

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 Vaisakam ,1948

SESSIONS CASE No. 399/2025
Crime No. 394/2025 of Ponkunnam, Police Station

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

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

ACCUSED : 1. Sajin Sabu, aged 27/2025
S/o Sabu,
Puthuvelil House,
Nariyanani P O,
Koprakalam Bhagom,
Elangulam Village
2. Ammini Amma aged 61/2025
S/o Thankappan,
Elavunkal House,
Koprakalam Bhagom,
Nariyanani P O,
Elamkulam.

By Advocates : Sri. Satheesh Chandran Nair.P ,Sri.Remin
Rajan and Sri. Raveesh.S

CHARGE : U/ss. 4 r/w 3(a),4 (2) r/w 3 (a), 6 r/w 5 (n), 6
r/w 5 (p), 6 r/w 5 (l), 8 r/w 7, 10 r/w 9 (l) of
POCSO Act, u/ss.376(1), 376(3), 376 (2)
(f),354,354-D, 323,506 (ii) 354 (B) of IPC and 2nd
accused is found not guilty of the offences
punishable u/s.21 of POCSO Act

PLEA : Not guilty.

FINDING : Not guilty

SENTENCE/ORDER : The 1st accused is found not guilty of the
offences punishable u/ss. 4 r/w 3(a),4 (2) r/w 3
(a), 6 r/w 5 (n), 6 r/w 5 (p), 6 r/w 5 (l), 8 r/w 7,
10 r/w 9 (l) of POCSO Act, u/ss.376(1), 376(3),

376 (2) (f),354,354-D, 323,506 (ii) 354 (B) of IPC and 2nd accused is found not guilty of the offences punishable u/s.21 of POCSO Act. Accordingly they are acquitted of the said offences u/s. 232 Cr.P.C. The bail bond executed by them stands cancelled and they are set at liberty.

DATE OF TRIAL : 20-04-2026

HEARING : 29-04-2026

JUDGMENT : 29-04-2026

TABULAR FORM

Serial No. : S.C. No. 399/2025
 Name of Police station : Ponkunnam Police Station.
 of and Cr. no. of offence : Crime No.394/2025

DESCRIPTION OF THE ACCUSED

Sl. No.	Name	Father's Name	Occupation	Religion	Residence	Age
1	Sajin Sabu,	Sabu,		Hindu	Puthuvelil House, Nariyanani P O, Koprakalam Bhagom, Elangulam Village	27/2025
2	Ammini Amma	Thankappan ,		Hindu	Elavunkal House, Koprakalam Bhagom, Nariyanani P O, Elamkulam	61/2025

Date of

Occurrence : From 01-12-2022 To 31-12-2022
 Complaint : 23-03-2025
 Apprehension : 23-03-2025
 Release on bail : 23-05-2025, 28-07-2025
 Commitment : Nil

Commencement of trial	:	20-04-2026
Close of Trial	:	29-04-2026
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, Ponkunnam Police Station in crime no. 394/25 against accused 2 in nos. alleging offences punishable u/ss. 376(1) (2) (f), 376(3), 354, 354 (D)323, 506(2) of IPC secs. 3,4 (1) 4(2), 5(l) 5 (n),5(p),6,7,8,9 1 ,10 , 21 of POCSO Act.

2. The prosecution case is as follows:-

CW1 the victim child is the grand daughter of the 2nd accused. The 1st accused is the nephew of the 2nd accused. On a day in the month of July 2022, in the bedroom of the house named 'Elavunkal' that situates near Koprakulam bhagom, Ilamkulam Village wherein the victim child and 2nd accused are residing, the 1st accused tied the hands of the victim to the cot with a shawl, disrobed her and stuffed cloth into her mouth and thereafter committed penetrative sexual assault on her. He then pressed her breast, kissed her and when she resisted the said act, he threatened her by stating that if she

divulge about the incident to any one, he would finish her off and thereafter on several occasions he touched her body parts. It is further alleged that the 2nd accused who was having the knowledge of the commission of the aforesaid sexual abuse on the victim child failed to report the commission of offences to the authorities concerned. Thereby accused nos.1 and 2 were alleged to have committed the aforesaid offences.

