

**IN THE COURT OF THE ADDL. DISTRICT AND SESSIONS
JUDGE-I
PATHANAMTHITTA.**

**Present:- Sri. JAYAKRISHNAN.G.P., ADDITIONAL SESSIONS
JUDGE-1**

Friday the 27th day of March, 2026/ 6th day of Chaithram 1948 S.E.

SESSIONS CASE NO: 297/2022

Complainant : State of Kerala represented by the
Inspector of Police, Ranni
Police Station (Crime No. 1691/2020 of
Ranni Police Station).

(By Adv. Harisankar Prasad,
Addl. Govt. Pleader and
Public Prosecutor, Pathanamthitta.)

Accused : Athul Sathyan,
S/o. Sathyan, Vadakkedathu House,
Blockpady, Ranny P.O., Ranny Village.

(By Adv. Thomas Varghese)

Charge : U/s 302 IPC

Plea of the accused : Not guilty.

Finding of the Court : Found not guilty

Sentence or order of : The accused is acquitted under Section
255(1) of Bharatiya Nagarik Suraksha
Sanhita, 2023 for the offence under
Section 302 of IPC. Destroy material
objects MO1 (series) to MO11 on
completion of the period of appeal or
revision. The bail bond of the accused
stands cancelled and set at liberty.

Dates of trial : 14.03.2025, 09.10.2025, 19.01.2026,
16.02.2026, 23.02.2026, 25.02.2026,
27.02.2026, 04.03.2026, 05.03.2026,
11.03.2026, 12.03.2026, 17.03.2026,
18.03.2026.

Date of hearing : 24.03.2026

This sessions case having been finally heard on 25.03.2026 and on 27.03.2026 the court delivered the following.

JUDGMENT

The case is charge sheeted by the Inspector of Ranny Police Station in Crime No.1691/2020 of Ranny Police Station for the offence punishable under Section 302 of IPC.

2. The prosecution case in brief is as follows;

The deceased Rajeev has abused the wife of the accused many a times, despite of the warnings given by accused. Being so on 14.10.2020 at about 08.00p.m, the deceased has used filthy words to accused at the residence of the accused, bearing door No.500/XIII of Ranny Grama Panchayath. The accused became furious and he heavily slapped the deceased, whereby he fell down. Thereafter the accused has kicked on the stomach as well as the chest of the deceased with the knowledge that the injuries therefrom are sufficient in the ordinary course of nature to cause his death. The rib cage of the deceased has collapsed and the heart was punctured by the broken ribs. By the heavy kick the spleen got injured,

whereby blood was percolated in stomach. Though injured was shifted to the nearby the Taluk Head Quarters Hospital, Ranny, his death was declared by the doctor. Hence the prosecution.

3. The FI Statement was recorded by PW19, the Inspector of Ranny Police Station from PW1 on the day immediate to the incident at 12.35 am. He has registered the FIR against the accused in Crime No.1691/2020 of Ranny Police Station under Section 302 of IPC. The investigation has commenced and in the course of investigation, on 15.10.2020 PW19 has arrested the accused and produced before the learned Judicial First Class Magistrate, Ranny. The learned Magistrate has remanded the accused to judicial custody. The accused was released on bail by virtue of order dated 15.01.2021. The investigation has completed by PW19 and on 10.02.2021, the final report was laid against the accused before the learned Judicial First Class Magistrate, Ranny. The learned Magistrate has taken the case on file as C.P 18/2021.

4. On issuance of summons the accused has appeared before the learned Judicial First Class Magistrate, Ranny. The copies of the prosecution records were furnished to the accused under Section 207 of the Code of Criminal Procedure. The learned Magistrate has committed the case for trial to the learned Court of Sessions, Pathanamthitta under Section 209 of the Code of Criminal Procedure. The learned Sessions Judge has made over the case for trial to this court.

