

**IN THE COURT OF SPECIAL JUDGE, FAST TRACK SPECIAL COURT,**

**KUNNAMKULAM (Thrissur Sessions Division)**

**Present:**

**Smt. LISHA.S, Special Judge**

**Thursday, the 30<sup>th</sup> day of April, 2026/10<sup>th</sup> day of Vaisakam, 1948.**

**SESSIONS CASE No. 421/2025**

**Crime No. 906/2022 of Kunnamkulam Police Station.**

Complainant : State of Kerala, represented by the Inspector of Police, Kunnamkulam Police Station.  
By Special Public Prosecutor  
Adv. Sri. K.S. Binoy

Accused : Sooraj, aged 30 years, S/o. Surendran, Kandamkulangara House, Pazhunnana, Chemmamthital village, Thrissur.  
By Advs. C.S. Prathapan, Bindu.T., Vysag.V.G. and Jithendriyan.C.S.

Offence : Under Section 376 (2)(n) and (f) of the Indian Penal Code.

Plea of the accused : Not guilty

Finding : Not Guilty

Sentence or Order : The accused is not found guilty of the offences punishable under Section 376(2)(n) and (f) of the Indian Penal Code and he is acquitted U/S.232 of Cr.P.C. His bail bond stands cancelled and he is set at liberty.

**DESCRIPTION OF THE ACCUSED**

Sl. No.	Name of the Police Station and Cr.No of the offence	Name/s	Father's Name	Occupation	Age	Residence
1	Crime No. 906/2022 of Kunnamkulam Police Station	Sooraj	Surendran	Driver	30	Kandamkulangara House, Pazhunnana, Chemmamthital village, Thrissur.

**DATE OF**

Occurrence		Date of complaint		Apprehension		Release on Bail	Committal
15.05.2020 and 20.05.2020		22.07.2022		22.07.2022		19.08.2022	08.11.2024
Commencement of Trial	Commencement of evidence	Close of trial	Sentence or Order	Service of copy of Judgment or finding on accused	Explanation for delay	Period of detention undergone during investigation, inquiry or trial for the purpose of section 428 Cr.P.C	
16.12.2025	17.04.2026	27.04.2026	30.04.2026	--	No delay	From 22.07.2022 to 19.08.2022	

The sessions case having been finally heard on 27.04.2026 and stood over for consideration to this day, I do adjudge and deliver the following:-

**JUDGMENT**

This case was charge sheeted by the Inspector of Police, Kunnankulam Police Station in Crime No. 906/2022 against the accused, alleging offence punishable under Section 376(2)(n) and (f) of the Indian Penal Code.

2. Prosecution Case in brief is as follows:- The accused, is a close relative of the defacto complainant. On 15.05.2020, at the corridor in the first floor of the residential building No.7/274 of Chowannoor Panchayath, owned by the father -in-law of the defacto complainant and on 20.05.2020 at the work area of the aforesaid building, the accused committed rape on her threatening that he will inform others that she is of

bad character. The accused thereby committed the offence punishable under section 376(2)(n) and (f) of the Indian Penal Code.

3. The prosecution in this case was initiated on the basis of Ext.P1, statement given by PW1, to CW13 SCPO, Kunnankulam Police Station. On the basis of the same, the case was registered as Crime No. 906/2022 under section 376(2)(n) and (f) of the Indian Penal Code. PW4 conducted the investigation and filed the final report before the Judicial First Class Magistrate Court, Kunnankulam. It was taken on file as C.P. 81/2022.

4. Summons was issued to the accused. The accused who was already on bail entered appearance. Copies of all the relevant documents produced by the prosecution were furnished to the accused in compliance of Section 207 of the Code of Criminal Procedure. Thereafter, the case was committed to the Hon'ble Court of Sessions, Thrissur as per Section 209 of the Code of Criminal Procedure.

5. The Hon'ble Court of Sessions had taken the case on file as SC.421/2025 and made over to this Court for disposal.

6. The accused, failed to appear before the Court. Hence non-bailable warrant was issued against him. On 27.10.2025 he was arrested and produced before the Court and was enlarged on bail.

7. Thereafter the learned special Public Prosecutor opened the prosecution case U/S.226 of the Code of Criminal Procedure.

8. **Charge:-** Upon consideration of the records of the case and documents submitted therein, and after hearing submissions of the learned Special Public Prosecutor and the counsel for the accused in this regard, charge was framed against the accused for the offence punishable under Section 376 (2)(n) and (f) of the Indian Penal Code. The charge so framed was read over and explained to the accused to which he pleaded not guilty and claimed to be tried.

9. **The Prosecution evidence:-** On the side of the prosecution, PW1 to PW4 were examined and Ext.P1 to P17 were marked. The material witnesses turned hostile to the prosecution. Hence remaining witnesses were given up by the Special Public Prosecutor.

10. As no incriminating circumstances were brought out during evidence against the accused, the examination of the accused under section 313 of the Code of Criminal Procedure was dispensed with.

11. Both sides were heard U/S.232 of the Code of Criminal Procedure.

12. **The points for consideration in this case are as follows:-**

1. Whether the accused, a close relative committed rape on PW1 repeatedly on 15.05.2020 and 20.05.2020 as alleged?
2. Is there any evidence to prove that the accused had committed the offences alleged against him?
3. Order or Sentence?

13. **Point Nos.1 and 2:-** The accused is facing trial on the allegations that on 15.05.2020 and on 20.05.2020, at the house of the father-in-law of PW1, he, a close relative committed rape on her and thereby committed the offence punishable under Section 376 (2)(n) and (f) of the Indian Penal Code.