3. On the basis of the FIS (First Information Statement) given by CW1 the victim before CW25 CPO of Ponkunnam Police Station, CW26 the Inspector of Police, Ponkunnam registered FIR as crime no.394/25 of Ponkunnam Police Station u/ss. 64 (1), 65 (1) 75 (2), 76, 77, 115 (2) 351,(2) of BNS, 3, 4(1), 4 (2), 5i, 5n, 5p, 6, 7,8, 9,10 of POCSO Act. CW26 conducted the investigation, arrested the 1st accused on 23/3/2025 and produced him before the jurisdictional Magistrate on 24/3/2025 and he was remanded to judicial custody. The 2nd accused was served with notice u/s. 35(3) BNSS. On completion of investigation, on 16/5/2025, CW26 Inspector of Police, Ponkunnam Police Station 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 accused was released on bail on 23/5/2025.

4. In pursuance of summons, 1st and 2nd 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.227 Cr.P.C, charge was framed against the first accused u/ss.4 r/w 3(a),4 (2) r/w 3 (a), 6 r/w 5 (n), 6 r/w 5 (p), 6 r/w 5 (l), 8 r/w 7, 10 r/w 9 (l)of POCSO Act u/ss.376(1), 376(3), 376 (2) (f),354,354-D, 323,506 (ii) 354 (B) of IPC and against second accused u/s. 21 of POCSO Act. It was read over and explained to them, to which they pleaded not guilty and claimed to be tried.

5. On the side of the prosecution, PW1 was examined and Exts. P1, P1(a) and 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 them u/s. 313 Cr.P.C was dispensed with.

6. Heard both sides u/s. 232Cr.P.C

7. The points that arises for consideration are:-

1. Whether first accused has committed the offences punishable u/ss.4 r/w 3(a),4 (2) r/w 3 (a), 6 r/w 5 (n), 6 r/w 5 (p), 6 r/w 5 (l), 8 r/w 7, 10 r/w 9 (l)of POCSO Act u/ss.376(1), 376(3), 376 (2) (f),354,354-D, 323,506 (ii) 354 (B) of IPC?
2. Whether second accused has committed the offences punishable u/s. 21 of POCSO Act?

3. Sentence or order.

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

When testified though PW1 identified her signature in Ext.P1 FIS, disowned the said statement. She denied Exts. P1 (a) and P2 the relevant portion of Ext. P1 and her additional statement respectively. She specifically stated that she is not remembering whether she had given any statement to the Magistrate. She further stated that in connection with the occurrence, she has not shown the place of occurrence to the investigating officer, was not subjected to medical examination and has not given any statement to the doctor. She categorically stated that the 1st accused has not committed any sexual violence on her. She further stated that it is not correct to say that the 2nd accused scolded her and failed to initiate legal action against the 1st accused.

9. PW1 has no case that the 1st accused committed sexual violence on her and the 2nd accused failed to report the commission of offences on her to the authorities concerned. She who is a material witness didn't support the prosecution case.

10. Thus, there is absolutely no evidence to connect the accused persons with the offences charged against them. The points are found against the prosecution.

11. **Point No. 3**:-

In view of the finding on point no.1 and 2, 1st accused is found not guilty of the offences punishable u/ss. 4 r/w 3(a),4 (2) r/w 3 (a), 6 r/w 5 (n), 6 r/w 5 (p), 6 r/w 5 (l), 8 r/w 7, 10 r/w 9 (l)of POCSO Act, u/ss.376(1), 376(3), 376 (2) (f),354,354-D, 323,506 (ii) 354 (B) of IPC and 2nd accused is found not guilty of the offences punishable u/s.21 of POCSO Act. Accordingly they are acquitted of the said offences u/s. 232 Cr.P.C. The bail bond executed by them stands cancelled and they are set at liberty.

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

A. PROSECUTION WITNESSES :

PW1 20-04-2026 : Victim

B. DEFENCE WITNESS : NIL

C. COURT WITNESS: NIL

A. EXHIBITS FOR PROSECUTION :

P1/PW1 23-03-2025 : First Information Statement.

P1(a)/PW1 23-03-2025 : Relevant Portion of First Information Statement.

P2/PW1 10-06-2025 : Relevant Portion of 161 Statement of PW1

B. EXHIBIT FOR DEFENCE: NIL

C. EXHIBIT FOR COURT: NIL

MATERIAL OBJECT MARKED : NIL.

Sd/-
SPECIAL JUDGE.