

**IN THE COURT OF SPECIAL JUDGE, FAST TRACK SPECIAL  
COURT-I, THRISSUR (SESSIONS DIVISION THRISSUR)**

**Present : Smt. Remya Menon, Special Judge  
Monday, the 16<sup>th</sup> day of March, 2026/25<sup>th</sup> Phalguna, 1947**

**Sessions Case No. 645/2025  
(Crime No. 1173/2024 of Anthikkad Police Station)**

Complainant : State of Kerala,  
Rep. by Inspector of Police, Kattoor.  
  
Rep. by Adv. Suraj. K  
(Special Public Prosecutor).

Accused : Jugal Thej, aged 18, S/o. Shaju,  
Mepparambil Veedu, Ganesamangalam,  
Chettikkad Desom, Vadanappally Village.  
  
Rep.by Adv.Deepa P K.

Offence : Under section 332(b), 67(2)(m), 75 (1)(i),  
78(1) (l), 65 (1) of BNS & 4(2) r/w 3(a), 6(1)  
r/w 5(1), 8 r/w 7 (iv), 12 r/w 11(iv) of  
PoCSO Act.

Plea of accused : Not guilty.

Findings : Not Guilty.

Sentence or  
Order : The accused is found not guilty of offence  
punishable under section 332(b), 67(2)(m),  
75(1)(i),(ii), 65(1) of BNS, 4(2) r/w 3(a), 6(l)  
r/w 5(1), 8 r/w 7 and 12 r/w 11(iv) of  
POCSO Act and he is acquitted for the said  
offence u/s 255 of BNSS.

This Sessions case having been finally heard on 13.03.2026 and stood over for consideration to this day, the court delivered the following:-

### **JUDGMENT**

The accused stand trial for offence punishable under Section 332(b), 67(2)(m), 75(1)(i),(ii), 65(1) of BNS, 4(2) r/w 3(a), 6(l) r/w 5(1), 8 r/w 7 and 12 r/w 11(iv) of POCSO Act.

2) Prosecution case in a nutshell is as follows: In furtherance of his intention to subject the 15 year old survivor to sexual assault the accused trespassed into the survivor's house on a day in May 2022 and under the false pretext of marriage subjected her to penetrative sexual assault by engaging in sexual intercourse and repeated the same at 12.15 pm on 11.10.2024. Thereby the accused is alleged to have committed offence punishable under section 332(b), 67(2)(m), 75(1)(i),(ii), 65(1) of BNS, 4(2) r/w 3(a), 6(l) r/w 5(1), 8 r/w 7 and 12 r/w 11(iv) of POCSO Act.

3) The criminal law in this case was set in motion as per the statement of the Survivor to CW16. On the basis of the statement CW17, then Sub Inspector of Anthikad Police station, registered Crime 1173/24 of Town East Police Station, Thrissur. CW8 investigated the offence and laid the final report before the court.

4) The Final Report was filed before the Additional Sessions Court I (Special Judge), Thrissur. Cognizance of the aforesaid offence was taken by that Court in the above case number. Thereafter the case was made over to this court for disposal.

5) On appearance of the accused before that Court, copies of all relevant documents which the prosecution relied upon were furnished to him and he was released on bail. Accused was defended by a counsel appointed by him. Rule 19(4) Criminal Rules of Practice was complied with.

6) On appearance of the accused before this court, the learned Special Public Prosecutor opened his case, records were perused. The accused is in judicial custody at Borstal School Kakkanad. He was produced from custody. After hearing the learned Special Public Prosecutor and learned counsel for accused charge was framed Section 332(b), 67(2)(m),75(1)(i),(ii), 65(1) of BNS, 4(2) r/w 3(a), 6(l) r/w 5(1) 8 r/w 7 and 12 r/w 11(iv) of POCSO Act. It was read over, translated and explained to the accused. He pleaded not guilty and claimed to be tried.

7) The evidence on the side of prosecution consists of the testimonies of PW1 to PW3 and Exts.P1 to P18 were marked. Since the prime witnesses turned hostile, the learned Special Public Prosecutor gave up the CW3 to CW19 and he is justified in doing so. In spite of examination of PW1 and PW2, since there were no incriminating circumstances against the accused,

examination of the accused u/s.351(1)(b) Cr.PC was dispensed with.