5. On summons the accused has appeared. However the accused has involved in another murder case in which his bail was rejected and he has detained in judicial custody. So despite of the bail granted in the present case, later the accused has taken and kept in judicial custody as per the

order in the other case. However the accused has defended by Adv. Sri. Thomas Varghese all along. Both sides have addressed their arguments on the question of framing the charge. Accordingly the charge against the accused has framed under Section 302 of IPC. The written charge read over and explained, to which the accused has pleaded not guilty and demanded for trial.

6. There are 33 witnesses in the prosecution witness list. From among them, PWs 1 to 19 have examined and Exts.P1 to P43 documents were marked. Other than that the material objects, eleven in number are marked as MO1 to MO11.

7. On completion of the evidence from prosecution, the accused was questioned under Section 351(1) of the Bhratiya Nagarik Suraksha Sanhita,2023 and elicited the explanations what are all about the incriminating circumstances. As per Section 255 of Bhratiya Nagarik Suraksha Sanhita, both sides have addressed their arguments. Since the case cannot be disposed under Section 255, it was adjourned for defence evidence. However there is no evidence from the accused, either testamentary or documentary.

8. The points arise for consideration are following;

1. *Whether with the intention to murder the deceased, the accused has slapped and kicked on his chest and stomach, causing fracture of rib cage, protruding some ribs into the heart and injure the spleen, causing percolation of blood in the stomach ?*

2. *Whether the accused has the knowledge that the injuries probable by the assault are sufficient in the ordinary course of nature to cause the death of the deceased?*
3. *Whether the accused has committed the offence punishable under Section 302 of IPC?*
4. *If so, the proper punishment deserve to be imposed on the accused.*

9. Heard both sides.

Point Nos.1 to 3:-

Brief Narration of Evidence.

10. A common friend of the accused as well as the deceased has furnished evidence as PW1. According to PW1 on 14.10.2020 together with the deceased he went to the residence of the accused by about 08.00p.m. The accused alone was at his residence. Meanwhile PW1 went out to attend a mobile phone call. Before the completion of call, he heard hot exchange of words between the accused and the deceased. According to PW1 he rushed to the residence and found deceased lying on the floor in a critical condition. Having been terrified by the situation, PW1 rushed to his residence. But late back in the night, he got the information that the injured died. After that he went to the police station and lodged Ext.P1 FI statement. He has identified four material objects and accordingly they are marked as MOs 1 to 4.

11. PW2 is an auto-rickshaw driver. The deceased was his friend. According to PW2 the reason for death of the deceased is not known. However he has accompanied the deceased to the hospital, where the doctor

has declared the death. The prosecution has cited this witness to establish the incident. However on account of his change of loyalty to the defence, the court has allowed the learned Additional Public Prosecutor on his request to conduct cross examination of PW2 as a witness loyal to the other side. The contradictions through PW2 are marked subject to proof as Ext.P4 and P5.

12. PW3 is a friend of the deceased. He is a driver by profession. According to PW3 together with others he has accompanied the injured to the hospital, but only to hear the declaration of his death by the doctor. He has furnished Ext.P6 statement before the learned Magistrate.

13. PW4 is an attesting witness to Ext.P7 scene mahazar. According to PW4 the police has prepared this mahazar on 15.10.2020 at the residence of the accused. However he is not aware of the detection of any material objects by police from the crime scene house.

14. According to PW5 the police has conducted inquest on the body of the deceased at Marthoma Hospital, Ranny. The inquest report bearing his signature is marked as Ext.P8. He has recollected that MO4 kaily has detected by police from the body of the deceased.

15. At the requisition of the investigating officer, PW6 has prepared Ext.P9 scene plan. According to PW6 he has prepared the plan while working as the Village Officer of Ranny.

16. PW7 is a PWD Civil Works Contractor having his residence at Ranny- Thottamon. According to PW7 the police has detected MO5 shirt from the lower portion of a culvert by virtue of Ext.P10 mahazar. According to PW7 as per the requisition from police, he has signed this mahazar as an independent witness.

