

IN THE COURT OF THE FAST TRACK SPECIAL JUDGE, ERATTUPETTA**Present:- Smt. ROSHUN THOMAS, SPECIAL JUDGE****Monday, the 30th of March, 2026/ 9th Chaithram, 1947****SESSIONS CASE No.346/2023****(Cr. No.71/2023 of Ponkunnam Police Station)**

Complainant	:	State represented by the Inspector SHO, Ponkunnam Police Station Rep. by Adv.Sri.Jose Mathew Thayyil, Special Public Prosecutor, FTSC, Erattupetta.
Accused	:	Ajmal B.Babu, aged 26/23, S/o. Babu J.S., Amal House, Melengottu, Edayattu Kara, Vellilappalli P.O., Pala, Meenachil, Kottayam (Reb.by Adv.T.R.Prakash)
Charge	:	u/s. 506(1), 354, 376(2)(n) IPC
Plea	:	Not guilty

Finding	:	Not guilty
Sentence/Order	:	The accused is found not guilty of the offences u/s. 506 (1), 354, 376(2)(n) IPC and accordingly he is acquitted of the said offences u/s. 255 BNSS. His bail bond stands cancelled and he is set at liberty.
No.of days on which the case stood for trial	:	one day, ie on: 17.03.2026

This Sessions case having been finally heard on 28.03.2026 and the court on 30.03.2026 delivered the following:-

JUDGMENT

1. The accused stands charged with having committed the offences punishable u/s.506 (1), 354, 376(2)(n) Indian Penal Code (hereunder referred to as IPC).

2. The prosecution case is that on several dates at a wooden cot in the hall room situated on the eastern side of the sit-out of Puduparambil house, Chirakkadavu Grama Panchayath and at the work area of the said house and also at the bedroom situated on the south-western corner of Amal house owned by Babu J.S., the accused

intimidated CW1 with threat to cause hurt to her and he used criminal force on her intending to outrage her modesty and committed rape repeatedly on her. Thus the accused committed aforementioned offences.

3. On completing investigation, final report was filed before Judicial First Class Magistrate Court-II, Kanjirappally, where, the case was taken into file as CP No. 14/2023. From there the case was committed to Hon'ble Sessions Court, Kottayam where the case was taken into file as S.C.No. 346/2023 and was made over to Additional Sessions Court-V, Kottayam. From there, the case was transferred to this court as per the order of the Hon'ble District Judge.

4. On appearance of the accused, copies of all prosecution documents were given to him.

5. The Special Public Prosecutor opened this case by describing the charge brought against the accused and stating by what evidence he propose to prove the case of the accused. Considering the records of the case and documents submitted by the prosecution and after hearing the submissions of the learned defence counsel and that of prosecution, it is found that there is ground for presuming that the

accused committed the offences alleged. Hence a charge for offences u/s. 506(1), 354, 376(2)(n) IPC was framed against the accused, which was read over to him to which he pleaded not guilty.

6. To prove its case, prosecution examined PWs.1 to 3 and got marked Exhibits P1 to P3. As no incriminating circumstances were brought out in evidence, the examination of the accused u/s. 351 BNSS was dispensed with.

7. Both sides were heard under Section 255 BNSS. As there is no evidence to proceed further, the accused was not called upon to adduce defence evidence.

8. Both sides were heard.

9. The following points arose for consideration:

1. Whether the accused caused criminal intimidation to PW1 with threat to cause hurt to her and thereby committed offence punishable u/s. 506(1) IPC?
2. Whether the accused used criminal force on PW1 intending to outrage her modesty and thereby committed an offence punishable u/s. 354 IPC?

3. Whether the accused committed rape repeatedly on PW1 and thereby committed an offence punishable u/s. 376 (2) (n) IPC?
4. What is the punishment, if any, to be awarded to the accused?

Point numbers 1 to 3:

10. For the sake of convenience, Point Nos. 1 to 3 are considered together.

11. According to the prosecution, the accused intimidated PW1 and used criminal force on her and committed rape on her repeatedly.

12. To prove the occurrence, prosecution examined PW1, the husband of the survivor, PW2, the survivor and PW3, the mother of the survivor.

13. In order to prove the alleged offences, the prosecution has to prove that the accused used criminal force on PW1 and intimidated her and committed rape on her repeatedly.

14. The learned Special Public Prosecutor has argued that the alleged offences are attracted as per the depositions of PWs.1 to 3. Hence, the accused may be convicted.

