

IN THE FAST TRACK SPECIAL COURT, PATTAMBI

Present: Sri.Dinesh M Pillai, Special Judge

Wednesday, the 25th day of March 2026/ 4th Chaithra 1948

SESSIONS CASE No.340/2025

(Cr. No.143/2025 of Mannarkkad Police Station)

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

Accused Ishak.K.K @ Ishak Sahadi, Aged-51, S/o.Aboobacker Koottakkadavath House, Poovathingal, Oorghattiri, Malappuram.
(Rep.by Adv.Rajesh.V)

Charge U/Ss.377 of IPC and u/S.4 r/w S.3(c) & u/s.6(1) r/w Ss.5(l) & 5(f) of the PoCSO Act.

Plea of the accused Not guilty

Finding of the Judge Not guilty

Sentence/Order Accused is found not guilty of the offences punishable u/Ss.377 of IPC and u/S.4 r/w S.3(c) & u/s.6(1) r/w Ss.5(l) & 5(f) of the PoCSO Act 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.143/2025 of Mannarkkad Police Station	Ishak.K.K @ Ishak Sahadi	-	Aboobacker	Ustad

Sl. No	Residence	Age	Occurrence	Date of Complaint (Final report)	Apprehension
1	Malappuram	51	Several days after Onam Vacation in September 2022 till March 2024.	29.03.2025	26.01.2025

Release on Bail	Committal	Commencement of trial	Commencement of evidence	Close of trial	Sentence or Order
26.03.2025	---	10.12.2025	17.01.2026	25.03.2026	25.03.2026

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 25.03.2026 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 Inspector of Police, Mannarkkad Police Station, alleging offences u/Ss.377 of IPC and u/S.4 r/w Ss.3(c) & u/s.6(1) r/w S.5(l) & 5(f) of the PoCSO Act.

2. Case of the prosecution is as follows:- The accused being the teacher & receiver of Madrasathul Khayryth (Al Fifle Dawa College) of Changaleeri Mallu being functioned in the building No.XII/552 of Kumaramputhur Panchayath had on several days after Onam Vacation in September 2022, till March 2024 in between 1.am & 2.00am had subjected CW1, who was then aged 13-15 years with repeated carnal & penetrative sexual assault against order of the nature by inserting his penis in between the thighs of CW1 at the hall-room of the above religious educational institution where CW1 was a student-inmate and thus committed the offences alleged.

3. The case was registered by CW27 based on the F.I.Statement of CW1 recorded by CW24. CW28 & CW29 had conducted the investigation and CW29 laid the final report before the 1st Additional Sessions Court, Palakkad. The said Court took cognizance of the offences and later made over the case to this Court for disposal. The accused who had been arrested on 26.01.2025 was remanded to Judicial custody and he was released on bail on 26.03.2025.

4. Before this Court, the accused entered appearance and he was furnished with copies of relevant records in the case u/S.207 CrI.P.C. After

hearing the prosecution and the accused, charge against the accused u/Ss.377 of IPC and u/S.4 r/w S.3(c) & u/s.6(1) r/w Ss.5(l) & 5(f) of the PoCSO Act was framed. The charge so framed was read over and explained; to which the accused pleaded not guilty.

5. Prosecution had examined PW1 to PW3 and marked Exts.P1 to P19 on their side. CWs.2 to 4, 6 to 25, 27 & 28 were given-up by the prosecution. CW26 the Judicial Magistrate who recorded the statement of the victim was not examined. Questioning of the accused u/S. 351 of the BNSS was dispensed with since there was nothing available to incriminate him.

6. Heard under Section 255 of the BNSS.

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

8. **The Point**:- PW1 is the victim who is alleged to have been subjected to penetrative sexual assault by the accused and is also the informant in the case. But he denied that he made any complaint against the accused before the Police and disowned his signature in the F.I. Statement. PW1 had denied that the accused had committed repeated penetrative sexual assault on him and he also denied his statement before the Police to the effect. The Prosecution which declared PW1 as hostile had marked the relevant portions of his F.I. Statement on denial as Exts.P1.

9. PW2 is the father of PW1 and he denied that he knows that PW1 had given any complaint to the Police alleging sexual assault against the accused. PW2 also denied that PW1 told him that the accused had sexually assaulted him and he also denied her statement before the Police to the above effect.

10. PW3 was the Inspector, Mannarkkad Police station, who re-registered this case since the case records in Crime No.87/2025 of Shornur Police Station had been forwarded to Mannarkkad Police Station, since the place of occurrence is within that Police Station. PW3 had identified Ext.P2 as the F.I.R registered by him as above and Ext.P3 as the FIR registered by CW27 at the Shornur Police Station, based on Ext.P4 F.I. Statement of PW1 recorded by CW24. PW3 had conducted the investigation in the case and laid the final report before the Court on 29.03.2025. PW3 has also identified Exts.P5 to P19 as the other records prepared by him in the case.

11. As noted earlier, PW1, cited as the victim alleged to have been subjected to repeated penetrative sexual assault by the accused had denied that the accused had assaulted him sexually. PW1 also denied his statement in the F.I. Statement, incriminating the accused. PW2 the father 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.

12. 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 P19 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.

In the result,

a	The accused is found not guilty of the offences punishable u/Ss.377 of IPC and u/S.4 r/w S.3(c) & u/s.6(1) r/w Ss.5(l) & 5(f) of the PoCSO Act and he is acquitted u/S.255 of BNSS.
b	The accused is set at liberty after cancelling his bail bond.

Dictated to the Confidential Assistant typed by her, corrected by me and pronounced in open court, on this the 25th day of March 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/CW5	---	Mother of victim
PW3/CW29	Rajesh M.B	Inspector, Mannarkkad P.S

A. Prosecution Exhibits

Sl.No	Exhibit Number	Date	Description
1	Exit.P1/PW1	25.01.2025	Portion of FIS
2	Exit.P2/PW3	30.01.2025	FIR Crime No.143/2025
3	Exit. P3/PW3	25.01.2025	FIR Crime No.87/2025
4	Exit. P4/PW3	25.01.2025	FIS
5	Exit. P5/PW3	25.01.2025	MLR
6	Exit. P6/PW3	26.01.2025	Scene mahazar
7	Exit. P7/PW3	26.01.2025	Arrest memo
8	Exit. P8/PW3	26.01.2025	Inspection memo
9	Exit. P9/PW3	26.01.2025	Arrest intimation
10	Exit. P10/PW3	26.01.2025	Address adding report
11	Exit. P11/PW3	26.01.2025	Seizure mahazar
12	Exit. P12/PW3	26.01.2025	Potency certificate
13	Exit. P13/PW3	03.02.2025	Birth certificate
14	Exit. P14/PW3	15.02.2025	Admission register extract
15	Exit. P15/PW3	17.02.2025	Scene plan
16	Exit. P16/PW3	12.02.2025	Ownership certificate
17	Exit. P17/PW3	07.02.2025	Seizure mahazar
18	Exit. P18/PW3	07.02.2025	Seizure mahazar
19	Exit. P19/PW3	29.03.2025	Scene mahazar correction report

B. Defence Witness

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

B. Defence Exhibits

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

C. Court Witness

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

C. Court Exhibits

Sl. No.	Exhibit Number	Description
--	NIL	NIL

D. Material Objects

Sl.No.	Exhibit Number	Description
---	NIL	NIL

DINESH M PILLAI
SPECIAL JUDGE

**Fair/Copy Judgment
In SC.No.340/2025
Dated:25/03/2025**