8) Heard the Special Public Prosecutor and learned Counsel for the accused.

9) The points that arise for consideration are as follows:-

- 1) Whether the accused one day in the first week of May 2022, at 02.00 pm, at the survivor's house bearing No.VIII/169 of Anthikkad Panchayath, Puthenpeedika, criminally trespassed into the house of survivor and committed rape on her and thereby committed offence punishable under section 332(b) of BNS?
- 2) Whether the accused on 11.10.2024 at 12.15 pm, promised to marry and repeatedly committed rape on survivor and thereby committed the offence punishable u/s 64(2) (m) of BNS?
- 3) Whether the accused had advances involving unwelcome and explicit sexual overtures on survivor and thereby committed the offence punishable u/s 75(1)(i) of BNS?
- 4) Whether the accused intruded into privacy of survivor and thereby committed an offence punishable u/s. 78(1)(i) of BNS?
- 5) Whether the accused committed rape on survivor under sixteen years of age and thereby committed an offence punishable u/s. 65(1)(i) of BNS?
- 6) Whether the accused committed penetrative sexual assault on the survivor and thereby

committed an offence punishable u/s 3(a) r/w 4(2) of the PoCSO Act?

- 7) Whether the accused repeatedly committed penetrative sexual assault on the survivor and thereby committed aggravated penetrative sexual assault punishable u/s 51) r/w 6(1) of the PoCSO Act?
- 8) Whether the accused with sexual intent, criminally trespassed into the house of survivor and committed rape on her, a female child, which involved physical contact without penetration and thereby committed sexual assault and the same is an offence punishable u/s. 7 r/w 8 of the PoCSO Act?
- 9) Whether the accused committed sexual harassment on survivor by repeatedly following with sexual intent, and thereby committed sexual harassment on her and the same is an offence punishable u/s 11(iv) r/w 12 of PoCSO Act?
- 10) If found guilty, what is the proper order as to sentence?

10) **Points 1 to 9:-** The prosecution here seeks to prove that in furtherance of his intention to subject the 15 year old survivor to sexual assault the accused trespassed into the survivor's house on a day in May 2022 and under the false pretext of marriage subjected her to penetrative sexual assault by engaging in sexual intercourse and repeated the same at 12.15 pm on 11.10.2024.

11) The crucial witness in this case is the survivor PW1. She deposed that she is born on 7.09.2007. While she was studying in SN Trust School after an untowardly incident she approached the Police and gave her statement. The statement was identified and marked as Ext.P1. She also gave a statement before the magistrate under S. 183 BNSS. She went ahead to depose that no incident as alleged in Ext.P1 statement had occurred. She had made the statement under a misunderstanding. She denied to have made any allegation against the accused. PW2, the mother of the victim also denied to have knowledge or to have made any allegation against the accused. She too has failed to support the prosecution version. Both of them made it quite clear that they did not wish to prosecute the case any further.

12) The Investigating Officer gave the course of examination when he was examined as PW3 He deposed that the Sub Inspector had registered Ext.P2 FIR on the basis of Ext.P1 statement. He visited the place of occurrence and prepared Ext.P4 scene mahazar. He arrested the accused and prepared Ext.P7 to P9 documents, in compliance with procedure for arrest. The dresses of the accused and the survivor were seized as per Ext.P4 and P13 seizure mahazars respectively. The items were submitted before the court as per Ext.P5 and P13 property lists. He submitted Ext.P10 address report. He filed Ext.P11 report adding Section 7 r/w 8 and 12 r/w 11(iv) of POCSO Act. He seized the accused mobile phones after describing it in Ext.P15 mahazar and produced it before the court as per Ext.P16 property list. The

dresses seized were forwarded to the expert as per Ext.P14 Forwarding Note and The deposition of PW3 makes it clear that he has no direct knowledge of the incident but has been able to give the course of investigation adopted by him, which by itself is not enough to prove the occurrence as such.

13) Since PW1 and PW2, the alleged survivor and mother witness turned hostile to the prosecution, so the learned Prosecutor gave up the other witnesses. The prosecution case is derailed beyond repair by the hostility of the victim and the witness. Examining any number of witnesses will be a futile attempt.

14) The prosecution has failed miserably due to the hostility of the witnesses. It goes without saying that the prosecution has failed to draw any nexus between the alleged offence and the accused herein. Hence there is nothing before the court to establish commission of any offence alleged by the prosecution. Hence, these points are found against the prosecution.

