

**IN THE COURT OF THE JUDGE
SPECIAL COURT FOR SC/ST (POA) ACT/
ADDITIONAL SESSIONS COURT MANNARKKAD.**

Present : Sri. Jomon John, Judge.

Saturday the 18th day of April 2026.

28th day of Chaithra, 1948 S.E

Sessions Case No. 776/2024

Complainant	:	State of Kerala represented by the Deputy Superintendent of Police, Alathur (Rep.by. Sri Rajeev N, Special Public Prosecutor, Mannarkkad).
Name of Accused	:	Abuthahir S/o Abdul Rahiman, aged 49/24, Fathima Mansil, Manappadam (PO), Puthukode Village, Palakkad (Dist).
Charge	:	Offences Punishable U/Ss.354, 354(A)(1)(i) r/w 354(A)(2), 354(A)(i)(ii) r/w 354(A) (2), 354(A)(1)(iv) r/w 354(A)(3), 354(D)(1) r/w 354(D)(2) of the Indian Penal Code, U/Ss. 3(1) (w) (i) and 3(2) (va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989.
Plea of the accused	:	Not guilty
Finding of the judge	:	The accused is found not guilty of the offences punishable U/Ss.354, 354(A)(1)(i) r/w 354(A)(2), 354(A)(i)(ii) r/w 354(A) (2), 354(A)(1)(iv) r/w 354(A)(3), 354(D)(1) r/w 354(D)(2) of the Indian Penal Code, U/Ss. 3(1) (w) (i) and 3(2) (va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989.
Sentence or order	:	The accused is acquitted U/s. 255 of Bharatiya Nagarik Suraksha Sanhita, 2023.
Name of Police Station and Crime No. of the offences	:	Vadakkencherry Police Station. Cr.No. 586/2024.
Prosecution conducted by	:	Sri. Rajeev N, Special Public Prosecutor, Mannarkkad
Accused defended by	:	Adv. Sri. K. K. Rageshkumar.

JUDGMENT

This is a case charge sheeted by the Deputy Superintendent of Police, Alathur alleging the offences punishable U/Ss.354, 354(A)(1)(i), 354(A)(1)(ii), 354(A)(1)(iv), 354(D)(1)(i) of

the Indian Penal Code, U/Ss. 3(1) (w) (i) and 3(2) (va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989.

2. The prosecution case is, in brief, as follows:- The victim in this is a member of a Scheduled Caste and the accused belongs to Islam. The accused has possessory title in a building owned by his mother, situated at Manappadam in Puthukode Village. The above building was let out in favour of the victim and her husband and they were residing there during the time of the alleged occurrence. At 9.30 am on 18-05-2024, when the victim was alone in that house, the accused entered into the house on a pretext of certain maintenance. Thereafter, the accused intentionally outraged the modesty of the de facto complainant / victim by forcibly grabbing her, kissing on her cheeks and groping on her private areas. Later, the accused continuously attempted to contact the victim over phone with his intention to squeeze her consent for sexual favours. Hence, the accused is booked for the offences punishable U/Ss.354, 354(A)(1)(i), 354(A)(1)(ii), 354(A)(1)(iv), 354(D)(1)(i) of the Indian Penal Code, U/Ss. 3(1) (w) (i) and 3(2) (va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989.

3. On appearance of the accused, the copies of all relevant prosecution records were furnished to him. He was enlarged on bail. Thereafter, the learned Special Public Prosecutor opened this case by describing the charge brought against the accused and stating by what evidence he proposed to prove his guilt. Upon consideration of the records of the case and documents submitted therein and after hearing the submissions of the accused and the prosecution, a charge was framed against all accused for the offences punishable U/Ss.354, 354(A)(1)(i) r/w 354(A)(2), 354(A)(i)(ii) r/w 354(A) (2), 354(A)(1)(iv) r/w 354(A) (3), 354(D)(1) r/w 354(D)(2) of the Indian Penal Code, U/Ss. 3(1) (w) (i) and 3(2) (va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989. When it was read over and explained to the accused, he pleaded not guilty.

4. To prove its case, the prosecution examined PW1 to PW4 and Ext. P1 to Ext.P10 documents were marked. Since all the material witnesses, including the victim, did not support the prosecution as the entire matter had been amicably settled out of court, the examination of remaining witnesses was given up by the learned Special Public Prosecutor. As there is no incriminating circumstances brought out in evidence against the accused, his questioning U/s. 351 of Bharatiya Nagarik Suraksha Sanhita, 2023 (In short, herein after,

“the BNSS”) was dispensed with.

