

IN THE FAST TRACK SPECIAL COURT, PATTAMBI

Present: Sri.Dinesh M Pillai, Special Judge

Tuesday, the 16th day of June 2026/ 26th Jyaishtha, 1948

SESSIONS CASE No.166/2026

(Cr. No.189/2025 of Kalladikkode Police Station)

Complainant State of Kerala represented by the SHO of Police,
Kalladikkode Police Station.
(Rep. by.Adv.Sri.Sandeep.K, Spl. Public
Prosecutor)

Accused Gangadhar Khalitha, Aged-35, S/o.Manoranjana
Khalitha, Chakkapura, Ambari, Golbara, Assam.
(Rep.by Adv.Smitha Manojkumar K)

Charge U/S.332(c) & u/S.75(2) r/w S.75(1)(i) of BNS

Plea of the accused Not guilty

Finding of the Judge Not guilty

Sentence/Order Accused is found not guilty of the offences
punishable u/S.332(c) & u/S.75(2) r/w S.75(1)(i) of
BNS, and he is acquitted u/S.255 of the BNSS.

Description of the accused

Sl. No	Name of the Police Station and Crime No.of the accused	Name/s	Rank	Mother's Name	Occupation
1	Cr. No.189/2025 of Kalladikkode Police Station	Gangadhar Khalitha	-	Manoranjana Khalitha	Coolie

Sl. No	Residence	Age	Occurrence	Date of Complaint (Final report)	Apprehension
1	Golbara, Assam	35	09.03.2025	10.07.2025	10.03.2025

Release on Bail	Committal	Commencement of trial	Commencement of evidence	Close of trial	Sentence or Order
---	---	23.04.2026	01.06.2026	16.06.2026	16.06.2026

Service of copy of Judgment or finding on accused	Period of detention undergone during investigation inquiry or trial for the purpose of section 428 Cr.PC.	Explanation for delay
No right for free copy	---	No delay

This case, having been finally heard on 16.06.2026 and the court on the same day delivered the following:-

J U D G M E N T

1. This case is based on a final report filed by the Sub Inspector of Police, Kalladikkode Police Station, alleging offences u/S.332(c) & u/S.75(1)(i) of BNS.

2. Case of the prosecution is as follows:- On 09.03.2025 at 7.45pm, the accused had trespassed in to the residence of CW1, bearing No.V/70 at Kalladikkode and outraged the modesty of CW1 by holding on her left hand and thus committed the offences alleged.

3. The case was registered by CW17, based on the F.I.Statement of CW1, recorded by CW13. CW17 himself had conducted the investigation in the case and laid the final report before the Court. The accused who had been arrested on 10.03.2025 is remaining in judicial custody from that day onwards.

4. The final report in the case was originally filed before the Judicial First Class Magistrate Court, Mannarkkad, where it was taken up as CP.No.31/2025. The Learned Magistrate after complying the formalities u/S.207 Cr.PC had committed the case to the Sessions Court, Palakkad u/S.209(a) Cr.PC. The Sessions Court, Palakkad which took up the case as SC.No.166/2026 had later made it over to this Court for trial & disposal.

5. Before this Court, the accused was produced and since he was not represented by any advocate, upon his application, the TLSC, Ottappalam had appointed Adv.Smitha Manojkumar as his Legal Aid Counsel. The accused was furnished with copies of relevant records in the case u/S.207 CrI.P.C and after hearing the prosecution and the accused, charge against the accused u/S.332(c) & u/S.75(2) r/w S.75(1)(i) of BNS was framed. The charge so framed was read over and explained; to which the accused pleaded not guilty.

6. Prosecution had examined PW1 to PW3 and marked Exts.P1 to P10 on their side. CWs.2 & 4 to 15 were given-up by the prosecution. CW16, the Judicial Magistrate who recorded the statement of PW1 was not examined. Questioning of the accused u/S. 351 of BNSS was dispensed with since there was nothing available to incriminate him.