17. While working as department photographer PW8 has accompanied the investigating officer to the places of inquest and scene of crime. He took different photographs on the body of deceased and with respect to the scene of crime. The photographs, original DVD and the statutory certificate are marked as Exts. P11(series) to P13.

18. While working as Scientific Officer of District Crime Branch, Pathanamthitta, PW9 has assisted the investigating officer to trace certain material objects from the scene of crime. According to PW9 she has traced the hairs and beedi buds from the scene of crime and delivered to the investigating officer in sealed packets.

19. PW10 is the Civil Police Officer of Ranny Police Station. He is an attesting witness to Ext.P14 mahazar, prepared to record the seizure of the motor cycle travelled by the accused to dispose his shirt at the time of assault.

20. PW11 is the Secretary of Ranny Grama Panchayath. As per the requisition given by the investigating officer, she has issued Ext.P15 ownership certificate in respect of house number XIII/500 of Ranny Grama Panchayath. By referring to this certificate, PW11 has deposed that this residence stands in the name of one Vikraman.

21. A senior civil police officer of Ranny Police Station has testified as PW12. According to PW12 he is an attesting witness to Ext.P16 mahazar, drawn by the investigating officer to reproduce the contents of the petition register in respect of the complaint given by the wife of the accused.

22. PW13 is the Sub Inspector of Ranny Police Station. According to PW13 on 15.10.2020 the investigating officer has prepared Ext.P17 mahazar to record the seizure of the material objects given by the postmortem surgeon. Likewise on the same day itself he has signed Ext.P18 mahazar to record the seizure of the body specimens of the accused, collected and issued by the doctor who has examined the accused.

23. PW14 is the Civil Police Officer of Ranny Police Station. As per the instructions given by the investigating officer he has conducted scene guard duty from 02.00a.m on 15.10.2020 until the completion of the scene mahazar on the immediate day.

24. While working as Assistant Professor in the Department of Forensic Medicine of Government Medical College Hospital, Kottayam, on 15.10.2020 at the requisition of the investigating officer PW15 has conducted autopsy on the body of the deceased. The autopsy report bearing his signature and seal of the hospital is marked as Ext.P19.

24(a). According to PW15 there are 12 ante-mortem injuries on the body of the deceased and the reason for death was on account of the blunt injuries sustained to the chest and the abdomen. He specified that the injuries 1 and 11 are sufficient in the ordinary course of nature to cause death. According to PW15 he has collected the blood, nail clippings, blood stained gauze and hair samples from the body of the deceased, put them in sealed packets and delivered to the police for forensic analysis.

25. PW16 is the Senior Civil Police Officer of Ranny Police Station. According to PW16 he has signed Exts.P20 and P21 mahazars, drawn in

connection with the seizure of MO6, trouser of the accused and MO7 mobile phone of the accused, produced by his wife Renjitha.

26. PW17 is the Civil Police Officer of Ranny Police Station. According to PW17 on 16.06.2020 a lady namely Renjitha has lodged a complaint against the deceased herein. Her allegation is that on 15th June,2020 the deceased came to her residence, abused her using filthy language and criminally intimidated with dire consequences. According to PW17 he has conducted inquiry on the basis of the allegations in this complaint and found that the allegations are true. So on 25.06.2020 both parties were summoned to the police station and by mediation, the matter was amicably settled.

27. PW18 is the sub inspector of Ranny Police Station. According to PW18 the wife of the accused namely Renjitha has earlier lodged a petition against the deceased at Ranny Police Station. Both parties have summoned to the police station and the issue has amicably settled. During the course of investigation of this case, the investigating officer has perused the petition register and prepared Ext.P22 mahazar.

