

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

**Present : Smt. Remya Menon, Special Judge
Friday, the 22nd day of May, 2026/ 1st Jyeshtham, 1948**

**Sessions Case No. 727/2024
(Crime No. 557/2024 of Town East Police Station)**

Complainant : State of Kerala,
Rep. by Inspector of Police,
Town East Police Station, Thrissur.

Rep. by Adv. Suraj. K
(Special Public Prosecutor).

Accused : Suma, aged 36 years,
W/o. Arun, Kundalam House,
Museum Cross Lane, Street No.II,
Chembukkavu Village, Thrissur Taluk.

Represented by Adv.

Offence : Under section 22(1) of PoCSO Act.

Plea of accused : Not guilty.

Findings : Not guilty.

Sentence or Order : The accused is found not guilty of the offences punishable under section 22(1), of PoCSO Act and she is acquitted for these offences u/s 258(1) BNSS.

This Sessions case having been finally heard on 16.05.2026 and stood over for consideration to this day, the court delivered the following:-

JUDGMENT

The accused stands trial for offence punishable under 22(1) of PoCSO Act.

2) Prosecution case in a nutshell is as follows: In order to vent out her vengeance against Balan and Chandran, who complained against the daughter of the accused, CW1, the accused foisted a false case against Balan and Chandran by alleging that they subjected CW1 to aggravated penetrative sexual assault from 14.4.2023 to 20.4.2023 by enticing the child to go with them to a saw mill by offering chocolates . On the basis of this false information and statement given by the accused herein Crime No 1133/23 of Thrissur Town East Police Station alleging commission of offence punishable u/S 376 (3) , 376(d)(b), 370 IPC and S. 4(2)r/w 3(a), (d) , 6(1) r/w 5(l)(m)(g), 12 r/w 11(iv) of PoCSO Act Thereby the accused is alleged to have committed offences punishable under sections 22(1) of PoCSO Act.

3) The criminal law in this case was set in motion when a refer charge was filed in Crime No. 1133/23 before the 1st Additional Sessions Court , Thrissur after the Investigating officer was convinced that the information was false . As per the direction of the Hon'ble Court in Crl MP 1946/24 FIR was registered in this case Crime No. 557/2024 of Town East Police Station, Thrissur by CW20. CW20 investigated the offence.

4) The Final Report was filed before the Additional Sessions Court I (Special Judge), Thrissur by CW20. Cognizance of the aforesaid offences were taken by the 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 her and she was released on bail. Accused was defended by a counsel appointed by her. On appearance of the accused, the learned Special Public Prosecutor opened his case,

records were perused. After hearing the learned Special Public Prosecutor and learned counsel for accused charge was framed under sections 22(1) of PoCSO Act of PoCSO Act and read over and explained to the accused. She pleaded not guilty and claimed to be tried.

6) In order to prove the accused's complicity PW1 to PW15 were examined and Exts.P1 to 5 were marked. The learned Special Public Prosecutor gave up the CW4, 11,13 and 14 and he is justified in doing so.

7) The accused was examined under Section 351(1)(b) Cr.PC. She denied all incriminating circumstances and maintained innocence.

8) Thereafter the prosecution and defence were heard u/s.255 BNSS As there were no grounds to invoke the power u/s.255 BNSS and order an acquittal, the accused were directed to enter upon their defence. No defence evidence was adduced.

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

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

- 1) Whether the accused with intention to humiliate and defame CW2 and CW3, made false complaint against them that they have committed penetrative sexual assault on CW1, accused's daughter and thereby committed an offence punishable u/s 22(1) of PoCSO Act?
- 2) If found guilty, what is the proper order as to sentence?

11) **Prosecution evidence :-**

The prosecution here seeks to prove that In order to vent out her vengeance against Balan and Chandran , who complained against the daughter of the accused, CW1, you foisted a false case against Balan and Chandran by alleging that they subjected CW1 to aggravated penetrative sexual assault from 14.4.2023 to 20.4.23 by enticing the child to go with them to a saw mill by offering chocolates . On the basis of this false information and statement given by the accused herein Crime No 1133/23 of Thrissur Town East Police Station alleging commission of offence

punishable u/s 376 (3) , 376 DB, 370 IPC and S. 4(2)r/w 3(a), (d) , 6(1) r/w 5(l)(m)(g), 12 r/w 11(iv) of PoCSO Act.

