

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

Present:

Sri. Sirajudheen P A, Special Judge

Wednesday, 4th day of March, 2026/ 13th Phalguna, 1947

Sessions Case No. 375/2017

(Crime No.269/2016 of Kodungallur Police Station)

Complainant :-

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

By Special Public Prosecutor Adv.A.K.Krishnan.

Accused :-

Vishnu C H, aged 18/2016, S/o. Haridasan, Pudukkad House,
Naduvilkkara, Ganeshamangalam, Vatanappilly Village.

By Adv. K D Usha.

Offence	: Under Sections 354 A (1)(i) and 354 B of IPC, sections 119(b) and 120(o) of KP Act and section 3(1)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
Plea	: Not guilty.
Findings	: Not guilty.
Sentence or order	: The accused is acquitted of the said offences under Sec. 232 of CrPC.

The Sessions case having been finally heard on 04.03.2026 in the presence of counsel appearing for either side and having stood for consideration till this day, the court passed the following:

JUDGEMENT

This is a case charge sheeted by the Assistant Superintendent of Police, Irinjalakuda alleging the commission of the offences punishable under sections 354 A (1)(i) and 354 B of IPC, sections 119(b) and 120(o) of KP Act and section 3(1)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. The prosecution case can be summarized as follows: On a day after Christmas in the year of 2014, the accused who belongs to the community other than Scheduled Caste/ Tribe, with an intention of sexual exploitation, with the knowledge that CW1 belongs Hindu - Vettuva community of the Scheduled Caste, took her to the house bearing No. XVI/175 of Kaipamangalam Grama Panchayat, kissed on her chest and stomach, and used crime force against her and disrobed her with intent to outrage her modesty. He took her nude photographs on his phone and blackmailed her. Hence it is alleged that the accused has committed the above referred offences.

3. The case originated from crime No.269/2016 of Kodungallur Police Station. The case was investigated by the Assistant Superintendent of Police, Irinjalakuda. The charge sheet was laid by him.

4. When the accused appeared before the court, he was released on bail and copies of the relevant records were furnished as provided under section 207 of Cr.P.C. The learned Special Public Prosecutor opened his case by describing the charge brought against the accused, and stated the nature of evidence to be relied upon, in view of section 226 of Cr.P.C. Thereafter, on the basis of the records and documents, the learned Special Public Prosecutor and learned Defense Counsel were heard on the questioning of framing charges. It was found that there are sufficient grounds to proceed further with the offences. Consequently, charge was framed for the offence punishable under sections 354 A (1)(i) and 354 B of IPC, sections 119(b) and 120(o) of KP Act and section 3(1)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

5. When the charge was read over and explained to the accused, he pleaded not guilty and claimed to be tried. He was represented by a lawyer of his choice.

6. PW1 to PW4 were examined and Exhibit P1 to P10 were marked on the side of prosecution. The remaining witnesses were given up by the learned Special Public Prosecutor. Since there were no incriminating circumstances levelled against the accused, the questioning under section 313 was dispensed with. Thereafter, the matter was heard under section 232 of Cr.P.C.

Points

7. The points those would arise for consideration are: -

1. Did the accused commit sexual overture by physical contact and advances and thereby committed the offence punishable under section 354 A (1)(i) of IPC?
2. Did he use criminal force against PW1 with the intent to disrobe her and thereby committed the offence punishable under section 354 B of IPC?
3. Did he take PW1's nude photographs in his phone and thereby committed the offence punishable under section 119(b) of KP Act?
4. Did he record PW1's nude photographs and blackmailed her and thereby committed the offence punishable under section 120(o) of KP Act?
5. Did he, did the above said acts, knowing well that the defacto complainant belonged to Hindu - Vettuva community of the Scheduled Caste and in a position to dominate the will of the woman, used that position to exploit her sexually which she would not have otherwise agreed to, and thereby committed the offence punishable under section 3(1)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act?

6. If so, what are the offences proved and what sentences to follow?

8. This is a case wherein the prosecution would allege that the accused had kissed on her chest and stomach, and used crime force against her and disrobed her with intent to outrage her modesty. He also took her nude photographs on his phone and blackmailed her. The prosecution case would start from Exhibit P1. It is the First Information Statement given by the victim. The victim/ injured has been examined as PW1. Though she admitted her signature in Ext.P1, she denied the contents therein. She specifically deposed that the accused has neither outraged her modesty nor used criminal force as alleged by the prosecution. PW2, PW3 and PW4 have conducted the investigation. They prepared mahazars and materials were collected by them. The witnesses were also interrogated by them. After completing the investigation, PW4 has submitted the final report.

9. It is obvious to note that though prosecution has raised some serious allegations against the accused, none of the witnesses could depose anything against the accused. The victim specifically deposed that the accused had never committed any atrocities as alleged by the prosecution. Mere marking of certain documents alone is not sufficient to prove the guilt of the accused.

10. The settled position is that the proof of preparation of first information statement and affixing of signature therein may prove existence of such a statement, but it will not further prove existence or truth of the “facts” which are stated therein. If the “facts” stated in the first information statement are relevant in a case and the existence or truth of such facts is in issue, mere marking of the first information statement will not prove the truth or existence of such facts. The facts stated in the first information statement have to be proved by admissible evidence, in accordance with law.

11. From the evidence adduced by the prosecution, it could be seen that there is nothing to connect the accused with the crime. The prosecution could not establish

the case against the accused beyond reasonable doubt. In the said circumstances, I find that there is no evidence to hold that the accused has committed the offences, as alleged by the prosecution. Hence, the points are found against the prosecution.

POINT NO:6

12. From the above discussions, I found that there is no sufficient evidence to prove that the accused has committed the offence alleged against him. In the said circumstances, I am of the view that the accused person is entitled to an order of acquittal under section 232 of Cr.P.C.

In the result, the accused is found not guilty and acquitted under section 232 of Cr.P.C of offences punishable under sections 354 A (1)(i) and 354 B of IPC, sections 119(b) and 120(o) of KP Act and section 3(1)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Bail bond executed by the accused stands cancelled and he is set at liberty.

(Dictated to the Confidential Assistant, transcribed by her, corrected by me and pronounced in open court on the 4th day of March, 2026).

**SIRAJUDHEEN P A,
Special Judge**

APPENDIX

Prosecution witnesses:

PW1	15.12.2025	Vidhya
PW2	06.01.2026	P A Varghese, Deputy Superintendent of Police (Rtd).
PW3	13.01.2026	Suresh Kumar, Superintendent of Police (Rtd).
PW4	27.02.2026	Kiran Narayanan, Superintendent of Police.

Prosecution exhibits:

	<u>Date</u>	<u>Exhibits</u>
P1/PW1	15.12.2025	Certified copy of First Information Statement dated 21.01.2016.
P2/PW2	06.01.2026	Copy of First Information Report dated 21.01.2016.
P3/PW2	06.01.2026	Seizure mahazar dated 22.01.2016.
P4/PW2	06.01.2026	Potency certificate of the accused dated nil.
P5/PW2	06.01.2026	Full address report of the accused dated 23.01.2016.
P6/PW2	06.01.2026	Section adding report dated 09.02.2016.
P7/PW3	13.01.2026	Caste certificate of CW1 dated 25.02.2016.
P8/PW3	13.01.2026	Caste certificate of the accused dated 25.02.2016.
P9/PW3	13.01.2026	Ownership certificate dated 17.03 .2016.
P10/PW3	13.01.2026	Sketch dated 02.03.2016.

Defence Witness :- Nil

Defence Exhibits:- