

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

THURSDAY THE 26th DAY OF MARCH 2026
5th day of Chaithram ,1948

SESSIONS CASE No.428/2025
Crime No.445/2025 of Karukachal Police Station

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

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

ACCUSED : Abhishek B @ Kichu , aged 18/2025
S/o Sreeja.S,
Veliyamkunnil House,
Veliyamkunnu Bhagom,
Punnaveli P O,
Nedumkunnam Village.

By Advocates : Sri. Joseph C K and G.Madhukumar

CHARGE : U/ss. 332(b), 64(1) r/w 63(a), 64(2)(m) of BNS, u/ss.
4(1) r/w 3(a), 6(1) r/w 5(l), 6 r/w 5(j)(ii) of POCSO
Act.

PLEA : Not guilty.

FINDING : Not guilty

SENTENCE/ORDER : The accused is found not guilty of the offences
punishable u/ss. 332(b), 64(1) r/w 63(a), 64(2)(m) of
BNS, u/ss. 4(1) r/w 3(a), 6(1) r/w 5(l), 6 r/w 5(j)(ii) of
POCSO Act. Accordingly accused is acquitted of the
said offences u/s. 255 of BNSS. The bail bond
executed by him stands cancelled and he is set at
liberty.

DATE OF TRIAL : 16-03-2026,

HEARING : 26-03-2026

JUDGMENT : 26-03-2026

TABULAR FORM

Serial No. : S.C. No. 428/2025
 Name of Police station : Karukachal Police Station.
 of and Cr. no. of offence : Crime No.445/2025

DESCRIPTION OF THE ACCUSED

Sl. No.	Name	Mother's Name	Occupation	Religion	Residence	Age
	Abhishek B @ Kichu	Sreeja.S,		Hindu	Veliyamkunnil House, Veliyamkundu Bhagom, Punnaveli P O, Nedumkunnam Village	18/2025

Date of

Occurrence : From 15-11-2024 To 11-01-2025
 Complaint : 08-04-2025
 Apprehension : 10-04-2025
 Release on bail : 25-06-2025
 Commitment : Nil
 Commencement of trial : 16-03-2026
 Close of Trial : 16-03-2026
 Sentence or order : 26-03-2026
 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 26-03-2026 in the presence of the Special Public Prosecutor and having stood over for consideration on 26-03-2026 and the court on the same day delivered the following:

JUDGMENT

This case is instituted upon the final report submitted by the Inspector of Police, Karukachal Police Station in crime no. 445/2025 alleging offences punishable u/ss. 332(b), 63(a), 64(2),(m) of BNS, u/ss. 4(1) r/w 3(a), 6(1) r/w 5(j)(ii), 5(l) of POCSO Act.

2. The prosecution case is as follows:-

In order to gratify his passion for lust, on 13-11-2024 at 10.30 am accused trespassed into the bedroom of the house named 'Athambanamkuzhi' that situates at Edathinattupady bhagom, Nedumkunnam Village wherein CW1 the victim child was residing with her family and committed penetrative sexual assault on her. Thereafter on 11-01-2025 at 2 pm in the hall room of the house bearing building no. IX/94 that situates at Nedumkunnam Grama Panchayath accused again committed penetrative sexual assault on the victim child and made the child pregnant. 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 CW24 the CPO, Karukachal Police Station, CW29 the Sub Inspector of Police, Karukachal Police Station registered FIR as crime no. 445/2025 of Karukachal Police Station u/ss 332(b), 63(a), 64(2),(m) of BNS, u/ss. 4(1), 3(a), 6(1), 5(j)(ii), 5(l) of POCSO Act. Thereafter CW30 the Inspector of Police, Karukachal Police Station took over the charge of investigation, conducted investigation, arrested the accused on 10-04-2025, produced him before the jurisdictional Magistrate on the 11-04-2025 and was remanded to judicial custody. On completion of investigation, on 05.06.2025 he submitted final report before the Addl. District & Sessions Court-I (POCSO), 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 accused was released on bail on 25-06-2025.

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(2) of BNSS, charge was framed against the accused u/ss. 332(b), 64(1) r/w 63(a), 64(2)(m) of BNS, u/ss. 4(1) r/w 3(a), 6(1) r/w 5(l), 6 r/w 5(j)(ii) of POCSO Act. 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(1) (b) of BNSS was dispensed with.

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

7. The points that arises for consideration are:-

1. Whether the prosecution has succeeded in proving that the accused has committed the offences punishable u/ss. 332(b), 64(1) r/w 63(a), 64(2)(m) of BNS, u/ss. 4(1) r/w 3(a), 6(1) r/w 5(l), 6 r/w 5(j)(ii) of POCSO Act?

2. Sentence or order.

8. Point No. 1 :-

Though PW1 the victim admitted her signature in Ext. P1 FIS stated that she doesn't know the reason for which she has preferred Ext. P1. She denied Ext. P1(a) the relevant portion of Ext. P1. According to her, she was not subjected to medical examination, has not given any statement to doctor, has not shown the place of occurrence to the Investigating Officer and is not remembering whether she has given any statement to the Magistrate. She specifically stated that she neither conceived nor undergone abortion. She denied the suggestion put forth by the learned Special Public Prosecutor that blood samples were collected from her and from her foetus. She categorically stated that the accused is unknown to her and he has not committed any sexual violence on her and made her pregnant.

9. PW2, the father of the victim disowned the statement given by him to the police. He denied Ext. P2 the relevant portion of Ext. P1 statement.

10. During the course of investigation blood samples of the accused , PW1 the victim and foetus of PW1 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 showing that the accused is the biological father of the foetus, 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 the Bharatiya Sakshya Adhiniyam, 2023, 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. 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. They are not trustworthy witnesses. 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. 332(b), 64(1) r/w 63(a), 64(2)(m) of BNS, u/ss. 4(1) r/w 3(a), 6(1) r/w 5(l), 6 r/w 5(j)(ii) of POCSO Act. Accordingly accused is acquitted of the said offences u/s. 255 of BNSS. The bail bond executed by him stands cancelled and he is set at liberty.

Inform the Forensic Science Laboratory (FSL) to keep the material objects for 3 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.

Return item no. 1 mobile phone in T-206/25 to accused, 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 26th day of March, 2026.

Sd/-
SAIMA P.S,
SPECIAL JUDGE

APPENDIX**A. PROSECUTION WITNESSES :**

PW1 16-03-2026 : Victim
PW2 16-03-2026 : Father of Victim

B. DEFENCE WITNESS : NIL**C. COURT WITNESS: NIL****A. EXHIBITS FOR PROSECUTION :**

P1/PW1 08-04-2025 : First Information Statement.
P1(a)/PW1 08-04-2025 : Relevant Portion of First Information Statement.
P2/PW2 09-04-2025 : Relevant Portion of 161 Statement of PW2.

B. EXHIBIT FOR DEFENCE : NIL

C. EXHIBIT FOR COURTb : NIL

MATERIAL OBJECT MARKED : NIL.

Sd/-
SPECIAL JUDGE.