala conducted the investigation, arrested the accused on 12.02.2025, produced him before the jurisdictional Magistrate on the same day itself and he was remanded to judicial custody. He was released on bail on 30/4/2025. On completion of investigation, on 9/4/2025, CW26 Inspector of Police 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.

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 of BNSS, charge was framed against the accused u/ss. 8 r/w 7,10 r/w 9 (l),10 r/w 9(n),10 r/w 9 (p),4(2) r/w 3 (b),4 (2) r/w 3 (a), 6(1) r/w 5 (n) of POCSO Act, u/s.354 of IPC/ 74 of BNS,u/s. 354 A(2) r/w 354-A(1)(i) of IPC /75 (2) r/w 75(1) (i)of BNS,Sec.376 (2) (f) of IPC /64 (2) (f) of BNS,Sec.376 (3) of IPC/65 (1) of BNS. 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 of BNSS was dispensed with.

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

7. The points that arise for consideration are:-

1. Whether accused has committed the offences punishable u/ss. 8 r/w 7,10 r/w 9 (l),10 r/w 9(n),10 r/w 9 (p),4(2) r/w 3 (b),4 (2) r/w 3 (a), 6(1) r/w 5 (n) of POCSO Act,u/s.354 of IPC/ 74 of BNS, u/s.354 A (2) r/w 354-A(1)(i) of IPC /75 (2), r/w75(1) (i) of BNSS,Sec.376 (2) (f) of IPC /64 (2) (f) of BNS,Sec.376 (3) of IPC/65 (1) of BNS.

2. Sentence or order.

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

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), the relevant portion in Ext. P1. She also stated that she has not shown the place of occurrence to police, was not subjected to medical examination and has not given any statement to the doctor. She further stated that she doesn't remember whether she has given any statement to the Magistrate.

9. PW2 the step-mother of PW1 disowned the statement given by her to the police . She denied Ext. P2 the relevant portion of her previous 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 under section 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 the victim child has no case that the accused committed penetrative sexual assault on her. There is no evidence regarding her alleged sexual intercourse 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. Thus PW1 & PW2 the material witnesses didn't support the prosecution case. There is absolutely no evidence to connect the accused with the offences alleged against him. The point is found accordingly.

14. Point No. 2:-

In view of the finding on point no.1, accused is found not guilty of the offences punishable u/ss. 8 r/w 7,10 r/w 9 (l),10 r/w 9(n),10 r/w 9 (p),4(2) r/w 3 (b),4 (2) r/w 3 (a), 6(1) r/w 5 (n) of POCSO Act,u/s.354 of IPC/ 74 of BNS, u/s.354 A(2) r/w 354-A(1)(i)of IPC /75 (2), r/w75(1) (i) of BNS,Sec.376 (2) (f) of IPC /64 (2) (f) of BNS,Sec.376 (3) of IPC/65 (1) of BNS. Accordingly accused is acquitted of the said offences u/s. 255 BNSS. The bail bond executed by him stands cancelled and he is 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 28th day of April, 2026.

Sd/-
SAIMA P.S,
SPECIAL JUDGE

APPENDIX

A. PROSECUTION WITNESSES

PW1 01-04-2026 : Victim
PW2 01-04-2026 : Mother of Victim

B. DEFENCE WITNESS : NIL

C. COURT WITNESS: NIL

A. EXHIBITS FOR PROSECUTION

P1/PW1 11-02-2025 : First Information Statement.
P1(a)/PW1 11-02-2025 : Relevant Portion of First Information Statement.
P2/PW2 12-02-2025 : Relevant Portion of of 161 Statement of PW2

B. EXHIBIT FOR DEFENCE: NIL

C. EXHIBIT FOR COURT: NIL

MATERIAL OBJECT MARKED : NIL.

Sd/-
SPECIAL JUDGE.