

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

MONDAY THE 6th DAY OF APRIL 2026
16th day of Chaithram ,1948

SESSIONS CASE No. 628/2025
Crime No. 557/2025 of Vakathanam Police Station

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

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

ACCUSED : Salimon A D, aged 59
W/o Nisha,
Thykkattu House (Rented)
Chungam,
Malloossery P O.
Kottayam
Permanent Address
Aalunkal Parambil House,
Near Nedumattam,
SNDP, Eravuchira,.PO,
Thottackadu.

By Advocates : Sri. Nidhin Reji Kuriakose

CHARGE : U/ss. 12 r/w 11(iv) ,8 r/w 7, 10 r/w 9 (n),10 r/w
9 (p), 4(2) r/w 3(b), 6 (1) r/w 5 (n), 6(1) r/w 5
(p) of POCSO Act, sections 78 (2) r/w 78 (1)(i)
,123,75 (2) r/w 75 (1)(i), 64 (1) r/w 63(b),64 (2)
(f), 238 of BNS.

PLEA : Not guilty.

FINDING : Not guilty

SENTENCE/ORDER : The accused is found not guilty of the offences
punishable 12 r/w 11(iv) ,8 r/w 7, 10 r/w 9 (n),10
r/w 9 (p), 4(2) r/w 3(b), 6 (1) r/w 5 (n), 6(1) r/w 5
(p) of POCSO Act, sections 78 (2) r/w 78 (1)(i)
123,75 (2) r/w 75 (1)(i), 64 (1) r/w 63(b),64 (2) (f),

238 of BNS. Accordingly accused is acquitted of the said offences u/s. 255 of BNSS. He is set at liberty.

DATE OF TRIAL : 27-03-2026, 01-04-2026.

HEARING : 06-04-2026

JUDGMENT : 06-04-2026

TABULAR FORM

Serial No. : S.C. No. 628/2025
 Name of Police station : Vakathanam Police Station.
 of and Cr. no. of offence : Crime No.557/2025

DESCRIPTION OF THE ACCUSED

Sl. No.	Name	Wife's Name	Occupation	Religion	Residence	Age
	Salimon A D	Nisha			Thykkattu House (Rented) Chungam, Malloossery P O. Kottayam <u>Permanent Address</u> Aalunkal Parambil House, Near Nedumattam, SNDP, Eravuchira,.PO, Thottackadu.	59

Date of

Occurrence : From 26-08-2024 To 16-01-2025
 Complaint : 07-08-2024
 Apprehension : 18-08-2025
 Release on bail : -
 Commitment : Nil
 Commencement of trial : 27-03-2026

Close of Trial : 01-04-2026
Sentence or order : 06-04-2026
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 06-04-2026 in the presence of the Special Public Prosecutor and having stood over for consideration on 06-04-2026 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, Vakathanam Police Station in crime no. 557/2025 alleging offences punishable u/ss. 63(b),78(1) 123,64(2) (f), 238, 65 (1),75 (1)(i),75 (2),64 (1) BNS, 3(b), 7, 8,11(v),12, 6, 5 n, 5 p,10, 9 n, 9 p, 4(2) of POCSO Act.

2. The prosecution case is as follows:-

The accused who is a relative of CW1 the victim child, bought a mobile phone for the victim and handed over the same to her and thereafter he constantly contacted her over the said phone. On 26/8/2024 at 8 p.m and thereafter on several occasions and on 16/1/2025 at 9.30 p.m in the residence of CW4 Aravindakshan that situates at Nedumattom bhagom, Eravichira P.O, Vakathanam Grama Panchayat accused administered liquor to CW1 the victim child and thereafter committed sexual assault on her by holding her breast and committed penetrative sexual assault on her by inserting his finger into her

vagina. Subsequently so as to cause disappearance of evidence, the accused destroyed the mobile phone that was given to victim by him.