28. The investigation of the case has conducted by PW19. He is the Station House Officer of Ranny Police Station. By referring to Ext.P1 statement, he has registered Ext.P23 FIR. According to PW19 a police man was deputed for scene guard duty and the day immediate to the date of incident Ext.P8 inquest report was prepared on the body of the deceased. He has inspected the crime scene on that day after inquest and prepared Ext.P7 scene mahazar. He has produced the material objects traced from the body of the deceased and from the scene of crime before the learned Magistrate by

virtue of Exts.P24 to P26 property lists. As per his direction the body of the deceased was shifted to the Government Medical College Hospital, Kottayam for postmortem analysis. Accordingly PW15 has conducted autopsy and thereafter the doctor has issued Ext.P19 postmortem certificate. Meantime on 15.10.2020 at 02.20p.m he has arrested the accused as per Exts.P28 to P30, arrest memo, inspection memo and the custody memo. According to PW19 on the basis of Ext.P10(a) confession statement given by the accused, he has detected MO5 shirt of the accused and produced the same before the learned Magistrate by virtue of Ext.P33 property list. He has issued notice to CW5, the registered owner of the motor cycle used by the accused to dispose his shirt used at the time of assault. Accordingly the motor cycle has produced by CW5, which the accused has seized as per Ext.P34 mahazar and produced before learned Magistrate as per Ext.P35 property list. The mobile phone used by the wife of the accused has seized and produced before the learned Magistrate as per Ext.P36 property list. According to PW19 for forensic analysis of every material objects detected. he has filed forwarding note before the learned Magistrate. The customer application form filed by the deceased and PW2 and the statutory certificates are marked as Ext.P39 to P41. According to PW19 the investigation has completed and the final report has laid against the accused.

Evaluation of the evidence

29. According to prosecution at the time of assault, other than the accused and the deceased PW1 was also there at the crime scene residence. PW1 has lodged Ext.P1 FI statement on the day immediate to the date of occurrence at 12.35a.m. According to prosecution PW1 has come to the

police station and lodged Ext.P1 FI statement on his own volition. However his testimony before the court is different. He deposed that in the late night of 14.10.2020 the police caught him from his residence, shifted him to the police station, informed him about the death of Rajeev and recorded his statement. So situation in which PW1 has furnished the information, rather about the source of first information of the incident to police, the court finds total inconsistency. As per the evidence given by PW19/the investigating officer, the first information the police had about the incident is given by PW1. However from the testimony of PW1, it is obvious that the police was informed of this incident much earlier. So the contention of prosecution that PW1 has lodged the first information and the police has no specific idea about this incident before that, is incorrect and baseless. The Hon'ble Supreme Court in **State of M.P V. Rajan Singh and Others (2018 KHC 6771)** has held thus, "*Only the earliest or the first information in regard to the commission of a cognizable offence satisfies the requirements of S.154 and consequently there cannot be a second FIR*". From the evidence it is clear that the investigating agency has information of this incident before Ext.P1 FI statement. However no crime was registered and on the contrary, if some crime was registered it was suppressed by the investigating agency. Hence court concludes that no reliance can be placed on Ext.P1 FI statement as the first information to the police.

30. Obviously the contention of the prosecution is that PW1 is an eye-witness to the incident. This is stated by PW19, who testified that PW1 has disclosed in the subsequent statement that he has seen the incident and he has also narrated each and every overt-acts of the accused on the

deceased. However in Ext.P1 statement PW1 has stated that at the time of this incident he was outside and when he returned he found the body of the deceased lying unconscious at the residence. PW1 has furnished Ext.P2 statement under Section 164 of the Code of Criminal Procedure before the learned Magistrate Ranny. He has stated to the Magistrate that he is an eye-witness to the incident. He further narrated each and every overt-acts of the accused on the deceased.

31. However at the time of trial PW1 has backfired from the statement furnished before the learned Magistrate. He testified that the incident was not seen and as soon as he returned, he found the body of the deceased lying at the residence of the accused. So it is certain that PW1 has no consistent version on the incident. At one point of time he has stated that he is an eye-witness to the incident and further he has narrated some specific overt-acts of the accused on the injured. Whereas at a different point of time the accused has stated that he has not seen the occurrence and when he had returned he found the body of the deceased lying at the residence. A portion of the statement furnished by PW1 to the learned Magistrate has marked as contradiction as Ext.D1. On account of this inconsistency, at the request of the learned Additional Public Prosecutor, permission was granted to prosecution to examine PW2 as a witness loyal to the accused. The Hon'ble Supreme Court in **Alauddin V State of Assam (2024 KHC 6260)** has held thus, “ *When the two statements cannot stand together, they become contradictory statements. When a witness makes a statement in his evidence before the court which is inconsistent with what he has stated in his statement recorded by the police, there is a contradiction*”. On account of the

apparent inconsistent statements furnished by PW1, the court holds that the evidence of PW1 is contradictory and so the witness is not reliable.

