

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

Present:

Sri.Sirajudheen P A, Special Judge

Tuesday, 9th day of June, 2026 / 19th Chaithra, 1948

Crl.M.P-1/2026 in SC 27/2025

(Crime No. 433/2024 of Viyyur Police Station)

Petitioner

Preman Kadannapally, aged 55/2024, S/o. Krishnan, Thamburu House, Thottummal - Eranjoli Desom, Eranajoli Village, Thalassery Taluk, Kannur District.

By Advs. Jis John Sebastian & Dinesh G Warriar.

Respondent

State of Kerala, represented by Assistant Commissioner of Police, Ollur Sub Division.

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

This petition having been heard on 09.06.2026 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. Petitioner is the accused in the above case. The offences alleged against the petitioner/ accused are punishable under sections 354, 354(A)(1)(i), 354(A)(1)(ii), 354(A)(1)(iv), 354D(1)(i) and 509 of IPC and sections 3(1)(w)(i)(ii) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The prosecution case is that the petitioner/ accused who is the commanding officer of Kerala Police Academy, on 18.05.2024 at 6.30 hours, dragged the defacto complainant who belongs to Pulaya community of scheduled caste, into his own body with sexual motives, in the room of the commanding officer of the T9 Company. Further, on 22.05.2024 at 3.00 p.m, he again caught hold of her left breast, despite her

protest and without her consent with an intention to outrage her modesty. The accused had done all these sexual assaults with knowledge that she belongs to the Scheduled Caste. Hence, it is alleged that the accused has committed the above referred offences.

4. Copy served to the Public Prosecutor and report is filed by the prosecution.

5. Learned counsel for the petitioner submitted that the entire prosecution case is a product of malicious intent and professional animosity, engineered by the defacto complainant to retaliate against the petitioner's administrative actions. The petitioner, in his capacity as a superior officer, had instructed the defacto complainant on several occasions to perform her duties with greater diligence and responsibility. Due to this dishonour, the defacto complainant has been strategically converted into a criminal complaint to settle administrative scores. It is submitted that the invocation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is a clear instance of 'colourable exercise of power' and manifests the malicious nature of this case. On perusal of the First Information Statement, it reveals a total absence of any allegation that the petitioner committed the alleged acts on the basis of her caste. According to him, the continuation of further proceedings against the petitioner is nothing but abuse of the process of law. On going through the final report and accompanying documents, it is crystal clear that the offence alleged against the petitioner are groundless. 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. The victim appeared in person. She submitted that the accused had intentionally or sexually assaulted her with the knowledge that she belongs to the Scheduled Caste.

8. On the basis of rival contentions, I have gone through the materials on records.

In the First Information Statement, it is alleged that on 18.05.2024 and on 22.05.2024, the accused forcibly caught hold of the defacto complainant with a sexual intention. Though she expressed her displeasure and unwillingness, he repeated the same. He has also uttered some sexually coloured remarks against the defacto complainant who belongs to Scheduled Caste. It is pertinent to note that the defacto complainant is a subordinate staff. He has sufficient occasion to know her caste. The conetnions raised by the accused can only be ascertained only after conclusion of trial. There are sufficient ingredients to attract the offences alleged against the accused.

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 Kishorsinh Rao)

In the said circumstances, I find no merits in the arguments advanced by the learned Counsel. 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 9th day of June, 2026).

Sd/-
SPECIAL JUDGE

Appendix : Nil

SIRAJUDHEEN P A,
Special Judge