15) **Point no. 10** :- In view of my finding on point no 1 to 9, this point does not arise for consideration.

In the result, the accused is found not guilty of offence punishable under section 332(b), 67(2)(m), 75(1)(i),(ii), 65(1) of BNS, 4(2) r/w 3(a), 6(l) r/w 5(1), 8 r/w 7 and 12 r/w 11(iv) of POCSO Act and he is acquitted for the said offence u/s 255 of

BNSS. The bail bond executed by him stands canceled and he is set at liberty forthwith.

The office shall direct the RFSL, Thrissur to return all material objects forwarded. The dresses described in the property list shall be destroyed after the period of appeal as they are valueless. If appeal is preferred the material objects shall be disposed as per orders in appeal. The copy of this Judgment shall be forwarded to the RFSL and the Borstal School Kakkanad immediately.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court on this the 16<sup>th</sup> day of March 2026).

Sd/-  
**Remya Menon,**  
**Special Judge,**  
**Fast Track Special Court-I, Thrissur.**  
**(In-charge)**

## **APPENDIX**

### **List of Prosecution/Defence/ Court Witnesses :-**

#### **A. Prosecution witnesses :-**

Rank	Name	Whether eye witness, Expert witness, Other witness, Police witness, Medical witness.	Date
PW1	Not disclosed	Survivor	12.03.2026
PW2	Not disclosed	Mother of survivor	12.03.2026
PW3	Baiju E K (Inspector of Police)	Police witness	13.03.2026

#### **B. Defence Witness :- Nil**

#### **C. Court Witness :- Nil**

### **List of Prosecution/Defence/ Court s :-**

#### **A. Prosecution Exhibits :-**

Sl.No.	Exhibit No	Description	Date
1	Ext.P1/PW1	FIS	31.10.2024
2	Ext.P2/PW3	FIR	31.10.2024
3	Ext.P3/PW3	Scene mahazar	11.05.2024
4	Ext.P4/PW3	Seizure mahazar(survivor dress)	01.11.2024
5	Ext.P5/PW3	Property list	01.11.2024
6	Ext.P6/PW3	Section adding report	10.11.2024
7	Ext.P7/PW3	Arrest memo	28.01.2025
8	Ext.P8/PW3	Inspection memo	28.01.2025
9	Ext.P9/PW3	Arrest intimation notice	28.01.2025

10	Ext.P10/PW3	Full address report	28.01.2025
11	Ext.P11/PW3	Section adding report	23.12.2024
12	Ext.P12/PW3	Seizure mahazar(accused dress)	28.01.2025
13	Ext.P13/PW3	Property list	29.01.2025
14	Ext.P14/PW3	Forwarding note	17.02.2025
15	Ext.P15/PW3	Seizure mahazar(mobile phone)	28.01.2025
16	Ext.P16/PW3	Property list	29.01.2025
17	Ext.P17/PW3	Seizure mahazar	29.01.2025
18	Ext.P18/PW3	Property list	29.01.2025

**B. Defence Exhibits :- Nil**

**C. Court Exhibits :- Nil**

**D. Material Objects :- Nil**

**FOOT NOTE**

Crime No & Name of Police Station	:	1173/2024 of Anthikkad Police Station,
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**DESCRIPTION OF THE ACCUSED**

Sl. No.	Name of accused	Father's name	Occupation	Residence	Age
1	Jugal Thej	Shaju	---	Mepparambil veedu, Ganesamangalam, Chettikkad Desom, Vadanappally Village	19

**DATE OF**

Occurrence	:	From 01.05.2022 to 11.10.2024
Complaint	:	31.10.2024
Arrest	:	28.01.2025
Release on bail	:	06.03.2025
Commencement of trial	:	12.03.2026
Commencement of evidence	:	12.03.2026
Close of Trial	:	13.03.2026
Sentence or Order	:	16.03.2026
Service of copy of judgment or finding on accused	:	16.03.2026
Explanation for delay.	:	Nil

Sd/-

**Remya Menon,  
Special Judge,  
Fast Track Special Court-I, Thrissur.  
(In-charge)**

// True copy //

**Special judge.**

**Copy of Judgment in  
SC. 645/2025  
Dated: 16.03.2026**