

IN THE COURT OF SESSIONS, KALPETTA DIVISION

**Present :- Sri.Biju.T., Special Judge, (Special Court for the trial of Offences
Under SC/ST (Prevention of Atrocities) Act Cases, Mananthavady.**

Saturday the 30th day of May, 2026
(The 09th day of Jyaishta, 1948)

SESSIONS CASE No. 387/2024

Complainant	:	State of Kerala represented by the Dy.S.P., SMS, Wayanad, Mananthavady.
Name of the Accused	:	1. Suresh.P.T, aged 44/24, S/o Thankappan, Parakkal Veedu, Kalanadikkolly Post, Pulpally, Wayanad. 2. Haris.K.H, aged 36/24, S/o Hamza.T.P, Thazhepparambil Veedu, Gandhi Nagar Colony, Kalanadikkolly Post, Pulpally, Wayanad. 3. Sudheesh.K.G, aged 40/24, S/o Gopi.K.K, Kavalathinkal Veedu, Kalanadikkolly Post, Pulpally, Wayanad. 4. Jemshi Mathew, aged 43/24, S/o Alis, Kunnikkattu Veedu, Pulpally Post, Wayanad.
Charges	:	U/ss.341, 323, 294(b) r/w 34 of the IPC and U/s.3(1) (s), 3(2)(va) of SC/ST(PoA) Act.
Plea of the Accused	:	Not guilty.
Finding of the Judge	:	Not guilty.
Sentence/ Order	:	All the accused are found not guilty of the offences punishable under Sections U/ss. 341, 323 and 294(b) r/w 34 of the IPC and Sec.3(1)(s) and 3(2)(va) of the Act and all the accused are accordingly acquitted of the said offences as per Section 232 of the Cr.P.C. The bail bonds of all the accused stand cancelled. The sureties are discharged. All the accused are set at liberty.
Name of Police Station	:	Crime No.220/24 of Kenichira Police Station
Prosecution conducted by	:	Sri.M.G.Sraddhadaran, Special Public Prosecutor, Mananthavady.
Accused defended by	:	Adv.K.Rajesh.

<u>DESCRIPTION OF THE ACCUSED</u>			
1.	Serial Number	:	SC 387/2024
2.	Name of Police Station and Crime Number of the offence	:	Crime No. 220/24 of Kenichira Police Station
3.	Name of Accused	:	A1. Suresh.P.T., A2. Haris.K.H. A3. Sudheesh.K.G. A4. Jemshi Mathew.
4.	Father's Name	:	A1. Thankappan A2. Hamza.T.P. A3. Gopi K.K. A4. Alis
5.	Occupation	:	-
6.	Residence	:	A1. Parakkal Veedu, Kalanadikkolly Post, Pulpally, Wayanad. A2. Thazhepparambil Veedu, Gandhi Nagar Colony, Kalanadikkolly Post, Pulpally, Wayanad. A3. Kavalathinkal Veedu, Kalanadikkolly Post, Pulpally, Wayanad. A4. Kunnikkattu Veedu, Pulpally Post, Wayanad.
7.	Age	:	A1. 44/24 A2. 36/24 A3. 40/24 A4. 43/24
8.	Date of Occurrence	:	19.05.2024
9.	Date of Complaint	:	26.07.2024
10.	Date of Apprehension	:	-
11.	Date of Release on Bail	:	-
12.	Date of Commitment	:	-

13.	Date of Commencement of Trial	:	18.05.2026
13A	Commencement of evidence	:	18.05.2026
14.	Date of Close of Trial	:	18.05.2026
15.	Date of Sentence/ Order	:	30.05.2026
16.	Service of copy of Judgment/ Order to the Accused.	:	-
17.	Explanation for the delay	:	No delay
18	Period of detention undergone during investigation, inquiry or trial for the purpose of Section 428 Cr.P.C.	:	-

SPECIAL JUDGE

This case coming on for hearing before me upon perusing the records of evidence and proceedings and upon duly considering the same after hearing the public prosecutor and counsel for the accused on 30.05.2026. I do adjudge and pass the following:-

JUDGMENT

This is a case charge sheeted by the Deputy Superintendent of Police, Mananthavady, in charge of the Special Mobile Squad in Cr.No.220/2024, alleging the commission of offences punishable U/ss. 341, 323 and 294(b) r/w 34 of the Indian Penal Code (for brevity “the IPC”) and Sec.3(1)(s) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (for brevity “the Act”).

2. The prosecution case, in brief, is as follows:- On 19.05.2024 at 11.30 p.m., due to enmity in connection with the altercation relating to the music concert, the accused persons, in furtherance of common intention, wrongfully restrained PW1, at the road margin of Kappikkunnu – Pulpally public road at Kolarattukunnu of Wayanad District. In the course of the same transaction, the accused persons voluntarily caused hurt to PW1 and PW3 at the above said place. The accused persons uttered obscene words towards PW1 in the above said public place to the annoyance of others. The accused persons, who are non-members of the scheduled caste and scheduled tribe, abused PW1, by calling his caste name Cheruman, in the above said place within public view. The accused persons committed the scheduled offences of Secs.341 and 323 r/w 34 of the IPC against PW1, knowing that he belongs to the Cheruman community of the scheduled caste. Thus, the accused are alleged to have committed the above said offences.