12. The accused in the falsely foisted case ,Crime No.1133/23, Bala, was examined as PW1 in this case. He records that he used to work in Chembukkavu Union. He has a wife and three children. He was aggrieved by a false case foisted against him and had given a statement before the police. The accused had registered a false case alleging that PW1 had bought chocolates for her kid and taken her daughter to a company where he had molested her. But during this period he was at Mundathikode, after the demise of his brother .

13. Police came to his brother's house and the police inquired with him. He revealed all the facts before the police. Suma, the accused had lodged a complaint against him and Chandran. He had never molested her daughter. He did admit in the cross-examination that he had known Suma for quite a while and there was no grudge between him and Suma. One day he had seen Suma's daughter taking out money from autorikshaw of a

person named Gopalan(PW9). So he had scolded them . They used to walk over the compound wall. And he had scolded them for that too. The accused was not around when he had scolded the children. She used to come back home late after work. He has admitted in cross-examination that Suma did not have any direct knowledge of the incident. She had acted as per the statement given by her daughter.

14. PW2 Chandran deposed that he was a daily wages worker. who lived with his family. He used to work regularly in the property of M. T. Thomas. He plucked two mangoes for Suma's children and went home. He used to work in the sawmill and as domestic help in another house. One day while he was working at that house, he saw the accused's daughter's razing the garden. So, he scolded the children. 2 to 3 days after the incident, Suma had lodged a false complaint against him. She alleged that he and Balan had taken the children on the cycle to a company and molested them. He didn't even have his cycle with him at the alleged date of occurrence. The case was referred as a false case. They had never molested Suma's children. In cross-examination,

he too admitted that the accused had never seen the incident and she had acted upon the information given by her children. without any direct knowledge.

15. PW3 deposed that police had inquired with him with regard to this case. He deposed that he had hired Chandran to unhusk coconuts in his house. The accused lives in a house behind his property. While Chandran was working, he was at his daughter's house. Suma's daughter used to barge into his property and used to defecate in his property. They were a nuisance to them. Chandran had told him about this incident.

16. PW4, Vasanthan deposed that he owned a cycle repair shop. He knew Chandran. Chandran had come to repair his cycle in his shop. In 2023, February, Chandran had given his cycle to the shop for repair. Though he repaired the cycle, Chandran had not taken it back due to paucity of fund to pay for the repair.

PW5. Girija deposed that she used to work as domestic help at Chembukavu. She was acquainted with Suma and her daughter.. Unlike the statement of Suma before the police, she had not seen

anybody taking her kids on a cycle. Police accompanied Suma to her house. Suma told the police that she was not the person who informed her that somebody had taken her daughters on a cycle. PW6 Ambika also deposed that she worked as domestic help. She also denied to have seen anybody carry Suma's daughters on a cycle. But she had informed Suma that her children used to sit on the Compound wall without wearing underpants and they used to spit at people when they pass by and throw stones at them.

17) PW7, Raja Paul deposed that he lived in Museum Crossroad lane. The police had come to enquire generally about some people. They asked him if he knew of any connection between the accused and her daughter with Balan and Chandran. He denied to have known anything to have happened between them. But he said that the accused's daughters used to enter houses and create nuisances. They had complained against the activities of the children. They took away toys from his compound and drew on the walls.

18) Suma's daughter CW1 was examined as PW8. She deposed that she was now living in Kallathode Mary Mother Government Hostel and before that she lived in Chembukaavu with her mother, father, brothers and aunt. She deposed that she recollected a complaint against Balan and Chandran and according to her, her father had given the complaint. But she admitted that her father had not called to the police station. When asked if Balan and Chandran had molested her in any way, she deposed that she could not recollect. She deposed that her mother used to be there at home in the day time. She also deposed that her mother used to go for a job. In cross examination she admitted that her mother only knows facts that she had told her mother.

