

IN THE FAST TRACK SPECIAL COURT, PATTAMBI

Present: Sri.Dinesh M Pillai, Special Judge

Thursday, the 23rd day of April 2026/ 03rd Vishakha, 1948

SESSIONS CASE No.520/2025

(Cr.No.292/2025 of Cherpulassery Police Station)

Complainant	State of Kerala represented by the Sub Inspector of Police,Cherpulassery Police Station.
	<i>(Rep. by Adv.Sri.Sandeep.K, Spl. Public Prosecutor)</i>
Accused	Sidharth M, Aged-23/2025, S/o.Manikandan, Manalikkuzhiyil house, Karalmanna P.O, Cherpulassery.
	(Rep.by Adv.Syamini P.A)
Charge	U/S.354 A(2) r/w S.354A(1)(i) & 354B of IPC & u/S. 10 r/w S.9(l) & S.9(n) of the PoCSO Act.
Plea of the accused	Not guilty
Finding of the Judge	Not guilty

Sentence/Order	The accused is found not guilty of the offences u/S.354 A(2) r/w S.354A(1)(i) & 354B of IPC & u/S. 10 r/w S.9(l) & S.9(n) of the PoCSO Act and he is acquitted u/S.255 of the BNSS.
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Description of the accused

Sl.No.	Name of the Police Station and Crime No.of the accused	Name	Rank	Father's Name	Occupation
1	Cr.No.292/2025 of Cherpulassery Police Station	Sidharth M	-	Manikandan	--

Sl.No	Residence	Age	Occurrence	Date of Complaint (Final report)	Apprehension
1	Karalmanna	23/2025	18.01.2024 & 28.01.2024	17.05.2025	01.04.2025

Release on Bail	Committal	Commencement of trial	Commencement of evidence	Close of trial	Sentence or Order
24.05.2025	--	05.12.2025	21.01.2026	23.04.2026	23.04.2026

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 23.04.2026 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, Cherpulassery Police station, alleging offences u/S.354A(1)(i) & u/S.354(B) IPC and u/Ss.9(n),9(p), 7, 8, 9(l),9(j)(i), 10 of the PoCSO Act.

2. Case of the prosecution is as follows:- The accused being the relative of CW1, aged 15 years, had on 18.01.2024 at 7.00pm had groped on the breast of CW1 while travelling together in his scooter No.KL-51-M-7179 towards the residence at Karalmanna; on 28.01.2024 groped on the breast of CW1 at the family house No.XV/12 & during the period of School vacation in 2024 had groped & kissed on either breast of CW1 after removing her top at the residence No.IV/219 of the accused at Karalmanna with sexual intent and thus committed the offences alleged.

3. The case was registered by CW19, based on the F.I.Statement of CW1, recorded by CW19. Cws.19 & 21 had conducted the investigation in the case and CW21 had laid the final report before the Court. The accused who had been arrested on 01.04.2025 was remanded to judicial custody and while so, he was released on bail on 24.05.2025.

4. The case was originally charge-sheeted before the First Additional District & Sessions Court, Palakkad and that Court took cognizance of the offences. Later, the case was made over to this Court, for disposal.

5. Before this Court, the accused entered appearance and he was served with copies of relevant records in the case u/S.207 Cr.P.C. After hearing the prosecution and the accused, charge against him u/S.354 A(2) r/w S.354A(1) (i) & 354B of IPC & u/S. 10 r/w S.9(l) & S.9(n) of the PoCSO Act was framed; to which the accused pleaded not guilty.

6. Prosecution had examined PW1 to PW3 and marked Exts.P1 to P17 on its side. CWs. 2 & 4 to 19 were given up by the prosecution. CW20, the Judicial Magistrate who recorded the statement of CW1 was not examined. Questioning of the accused u/s.351 of the BNSS was dispensed with since there was nothing available to incriminate the accused.

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 the BNSS?

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

10. PW2 is the father of PW1 and he does not know whether PW1 had given any complaint before the Police against the accused. The witness denied that the accused had sexually assaulted PW1 or that his daughter had told him that the accused had sexually assaulted her. PW2 had denied that he had made any statement before the Police that the accused had assaulted his daughter, sexually.

11. PW3 was the Sub Inspector, Cherpulassery Police station, who conducted the investigation in the case and laid the final report. The witness identified Ext.P2 as the FIR registered by CW19 based on Ext.P3 F.I. Statement of PW1. PW3 also identified Exts.P4 to P17 as the other records prepared by him in the case. On completion of the investigation, PW3 had laid the charge-sheet before the Court on 17.05.2025.

12. As noted earlier, PW1, cited as the victim alleged to have been assaulted sexually by the accused had denied that the accused had sexually assaulted her and denied her statement before the Police to that effect. PW2, the father of PW1 also denied that the accused had assaulted PW1, sexually. Cross-examination on the said witnesses 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 witnesses & the accused who are relatives had been settled and presently they got no complaint against the accused who is a relative of the witnesses.

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 the documents marked through him as Ext.P2 to P17 are not sufficient to bring home the charges leveled against the accused. In the above circumstances, it is only 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.354 A(2) r/w S.354A(1)(i) & 354B of IPC & u/S. 10 r/w S.9(l) & S.9(n) of the PoCSO Act and he is acquitted u/S.255 of the BNSS.
b	The accused is set at liberty after cancelling his bail bond.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court this the 23rd day of April, 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	---	Father of Victim
PW3/CW21	Joseph V.K	Sub Inspector of Police,Cherpulassery.

A. Prosecution Exhibits

Sl.No	Exhibit Number	Date	Description
1	Exhibit P1/PW1	29.03.2025	Portion of F.I.Statement
2	Exhibit P2/PW2	29.03.2025	FIR
3	Exhibit P3/PW3	29.03.2025	FIS
4	Exhibit P4/PW3	30.03.2025	MLR
5	Exhibit P5/PW3	01.04.2025	Arrest memo
6	Exhibit P6/PW3	01.04.2025	Arrest intimation
7	Exhibit P7/PW3	01.04.2025	Inspection
8	Exhibit P8/PW3	01.04.2025	Address report
9	Exhibit P9/PW3	01.04.2025	Potency certificate
10	Exhibit P10/PW3	08.04.2025	Seizure mahazar
11	Exhibit P11/PW3	03.04.2025	Scene mahazar
	Exhibit P11(a)/PW3	03.04.2025	Scene mahazar
	Exhibit P11(b)/PW3	03.04.2025	Scene mahazar
12	Exhibit P12/PW3	25.04.2025	Birth certificate
13	Exhibit P13/PW3	03.05.2025	Admission register extract
14	Exhibit P14/PW3	17.05.2025	Relationship certificate
15	Exhibit P15/PW3	05.05.2025	RC particulars
16	Exhibit P16/PW3	15.05.2025	Scene plan
17	Exhibit P16(a)/PW3	15.05.2025	Scene plan
18	Exhibit P16(b)/PW3	15.05.2025	Scene plan
19	Exhibit P17/PW3	23.04.2025	Ownership certificate
20	Exhibit P17(a)/PW3	23.04.2025	Ownership certificate

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	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.520/2025
Dated: 23.04.2026