3. The case was registered on the basis of Ext.P1 First Information Statement given by PW1, one of the victims and based on Ext.P1 FIS, the Assistant Sub Inspector Grade of Kenichira Police Station, has registered the FIR in this case. The investigation in this

case was conducted by the Deputy Superintendent of Police, Mananthavady, in charge of the Special Mobile Squad, Wayanad and laid the final report against the accused before this court.

4. On getting the final report, this court took cognizance of the offences punishable U/ss. 341, 323 and 294(b) r/w 34 of the IPC and Sec.3(1)(s) and 3(2)(va) of the Act and then requested the Principal Sessions Court, Kalpetta, to assign a Sessions Case number to the case. The said case was taken on file as SC.387/2024 on the file of the Principal Sessions Court, Kalpetta, and then, made over to this court for trial and disposal according to law. All the accused entered appearance before this court and they were enlarged on bail. On the appearance of all accused, copies of all relevant prosecution records were furnished to them as provided U/s.207 of the Criminal Procedure Code.

5. The learned Special Public Prosecutor for the State opened this case by describing the charge brought against the accused. On a perusal of the records of the case and documents submitted therewith, after hearing the learned counsel for the accused and the learned Special Public Prosecutor for the State, this court is satisfied that the offences punishable U/ss.341, 323 and 294(b) r/w 34 of the IPC and Sec.3(1)(s) and 3(2)(va) of the Act have been disclosed with, the

charge was framed against all accused of the above said offences. When the charge was read over and explained to all accused in Malayalam, to which they pleaded not guilty of the offences and claimed to be tried.

6. Then this case was posted for the evidence on the side of the prosecution. PW1 to PW3 were examined on the side of the prosecution. Ext.P1 was marked on the side of the prosecution.

7. Since the material witnesses, PW1 to PW3, turned hostile to the prosecution, the learned Special Public Prosecutor for the State gave up the examination of the remaining witnesses. Since there are no incriminating circumstances appearing in the evidence against all accused, the examination of all accused U/s.313(1)(b) of the Cr.P.C stands dispensed with.

8. The learned Special Public Prosecutor for the State and the learned counsel for the accused have been heard.

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

- 1) Whether there is any evidence to connect all the accused with the offences?
- 2) If so, what is the sentence to be imposed on the accused?

10. **Point Nos. 1 and 2:-** The law was set into motion as per Ext.P1 FIS given by one of the victims, PW1. Based on Ext.P1 FIS, the Assistant Sub Inspector Grade of Kenichira Police Station registered the FIR in this case.

11. PWs. 1 and 3 are the victims. They have not stated before the court that the accused persons, in furtherance of common intention, wrongfully restrained PW1 and voluntarily caused hurt to them. PW2 also did not support the case of the prosecution. He stated that he had not seen the incident. There is no evidence to show that the accused called the caste name of PW1 in a place within public view.

12. In this case, the victims have not supported the prosecution. Then the learned Special Public Prosecutor for the State has dispensed with the examination of the remaining witnesses.

13. Having gone through the evidence let in by the prosecution, there is absolutely no evidence available on record to connect the accused with the alleged commission of the crime.

14. Since there are no incriminating circumstances appearing in the evidence against the accused, the examination of the accused U/s.313(1)(b) of the Cr.P.C stands dispensed with.

15. Having gone through the evidence on record, there is absolutely no evidence available to prove the involvement of all the accused in the commission of the crime. Hence, the continuation of the trial will amount to an unnecessary harassment to the accused, and the accused is entitled to be acquitted of the alleged offences in the absence of evidence U/s.232 of the Cr.PC.

In the result, all the accused are found not guilty of the offences punishable under Sections U/ss. 341, 323 and 294(b) r/w 34 of the IPC and Sec.3(1)(s) and 3(2)(va) of the Act and all the accused are accordingly acquitted of the said offences as per Section 232 of the Cr.P.C. The bail bonds of all the accused stand cancelled. The sureties are discharged. All the accused are set at liberty.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 30th day of May, 2026)

SPECIAL JUDGE

List of Prosecution/Defence/Court Witnesses

A. Prosecution Witness

Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, Other witness
PW1	Aswin	Police witness
PW2	Tony Joy	Police witness
PW3	Alan James	Police witness

B. Defence Witness : NilC. Court Witness : Nil

List of Prosecution/Defence/Court Exhibits:

A. Prosecution Exhibits:

1	Ext.P1/PW1	FIS
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B. Defence Exhibits: NilC. Court Exhibits: NilD. Material Objects: Nil**SPECIAL JUDGE**

Typed by: Manuel M.P.

Compared by: Meenakshy C.M.