5. Heard both sides U/s. 255 BNSS.

6. Points that arise for consideration:-

1. Whether the prosecution has succeeded in establishing the guilt of the accused for the commission of the offences charged against him?.
2. What is the punishment, if any, to be awarded to the accused?

7. **Point No. 1:-** PW1 is the victim and the de facto complainant in this case. Admittedly, at the time of the alleged occurrence, she was residing in the rented house owned by the accused. PW1 further substantiated her caste identity before court which remains undisputed by the accused. It is her evidence that she had lodged Ext.P1 F.I statement against the accused alleging that the accused approached her for sexual favours. However, in the witness box, PW1 denied that the accused had either outraged her modesty or demanded for sexual favours from her. It is her version that her husband and the accused wherein drift in connection with the arrears of rent. Therefore, she lodged Ext.P1 F.I Statement against the accused under the instigation of her husband and on misunderstanding. She added that subsequent to the ended dispute had been amicably settled out of court with the accused.

8. PW2 was the husband of PW1 at the time of the alleged occurrence. At present, both of them have been divorced. It is the evidence of PW2 that he has no information about the alleged occurrence. He further deposed that PW1 had never disclosed about the alleged occurrence to him at any point of time.

9. PW3 is the mother of PW2. PW3 also testified in tune with the evidence of her son. PW4 was examined as an independent witness to show that the accused had entered into the rented house of PW1. However, in the witness box, PW4 denied the above fact.

10. Although PW1 to PW4 were declared hostile to the prosecution and cross examined by the learned Special Public Prosecutor, nothing was extracted from their mouths in support of the prosecution.

11. From the material evidence of PW1 to PW4, no incriminating circumstances are made out against the accused. It is perceived from the evidence of PW1 that at present, the entire matter has been amicably settled out of court with the accused. It is further deciphered from her evidence that Ext.P1 F.I Statement is an outcome of some misunderstanding. In

these circumstances, it is held that the prosecution has failed to prove the guilt of the accused beyond all reasonable doubt. Hence **Point No. 1** is answered against the prosecution.

12. **Point No. 2:-** In the result, the accused is found not guilty of the offences punishable U/Ss.354, 354(A)(1)(i) r/w 354(A)(2), 354(A)(i)(ii) r/w 354(A) (2), 354(A)(1)(iv) r/w 354(A)(3), 354(D)(1) r/w 354(D)(2) of the Indian Penal Code, U/Ss. 3(1) (w) (i) and 3(2) (va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989 and he is acquitted for the same U/s.255 of BNSS.

Dictated to the Confidential Assistant, typed and transcribed by her, corrected and pronounced by me in open court on this the 18th day of April, 2026.

Judge,
Special Court For SC/ST (POA) Act Cases,
Mannarkkad.

APPENDIX

Witness examined for the prosecution :

PW1 : Victim
PW2 : Sajith S/o Krishnan, Puthukode, Alathur.
PW3 : Lakshmi D/o Kadan, Puthukode, Alathur.
PW4 : Deepa K D/o Kumaran, Manappad, Alathur.

Exhibits marked for prosecution

Ext.P1 : FI statement dated 18-05-2024
Ext.P2 : FIR dated 19-05-2024
Ext.P3 : Scene mahazar dated 19-05-2024
Ext.P4 : Scene plan dated 27-06-2024
Ext.P5 : Caste certificate of CW1 (Form III) dated 13-02-2026
Ext.P6 : Caste certificate of accused dated 14-06-2024
Ext.P7 : Potency examination certificate of the accused dated
Ext.P8 : Section adding report dated 21-05-2024
Ext.P9 : Ownership certificate dated 18-07-2024
Ext.P10 : Complete address of the accused adding report dated 20-05-2024

Material Objects marked:- : Nil

Witness examined for the defence : Nil

Exhibits marked for the defence : Nil

Tabular Statement as per Rule 207 of Cr.P.C. of Kerala

1. Serial No. :
2. Name of Police Station and : Vadakkencherry Police Station
 Crime No. of the offences Cr.No. 586/2024
3. Description of the accused

Name	Father's Name	Age	Residence
Abuthahir	Abdul Rahiman	49/24	Palakkad

4. Date of Occurrence : 18-05-2024
 Date of complaint : 18-05-2024
 Date of arrest : 19-05-2024
 Released on bail : 27-05-2024
 Commencement of trial : 25-03-2026
 Close of trial : 06-04-2026
 Date of judgment : 18-04-2026
 Explanation of delay : No delay.

Judge,
 Special Court for SC/ST (POA) ACT/
 Additional Sessions Court
 Mannarkkad.

Fair/Copy of Judgment
in SC – 776/2024
Dated : 18-04-2026