

**IN THE FAST TRACK SPECIAL COURT, PATTAMBI**

Present: Sri.Dinesh M Pillai, Special Judge

Wednesday, the 29<sup>th</sup> day of April 2026/ 09<sup>th</sup> Vaishakha, 1948

**SESSIONS CASE No.880/2024**

(Cr.No.383/2024 of Thrithala Police Station)

Complainant	State of Kerala represented by the Sub Inspector, Thrithala Police Station.
	<i>(Rep. by Sri.Sandeep.K, Spl. Public Prosecutor)</i>
Accused	Midhun, Aged-21/2023, S/o.Thankachan, Thadatharikath Puthenveedu House, Chegidikulam, Thenkara, Mannarkkad.
	(Rep.by Adv. Varun R)
Charge	U/S. 376(2)(n) of IPC.
Plea of the accused	Not guilty
Finding of the Judge	Not guilty

Sentence/Order	The accused is found not guilty of the offences punishable u/S. 376(2)(n) of IPC and he is acquitted u/S.255 of 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.383/2024 of Thrithala Police Station	Midhun	-	Thankachan	---

Sl.No	Residence	Age	Occurrence	Date of Complaint (Final report)	Apprehension
1	Thenkara	21	From 26.05.2023 to 16.05.2024	19.07.2024	13.06.2024

Release on Bail	Committal	Commencement of trial	Commencement of evidence	Close of trial	Sentence or Order
13.06.2024	--	30.12.2025	06.02.2026	29.04.2026	29.04.2026

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 29.04.2026 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 Inspector of Police, Thrithala Police station, alleging offences u/S. 376(2)(n) of IPC.

2. Case of the prosecution is as follows:- From 26.05.2023 to 01.12.2023, in the rental home No.50/836 of Thrissur Corporation at S.N Park and from 07.12.2023 to 16.05.2024 in the Quarters No.II/8A named Aloshya of Pattithara Panchayath at Vattanad, the accused had committed repeated rape on CW1 by offering to marry her and thus committed the offences alleged.

3. The case was registered by CW19 based on the F.I. Statement of CW1 recorded by CW17. The investigation of the case was conducted by CW19 & CW20 and the final report was filed by CW20. The accused who had been arrested on 13.06.2024 was released on bail on that day itself.

4. The final report in the case was originally filed before the Judicial First Class Magistrate Court, Pattambi, where it was taken as CP.44/2024. 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.880/2024 had later made it over to this Court for trial & disposal.

5. Before this Court, the accused entered appearance and he was released on bail. After hearing both sides, charge against the accused was framed u/S. 376(2)(n) of IPC. The charge so framed was read over and explained; to which the accused plead not guilty.

6. Prosecution had examined PW1 & PW2 and marked Exts.P1 to P10 series on its side. CWs. 2 to 17 & 19 were given up by the prosecution. CW18, the Judicial Magistrate who recorded the 164 statement of the victim was not examined. Questioning of the accused u/s.351 of 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 subjected to repeated rape by the accused and is also the informant in the case. But she denied that she made any complaint against the accused before the Police and disowned her signature in the F.I. Statement. PW1 deposed that the accused never assaulted her sexually and she denied her statement in the FIS 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 was the Inspector of Police, Thrithala Police Station, who conducted the investigation in the case and laid the final report. The witness identified Ext.P2 as the FIR registered in the case by CW19 based on the F.I. Statement of PW1, which has been marked as Ext.P3. PW2 also identified Exts.P4 to P10 series as the other records prepared by CW19 and himself, as part of investigation in the case. On completion of the investigation, PW2 had laid the final report before the Court on 19.07.2024.

11. As noted earlier, PW1, cited as the victim alleged to have been raped by the accused had denied that the accused had raped her. PW1 also denied her statement in the F.I.Statement, incriminating the accused. Cross-examination on PW1 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 & PW1 had been settled and presently she got no complaint against the accused.

12. The evidence of PW2, 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 series 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.

13. **In the result,**

a	The accused is found not guilty of the offences punishable u/S. 376(2)(n) of IPC 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, typed by her, corrected by me and pronounced in open Court this the 29<sup>th</sup> 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/CW20	Sajith Kumar T.V	Inspector, Thrithala.P.S

A. Prosecution Exhibits

Sl.No	Exhibit Number	Date	Description
1	Exhibit P1/PW1	22.05.2024	Portion of FIS.
2	Exhibit P2/PW2	22.05.2024	FIR.
3	Exhibit P3/PW2	22.05.2024	FIS
4	Exhibit P4/PW2	22.05.2024	MLR
5	Exhibit P5(a)/PW2	23.05.2024	Scene mahazar
	Exhibit P5(b)/PW2	24.05.2024	Scene mahazar
6	Exhibit P6/PW2	13.06.2024	Arrest memo

7	Exhibit P7/PW2	---	Address report
8	Exhibit P8/PW2	14.06.2024	Potency certificate
9	Exhibit P9/PW2	01.06.2024	Ownership certificate
10	Exhibit P10(a)/PW2	08.07.2024	Scene plan
11	Exhibit P10(b)/PW2	19.07.2024	Scene plan

**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  
SC.No.880/2024  
Date:29.04.2026