32. All other civilian witnesses have only hearsay knowledge of the incident. Some of them have shifted the deceased to the hospital from the crime scene residence and some others have witnessed the preparation of inquest scene mahazar, discovery mahazar etc. Apart from their limited knowledge in respect of these aspects, there is no specific purpose to detail their evidence. Even the discovery of the shirt through the accused was not useful, since there is no forensic finding against the accused in respect of the discovery of MO 5 shirt. Even the attestor to the discovery mahazar has testified that the police themselves has taken the shirt and the accused has only accompanied them. From the evidence of this civilian witness the court is doubtful about the sanctity and correctness of the discovery of MO5 shirt effected by PW19. So court holds the opinion that the examination of other civilian witnesses and the discovery of MO5 shirt are not helpful to the prosecution to establish the culpability against the accused.

33. The material objects collected from the crime scene residence together with the body specimens of the accused and the deceased were forwarded to the forensic laboratory for analysis. From Ext.P43 DNA analysis report, it is clear that the saliva in the beedi bud is matching with the DNA of the accused. Except to that extent, the forensic reports are also not useful to establish the culpability of the accused. The postmortem examination of the deceased was done by PW15 at Government Medical College Hospital, Kottayam. The autopsy report, marked as Ext.P19 and corroborated by PW15 has established that, the reason for death is due to injuries 1 and 11.

Altogether there were 12 ante-mortem injuries on the body of the deceased. So by placing reliance on the postmortem report and the parole evidence of its author, PW15, the court concludes that the death was homicide. However there is no evidence to find the culpability of the accused behind this killing. In the result the court finds that on account of the failure of the prosecution to establish the allegations, the accused is not guilty of the charges directed to answer. Points answered in favour of the accused.

Point No.4:-

34. After having consideration of the facts, circumstances and evidence, the court has concluded that the prosecution is not successful to establish the charges against the accused.

In the result, the accused is acquitted under Section 255(1) of Bharatiya Nagarik Suraksha Sanhita, 2023 for the offence under Section 302 of IPC. Destroy material objects MO1 (series) to MO11 on completion of the period of appeal or revision. The bail bond of the accused stands cancelled and set at liberty.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the **27th day of March,2026.**

Sd/-
JAYAKRISHNAN G P
ADDITIONAL SESSIONS JUDGE-I.

APPENDIX:

Exhibits marked for the prosecution:

Ext. P1 15.10.2020 : First Information Statement

Ext. P2	25.01.2021	:	164 statement of CW1
Ext. P3	25.01.2021	:	Marked portion of 164 statement of CW1
Ext. P4	15.10.2020	:	Marked portion of 161 statement of CW2
Ext. P5	25.01.2021	:	164 statement of CW2
Ext. P6	24.12.2020	:	164 statement of CW5
Ext. P7	15.10.2020	:	Scene Mahazar
Ext. P8	15.10.2020	:	Inquest Report
Ext. P9	27.11.2021	:	Scene Plan
Ext. P10	15.10.2020	:	Mahazar regarding shirt
Ext. P10(a)	15.10.2020	:	Confession statement given by accused
Ext. P11 (Series)		:	Photographs
Ext. P12		:	CD
Ext. P13		:	65 B(4) Certificate
Ext. P14	18.10.2020	:	Mahazar regarding Bike
Ext. P15	30.01.2020	:	Ownership Certificate
Ext. P16	30.12.2020	:	Inventory Mahazar
Ext. P17	15.10.2020	:	Mahazar regarding collecting materials at Postmortem
Ext. P18	15.10.2020	:	Mahazar regarding Medical Samples
Ext. P19	15.10.2020	:	Postmortem Certificate
Ext. P20	15.10.2020	:	Mahazar regarding dress of accused
Ext. P21	30.12.2020	:	Mahazar regarding mobile phone

