

**IN THE COURT OF THE SPECIAL JUDGE, SPECIAL COURT FOR SC/ST
(POA) ACT CASES, THRISSUR**

Present:

Sri.Sirajudheen P A, Special Judge

Tuesday, 19th day of May, 2026 / 29th Vaisakha, 1948

Crl.M.P-1/2026 in SC 55/2024

(Crime No. 805/2022 of Irinjalakuda Police Station)

Petitioner:-

Akhilash, aged 42 years, S/o. Viswanathan, Pareparambil House,
Thuravankad Desom, Pullur Village.

By Adv. Guruvayoorappan K V.

Respondent:-

State of Kerala, represented by Deputy Superintendent of Police,
Irinjalakuda.

Represented by Special Public Prosecutor Adv.A.K.Krishnan.

This petition having been heard on 19.05.2026 and on the same day, the court passed the following:-

ORDER

Petition for discharge filed under section 250 of BNSS/ 227 of Cr.P.C.

2. Petitioners are the accused in the above case. The offences alleged against the petitioners/ accused are punishable under sections 354 A(1)(iv), 294(b) and 506 r/w 34 of IPC and section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The prosecution case is that the petitioner/ accused who belong to community other than a Scheduled Caste/ Tribe, threatened the defacto complainant who belongs to Hindu - Pulaya community of the scheduled caste, by showing that they will publish her nude videos and photos through social media platform and also demanded for sexual favours. Hence, it is alleged that the accused have committed the

above referred offences.

4. Copy served to the Special Public Prosecutor and a report filed by opposing the application.

5. Learned counsel for the petitioners submitted that he has not committed any of the offence as alleged by the prosecution. According to the learned counsel to attract the offence punishable under section of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the alleged abuse must have occurred in a place within public view. Initially, the First Information Statement reveals that the entire incident occurred over a mobile phone. Subsequently, it is alleged that the incident occurred in a shop near to the Mini Civil Station. There are material contractions in the dates alleged by the prosecution. The prosecution did not cite any independent witnesses to prove its case. The prosecution story lacks scientific evidence. Thus, the prosecution has failed to make out a prima facie case. Hence, learned counsel prayed for an order of discharge.

6. On the other hand, learned Special Public Prosecutor argued that the prosecution has made out a prima facie case and there are sufficient grounds to proceed further. He submitted that the accused is liable to convict properly. Hence, he prayed to dismiss the petition.

7. I have heard both sides and perused the records. The victim appeared in person. She submitted that the accused persons are familiar with her and they have sufficient knowledge about her caste. The first accused had made proposals knowing her caste.

8. The first contention of the petitioners with respect to the commission of the offence in a place within public view is not sustainable. The offence alleged against the petitioners are under section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Knowledge is the only sufficient ingredient to attract the said offence. The question of absence of any independent witnesses as well

as public view do not arise in this particular case. The contradictions regarding the dates can only be ascertained during trial.

9. The primary consideration at the stage of framing of charge is the test of existence of a prima - facie case, and at this stage, the probative value of materials on record need not be gone into. The nature of evaluation to be made by the court at the stage of framing of the charge is to test the existence of prima - facie case. It is also held at the stage of framing of charge, the court has to form a presumptive opinion to the existence of factual ingredients constituting the offence alleged and it is not expected to go deep into probative value of the material on record and to check whether the material on record would certainly lead to conviction at the conclusion of trial. (2023 KHC 6911 State of Gujarat Vs Dilip Singh Kishor Singh Rao)

10. Considering the facts and circumstances, the grounds advanced by the petitioners cannot be considered at this stage. I am of the view that all those questions can be decided during evidence.

In the result, the petition is hereby dismissed.

(Dictated to the Confidential Assistant, transcribed and typed by him, corrected by me and pronounced in open court on this the 19th day of May, 2026).

Sd/-
SPECIAL JUDGE

Appendix : Nil

SIRAJUDHEEN P A,
Special Judge