14. PW1 is the defacto complainant. According to her, she lodged Ext.P1 FI statement against the accused to the Police. She turned hostile to the prosecution and deposed that the accused has not committed any offence and she gave statement to the police on misconception.

15. PW2 is the mother and PW3 is the father of PW1. They also turned hostile to the prosecution and deposed that no incident occurred as alleged.

16. Though the learned Special Public Prosecutor had put questions on PW1 to PW3 which are permissible in cross examination, nothing was brought out to incriminate the accused with the offence alleged against him. PW1 to PW3 deposed that the complaint was lodged on misconception. As the material witness turned hostile, the remaining witnesses were given up by the learned Special Public Prosecutor as no purpose will be served by examining them.

17. PW4 is the then Inspector of Police Kunnankulam Police Station. As his evidence is of formal nature, his evidence was recorded

through affidavit. Ext.P2 FIR, Ext.P3 Correction report in FIR, Ext.P4 arrest memo, Ext.P5 inspection memo, Ext.P6 Arrest notice, Ext.P7 medical examination report of PW1, Ext.P8 scene mahazar, Ext.P9 seizure mahazar, Ext.P10 Document list, Ext.P11 seizure mahazar, Ext.P12 Property list, Ext.P13 seizure mahazar, Ext.P14 Section adding report, Ext.P15 Forwarding note, Ext.P16 sketch and Ext.P17 Ownership certificate, were brought in evidence through PW4. PW4, after completing the investigation filed the final report.

18. On analyzing the evidence, it can be seen that there is absolutely no evidence before this court to prove that the accused committed the offence as alleged. The defacto complainant made it clear in her evidence that the accused did not commit any offence as alleged. PW1 to PW3 deposed that the complaint was made against the accused on misconception. It is to be noted that the material witnesses turned hostile to the prosecution and deposed that the accused has not committed any offence.

19. Section 232 of Criminal Procedure Code says :

*“If, after taking the evidence for the prosecution, examining the accused and hearing the prosecution and the defence on the point, the Judge considers that there is no evidence that the accused committed the offence, the Judge shall record an order of acquittal”*

20. From the evidence adduced by the prosecution, there is nothing to connect the accused with the above crime. Further no offence is made out against the accused as alleged in the final report.

21. Hence I find that the prosecution has failed to prove the offence charged against the accused. There is no material before the court to proceed further against him. Hence the accused is entitled to get an order of acquittal at this stage. These points are answered against the prosecution.

**22. Point No.3:**

In the result, the accused is not found guilty of the offence punishable under Section 376 (2)(n) and (f) of the Indian Penal Code and he is acquitted U/S.232 of the Code of Criminal Procedure. His bail bond stands cancelled and he is set at liberty.

Dictated to the Confdl. Assistant, transcribed and typed by her, corrected by me and pronounced in open court on this the 30<sup>th</sup> day of April 2026.

Sd/-  
**LISHA.S.**  
**Special Judge,**  
**Fast Track Special Court, Kunnankulam.**

**APPENDIX****Prosecution Witness:**

Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, Other witness	Date
PW1	Survivor	Eye witness	17.04.2026
PW2	Mother of PW1	Other witness	17.04.2026
PW3	Father of PW1	Other witness	17.04.2026
PW4	Shajahan.U.K.	Police witness	27.04.2026

**Defence Witness:**

Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, Other witness	Date
	Nil		

**Court Witness**

Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, Other witness	Date
	Nil		

**Prosecution Exhibits**

Sl. No.	Exhibit number	Description	Date
1	Exhibit P1/PW1	FIS	22.07.2022
2	Exhibit P2/ PW4	FIR	22.07.2022
3	Exhibit P3/ PW4	Correction report in FIR	22.07.2022
4	Exhibit P4/ PW4	Arrest memo	22.07.2022
5	Exhibit P5/ PW4	Inspection memo	22.07.2022
6	Exhibit P6/ PW4	Arrest notice	22.07.2022

7	Exhibit P7/ PW4	Medical Examination report of PW1	24.07.2022
8	Exhibit P8/ PW4	Scene Mahazar	25.07.2022
9	Exhibit P9/ PW4	Seizure Mahazar of medical examination report	26.07.2022
10	Exhibit P10/ PW4	Document list	18.08.2022
11	Exhibit P11/ PW4	Seizure Mahazar of the blood sample of PW1	26.07.2022
12	Exhibit P12/ PW4	Property list	26.07.2022
13	Exhibit P13/ PW4	Seizure Mahazar of wound Certificate of PW1	18.08.2022
14	Exhibit P14/ PW4	Section adding report	20.09.2022
15	Exhibit P15/ PW4	Forwarding note	05.08.2022
16	Exhibit P16/ PW4	Sketch	10.10.2022
17	Exhibit P17/ PW4	Ownership certificate	20.08.2022

Defence Exhibits

Sl.No.	Exhibit number	Description	Date
		Nil	

Court Exhibits:

Sl.No.	Exhibit number	Description	Date
	Nil		

Material Objects:

Sl.No.	Exhibit number	Description	Date
1	Nil		

**Sd/-**  
**LISHA.S.**  
**Special Judge,**  
**Fast Track Special Court, Kunnankulam.**

**/True Copy/**

**LISHA.S.**  
**Special Judge,**  
**Fast Track Special Court, Kunnankulam.**

**Judgment in**  
**SESSIONS CASE No.421/2025**  
**Date: 30.04.2026**