7. Heard under Section 255 of the BNSS.

8. The only Point for consideration is: Whether the accused is entitled to be acquitted under Section 255 of BNSS?

9. **The Point:-** PW1 is the victim who is alleged to have been assaulted sexually by the accused and is also the informant in the case. But she denied that she gave any complaint against the accused before the Police and disowned her signature in the F.I. Statement. PW1 denied that the accused had trespassed in to her residence or assaulted her sexually and denied her statement in the F.I. Statement to the above effect. Prosecution which declared PW1 as hostile had marked the relevant portion of her F.I. Statement on denial as Ext.P1.

10. PW2 is the son of PW1 and he denied that he knows that PW1 had given any complaint to the Police alleging sexual harassment, against the accused. PW2 also denied that PW1 told him that the accused had sexually assaulted her and he also denied his statement before the Police to the above effect.

11. PW3 was the Sub Inspector, Kalladikkode Police station, who registered Ext.P2, FIR based on Ext.P3, F.I. Statement of PW1, conducted the investigation in the case and laid the final report. PW3 has also identified Exts.P4 to P10 as the records prepared by him in the case. On completion of the investigation, PW3 laid the charge sheet before the Court on 10.07.2025.

12. As noted earlier, PW1, cited as the victim alleged to have been assaulted sexually by the accused has denied that the accused had assaulted her, sexually. PW1 also denied the allegations in the F.I. Statement to the above effect. PW2, the son of PW1 also turned hostile to the Prosecution to deny that the accused had assaulted PW1, sexually. Cross-examination on PW1 & PW2 by the Prosecution also has not brought out anything to support

the Prosecution case. On the other hand, it has come out that the dispute between the accused and the witnesses had been settled and presently PW1 got no complaint against the accused.

13. The evidence of PW3, the Police Officer who got no direct knowledge of the alleged incident and only conducted the investigation in the case or Exts. P2 to P10 marked through him are not sufficient to bring home the charges leveled against the accused. In the above circumstances, it is only to be concluded that there is no evidence available in the case sufficient to establish the commission of the offences by the accused, as it is alleged in the case.

14. **In the result,**

a	The accused is found not guilty of the offences punishable u/S.332(c) & u/S.75(2) r/w S.75(1)(i) of BNS, and he is acquitted u/ S.255 of the BNSS.
b	The accused is ordered to be released from the custody, if he is not required for any other case.

Dictated to the Confidential Assistant, typed by her, corrected by me and pronounced in open court, on this the 16th day of June 2026.

DINESH M PILLAI
Special Judge

APPENDIX**A. Prosecution Witness**

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical witness, Other Witness
PW1/CW1	---	Victim
PW2/CW3	---	Son of victim
PW3/CW17	Sundaran N	SHO, Kalladikkode P.S

A. Prosecution Exhibits

Sl.No	Exhibit Number	Date	Description
1	Exit.P1/PW1	09.03.2025	Portion of FIS
2	Exit.P2/PW3	09.03.2025	FIR
3	Exit. P3/PW3	09.03.2025	FIS
4	Exit. P4/PW3	09.03.2025	Wound certificate
5	Exit. P5/PW3	10.03.2025	Scene mahazar
6	Exit. P6/PW3	10.03.2025	Arrest memo
7	Exit. P7/PW3	10.03.2025	Arrest intimation
8	Exit. P8/PW3	10.03.2025	Inspection memo
9	Exit. P9/PW3	10.03.2025	Address report
10	Exit. P10/PW3	25.06.2025	building certificate

B. Defence Witness

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical witness, Other Witness
Nil	NIL	NIL

B. Defence Exhibits

Sl.No.	Exhibit Number	Date	Description
Nil	Nil	Nil	Nil

C. Court Witness

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical witness, Other Witness
Nil	NIL	NIL

C. Court Exhibits

Sl. No.	Exhibit Number	Description
Nil	NIL	NIL

D. Material Objects

Sl.No.	Exhibit Number	Description
Nil	NIL	NIL

DINESH M PILLAI
SPECIAL JUDGE

**Fair/Copy Judgment
In SC.No.166/2026
Dated:16.06.2026**