Ext. P22	30.12.2020	:	Inventory Mahazar
Ext. P23	15.10.2020	:	FIR
Ext. P24	15.10.2020	:	Property list (TR 495/2020)
Ext. P25	15.10.2020	:	Property list (TR 29/2020)
Ext. P26	15.10.2020	:	Property list (TR 496/2020)
Ext. P27	15.10.2020	:	Property list (TR 494/2020)
Ext. P28	15.10.2020	:	Arrest Memo
Ext. P29	15.10.2020	:	Inspection Memo
Ext. P30	15.10.2020	:	Custody Memo
Ext. P31	15.10.2020	:	Property list (TR 502/2020)
Ext. P32	15.10.2020	:	Property list (TR 503/2020)
Ext. P33	15.10.2020	:	Property list (TR 587/2020)
Ext. P34	17.10.2020	:	Mahazar regarding bike.
Ext. P35	17.10.2020	:	Property list (TR 507/2020)
Ext. P36	31.12.2020	:	Property list (TR 9/2021)
Ext. P37	15.10.2020	:	Forwarding note
Ext. P38	03.11.2017	:	Prepaid Customer Re-verification EKYC application form
Ext. P39	02.12.2017	:	Customer application form
Ext. P40	31.01.2021	:	Call Data Records
Ext. P41	31.01.2021	:	65B Certificate
Ext. P42	23.09.2024	:	FSL Report
Ext. P43	16.10.2024	:	FSL Report

Exhibits marked for the defense: NIL

Court exhibits : NIL.

Witness examined for the prosecution:

PW1	14.03.2025	:	Omanakuttan C.R.
PW2	19.01.2026	:	Liju Abraham
PW3	19.01.2026	:	Zacharia
PW4	16.02.2026	:	Somarajan Nair
PW5	23.02.2026	:	Kuriyan @ Mammen
PW6	25.02.2026	:	Jenson Sam (Village Officer)
PW7	25.02.2026	:	Aneesh Zacharia
PW8	27.02.2026	:	Jayadevakumar G.
PW9	27.02.2026	:	Remya K.P, Scientific Officer, DCB Pathanamthitta
PW10	27.02.2026	:	Sreejith T.R., Civil Police Officer (CPO 3604)
PW11	05.03.2026	:	Sudhakumari.G., Grama Panchayat Secretary
PW12	05.03.2026	:	Sabu F. (CPO 3440)
PW13	04.03.2026	:	Vinod P. Madhu, SI of Police
PW14	11.03.2026	:	Manu R. (ASI)
PW15	11.03.2026	:	Dr. Deepu N, Police Surgeon, MCH Kottayam
PW16	12.03.2026	:	Rajeesh R., Asst. Sub Inspector of Police

4. Father's Name : Sathyan
5. Residence : Vadakkedathu House,
Blockpady, Ranny P.O.,
Ranny Village,.
6. Occupation : -
7. Age : 22/2020
8. Date of occurrence : 14.10.2020
9. Date of complaint : 15.10.2020
10. Date of apprehension : 15.10.2020
11. Date of release
on bail : 15.01.2021
12. Date of commitment : 15.11.2021
13. Date of commencement
of trial : 14.03.2025
14. Date of close of trial : 24.03.2026
15. Date of sentence or Order: 27.03.2026
16. Explanation for delay : No delay

Sd/-
ADDITIONAL SESSIONS JUDGE-I

Typed by : Reshma R Nair
Compared by : Anuraj.S.R.

Fair/Copy of Judgment IN
SC. No. 297/2022
Dated : 27.03.2026.