19) PW9, Gopalakrishnan deposed that his house was in crossroad at Chambukavu. He was an auto driver. Police had questioned him. He knew Balan and Chandan. His vehicle used to be parked on the road side. Balan(PW1) once told him that Suma's children took away some currency notes from his Autorickshaw and he had himself witnessed it on another

occasion. They took the money and ran to their house. He informed Suma of the same. Then they never repeated it. He later came to know that Suma had lodged a complaint against Balan and Chandran. Police had enquired with him. He knew Balan and Chandran from their childhood and he never knew them to have such perversions as alleged by Suma in that case.

20) PW10 deposed that on 21.04.2023 while she was working as grade ASI she went to the house of the survivor i.e. PW8 to record the statement in crime number 1133/2023. When she went to the house, she could not find a place suited for recording the statement of the child. According to the request of the mother of the child, they tried to record the statement of the child in the child friendly room at Thrissur Town East Police station. The child was hesitant to give a statement. So as per the direction of the Station House Officer, they took the help of the Counselor in DCPU. Since the child was again hesitant to give a statement t even after counseling was given, they proceeded to record Ext P1 statement of the child's mother i.e. the accused in

this case. She produced the statement before the SHO Town East Police Station as a judge, who registered Crime No. 1133/23.

21) PW11 deposed on 06.04.2024 while she was working as grade ASI in Thrissur town East police station. The statement of the victim in Crime No. 1133 of 2023 was recorded by her in the child friendly room and she had produced the same before the Investigating Officer. On 09.02.2024, after a session by the counselor Reshma, she had recorded the statement of the child in the presence of the counselor. PW12 Chandran deposed that he is an autorikshaw driver. Balan was his brother-in-law. When Balan's brother, Mohanan ,died on 8 .2.2023, he came to Mohanan's house at MundathiKodu. He and his wife had gone for the funeral and came back to their house. But Balan stayed back there . On 15.2.2023 when they reached the house for the funeral rites, Balan was there. He went away only 2 days after the incident. Balan was there at Mundathikodu from the day before 8.2.2023.

22) PW13 deposed that on 21.04.2023 while he was working as Inspector at Thrissur Town East Police Station, Suma gave a

statement on the basis of which Exhibit P2 FIR as Crime No. 1133/2023 of Town East Police Station was registered by him. PW14, K. K. Sajeev deposed that on 15.07.2022 to 27.01.2024 while he was working as Assistant Police Commissioner he had taken up the investigation in Crime No. 1133 of 2023. On 21.06.2023 he had filed a refer report before the First Additional Sessions court. The certified copy of the Refer Report was identified by him and marked as Exhibit P3. PW15, Peter, deposed that in 2023-2025 he was working as SI in Thrissur East Police Station. On 27.03.2024 as per the Orders in Criminal MP No. 1946 of 2024 of the First Additional District and Sessions Court, Thrissur, he had registered Exhibit P4 FIR in this case and after investigation had laid final report .

23) This is the prosecution case available before the court. It is seen that from the testimony of PW1 to PW6 itself, the case was lodged on a misunderstanding. All the witnesses who have acquaintance with Suma, the accused, have deposed that Suma had knowledge of the incident only as per the Information given

to her by her daughter. She did not have any direct knowledge in the incident.

24) The mischievous nature of her children is revealed from the testimony of all the witnesses. All of them have given some or the other account of how the children were mischievous and how they had to inform the accused of their mischiefs. So, the accused has not acted upon her own will but has, from the deposition before the court, been a vigilant mother who trusted her daughter and had acted upon the information given by her daughter. She had approached the police.

25) It is also clear from the deposition of the official witnesses that the children had come to the police station along with Suma but had been hesitant to give any statement first. So they had to record the statement of Suma as Exhibit P1 FIS. So it is clear that the accused did not act out of vengeance against PW1 and PW2, but on false information given by children to her, who are already known to be very mischievous in the locality. Every witness has some or the other tale to tell about how mischievous the children were and Suma being a trusting mother

had trusted these children and had acted upon their statement for which alone she cannot be punished because in the FIS to show that she had any direct knowledge of anything that had happened.