3. On the basis of the FIS (First Information Statement) given by CW1 the victim child, CW28 Inspector, Vakathanam Police Station registered FIR as crime no.557/25 u/ss. 63 (b), 64, 75(1),78(1), 123 BNS and Sec. 3 (b),4,7,8,11(v),12 of POCSO Act. He has conducted the investigation, arrested the accused on 18/8/2025 and produced him before the jurisdictional Magistrate on the same day itself and he was remanded to judicial custody. Since then he is in judicial custody. On completion of investigation, on 3/10/2025 CW28 submitted final report before the Addl. District & Sessions 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. On producing the accused 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 BNSS, charge was framed against the accused u/ss. 12 r/w 11(iv) ,8 r/w 7, 10 r/w 9 (n),10 r/w 9 (p), 4(2) r/w 3(b), 6 (1) r/w 5 (n), 6(1) r/w 5 (p) of POCSO Act, sections 78 (2) r/w 78 (1)(i) 123,75 (2) r/w 75 (1)(i), 64 (1) r/w 63(b),64 (2) (f), 238 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 and PW2 were examined . 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 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. 12 r/w 11(iv) ,8 r/w 7, 10 r/w 9 (n),10 r/w 9 (p), 4(2) r/w 3(b), 6 (1) r/w 5 (n), 6(1) r/w 5 (p) of POCSO Act, sections 78 (2) r/w 78 (1)(i) 123,75 (2) r/w 75 (1)(i), 64 (1) r/w 63(b),64 (2) (f), 238 of BNS.

2. Sentence or order.

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

When testified through PW1 the victim stated that she has given Ext. P1 statement to the police, stated that she is not remembering the reason for which she has given Ext. P1. She denied Ext.P1(a), the relevant portion of Ext. P1. She stated that she is not remembering whether she has given any statement to the Magistrate and has shown the place of occurrence to the Investigating Officer. She specifically stated that in connection with this case she was neither subjected to medical examination nor has given statement to the doctor. She specifically stated that the accused who is her uncle has not administered liquor to her and has not committed any sexual violence on her.

9. PW2 the father of the victim disowned the statement given by him before the police . He denied Ext. P2 the relevant portion of his previous statement.

10. Thus PW1 and PW2 the material witnesses didn't support the prosecution case. They are not trustworthy witnesses. There is nothing in evidence which would prove that the accused who is the relative of the victim has committed sexual assault and penetrative sexual assault on her. The point is found accordingly.

11. Point No. 2:-

In view of the finding on point no.1, accused is found not guilty of the offences punishable 12 r/w 11(iv) ,8 r/w 7, 10 r/w 9 (n),10 r/w 9 (p), 4(2) r/w 3(b), 6 (1) r/w 5 (n), 6(1) r/w 5 (p) of POCSO Act, sections 78 (2) r/w 78 (1)(i) 123,75 (2) r/w 75 (1)(i), 64 (1) r/w 63(b),64 (2) (f), 238 of BNS. Accordingly accused is acquitted of the said offences u/s. 255 of BNSS. He is set at liberty.

Item no.1 in T 457/25 and T 463/25 being valueless are to be destroyed and item no.1 (Mobile Phone) in T 465/25 is to be returned 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 6th day of April, 2026.

Sd/-
SAIMA P.S,
SPECIAL JUDGE

APPENDIX**A. PROSECUTION WITNESSES :**

PW1 27-03-2026 : Victim
PW2 01-04-2026 : Father of Victim

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

P1/PW1 07-08-2025 : First Information Statement.
P1(a)/PW1 07-08-2025 : Relevant Portion of First Information Statement.
P2/PW2 06-09-2025 : Relevant Portion of 161 Statement of PW2

B. EXHIBIT FOR DEFENCE: NIL**C. EXHIBIT FOR COURT: NIL****MATERIAL OBJECT MARKED : NIL.**

Sd/-
SPECIAL JUDGE.