15. The learned defence counsel has argued that there is nothing to connect the accused with the alleged offences. Hence, the accused may be acquitted.

16. On going through the evidence before the court, it can be seen that according to PW1, he is staying at Ponkunnam along with his wife and three children. He is a driver by profession. He had given Ext. P1 before Ponkunnam Police Station. When he reached home after his work, his wife was missing. So he had given Ext.P1. Before giving Ext. P1, he had enquired about her in the relatives' houses and in neighbourhood houses. He had also given mobile number of his wife in Ext. P1.

17. PW2 is the survivor. According to her, she is residing at Ponkunnam. She is a tailor by profession. She is residing along with her husband and three children. She had given a statement before Judicial First Class Magistrate Court-II, Kanjirappally. She had not given any statement before the police. She do not know the

accused. She had never gone with the accused and stayed at his house at Pala and had sexual relationship with the accused. She had not given any additional statement before the police. She had never stated before the police that on the eve of her having a quarrel with her husband, she eloped with the accused and stayed at his house at pala. She turned hostile to the case of the prosecution and denied the entire incriminating evidence against the accused.

18. PW3, is the mother of PW2. According to her, PW1 is married at Podimattam. She has three children. She had not given any statement before the court. She is not aware of the alleged incident. PW1 had never informed her on 06.02.2023 that PW2 was missing. She and her husband had not enquired about PW3. She turned hostile to the case of the prosecution. She denied the entire incriminating evidence against the accused.

19. PW2, the survivor had totally denied the prosecution allegations. The deposition of PW3, her mother is in tune with her deposition. PW1 had only launched Ext.P1 regarding the missing of PW2. He do not know anything else. PW2 and 3 have turned hostile to the case of the prosecution and denied entire incriminating

evidence against the accused. Thus there is no evidence to connect the accused with the alleged offences. The prosecution has utterly failed to prove the guilt of the accused beyond reasonable doubt. Thus Point Nos. 1 to 3 are found against the prosecution.

Point No: 4:

20. In the result, the accused is found not guilty of the offences u/s. 506 (1), 354, 376(2)(n) IPC and accordingly he is acquitted of the said offences u/s. 255 BNSS. His bail bond stands cancelled and he is set at liberty.

(Dictated to Confidential Assistant, transcribed and typed by her corrected and pronounced by me in open court on this the 30th day of March, 2026).

Sd/-

**ROSHUN THOMAS
SPECIAL JUDGE**

APPENDIX

Exhibits marked for Prosecution

P1/PW1	:	First Information Statement dt.07.02.2023 marked on 17.03.2026
P2/PW2	:	Portion of 161 statement dt. 07.02.2023 marked on 17.03.2026
P3/PW3	:	Portion of 161 statement dt.07.02.2023 marked on 17.03.2026

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Exhibits for defence:- Nil

Witnesses for prosecution:

Examined on:

PW1	Sumesh Thomas	17.03.2026
PW2	Survivor	17.03.2026
PW3	Thankamma Jose	17.03.2026

Witnesses examined for defence:- Nil

Material Objects: Nil

Sd/-

SPECIAL JUDGE

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SPECIAL JUDGE

TABULAR FORM AS PER RULE 132 OF THE
CRIMINAL RULES OF PRACTICE

Serial No. of the case	:	S.C.No.346/2023
Name of the Police Station & Crime No.	:	Ponkunnam Police Station (Cr.No.171/2023)

DESCRIPTION OF THE ACCUSED

Sl.No	Name	Father's name	Occupation	Residence	Age
	Ajmal B.Babu	Babu J.S		Amal House, Melengottu, Edayattu	26/2023

				Kara, Vellilappalli P.O., Pala, Meenachil, Kottayam	
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DATES OF:

Occurrence	:	06.02.2023
Complaint	:	06.02.2023
Apprehension	:	30.03.2023
Release on bail	:	30.03.2023
Committal	:	16.06.2023
Commencement of trial	:	17.03.2026
Close of trial	:	25.03.2026
Hearing	:	28.03.2026
Judgment	:	30.03.2026
Reason for delay	:	No delay
Remarks	:	Nil

Sd/-

**ROSHUN THOMAS
SPECIAL JUDGE**

// True Copy //

SPECIAL JUDGE

Copy of Judgment in

S.C.No.346/2023

Dated : 30.03.2026