26) In this context the observation of the Hon'ble Apex court is quite on the point. In *Ratansinh Dalsukhbhai Nayak v. State of Gujarat* reported in (2004) 1 SCC 64, this Court explained that although child witnesses are considered as dangerous witnesses as they are pliable and liable to be influenced easily, shaped and moulded yet it is an accepted norm that if after careful scrutiny their testimony is found to inspire confidence and truthful, then there is no obstacle in accepting the evidence of such child witness. The relevant observation reads as under: -

"7. [...] The decision on the question whether the child witness has sufficient intelligence primarily rests with the trial Judge who notices his manners, his apparent possession or lack of intelligence, and the said Judge may resort to any examination which will tend to disclose his capacity and intelligence as well as his understanding of the obligation of an oath. The decision of the

trial court may, however, be disturbed by the higher court if from what is preserved in the records, it is clear that his conclusion was erroneous. This precaution is necessary because child witnesses are amenable to tutoring and often live in a world of make-believe.

27) The accused cannot be punished for the crime that she was a vigilant mother . She had taken care of her daughters and had trusted them when they had given such a statement. Hence the prosecution has failed to establish beyond reasonable doubt that the accused had acted in furtherance of her grudge against Balan and Chandran and foisted a false case on her own accord. PW8, the victim in that case had deposed before the court also that she did not recollect if the incident took place. She never denied the happening of the incident and the child is now in shelter home, away from her mother. It shows that the accused had suffered enough on this account and also that the prosecution has failed to prove that the accused had given false evidence to vent out her vengeance against Balan and Chandan.

Hence this point is found against the prosecution.

28) **Point No. 2** :- In view of my finding no. 1 , this point does not arise for consideration.

In the result, the accused is found not guilty of the offences punishable under section 22(i), of PoCSO Act and she is acquitted for these offences u/s 258(1) BNSS. The bail bond executed by the accused stand cancelled and she is set at liberty forthwith.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court on this the 22nd day of May, 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	Balan	Other Witness	08.01.2026
PW2	Chandran	Other Witness	08.01.2026
PW3	Venu	Other Witness	09.01.2026
PW4	Vasanthan	Other Witness	09.01.2026
PW5	Girija	Other Witness	09.01.2026

PW6	Ambika	Other Witness	09.01.2026
PW7	Raja Paul	Other Witness	15.01.2026
PW8	Athulya	Other Witness	24.01.2026
PW9	Gopalakrishnan	Other Witness	24.01.2026
PW10	Durgalakshmi U	Other Witness	24.01.2026
PW11	Jayalakshmi	Other Witness	24.01.2026
PW12	Chandran	Other Witness	06.02.2026
PW13	P lalkumar	Other Witness	21.02.2026
PW 14	K.K Sajeev	Other Witness	16.03.2026
PW 15	Jino Peter	Other Witness	27.03.2026

B. Defence Witness :- Nil

C. Court Witness :- Nil

List of Prosecution/Defence/ Court Exhibits :-

A. Prosecution Exhibits :-

Sl.No.	Exhibit No	Description	Date
1	Ext.P1/PW10	Certified copy of FIS in Crime no.1133/2023	21.04.2023
2	Ext.P2/PW13	Certified copy of FIR in Crime no.1133/2023	22.04.2023
3	Ext.P3/PW14	False Report	21.06.2023
4	Ext.P4/PW15	FIR	27.03.2024
5	Ext.P5/PW15	Alteration memo	27.03.2024

B. Defence Exhibits :- Nil

C. Court Exhibits :- Nil

D. Material Objects :- Nil

FOOT NOTE

Crime No & Name of Police Station	: 557/2024 of Town East Police Station, Thrissur.
-----------------------------------	---

DESCRIPTION OF THE ACCUSED

Sl. No.	Name of accused	Father's name	Occupation	Residence	Age
1	Suma	--	---	Kundalam House, Museum Cross Lane, Street No.II, Chembukkavu Village, Thrissur Taluk.	36

DATE OF

Occurrence	: 22.04.2023
Complaint	: 27.03.2024
Arrest	: --
Release on bail	: --
Commencement of trial	: 08.01.2026
Commencement of evidence	: 08.01.2026
Close of Trial	: 27.03.2026
Sentence or Order	: 22.05.2026
Service of copy of judgment or finding on accused	: 22.05.2026
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. 727/2024
Dated: 22.05.2026**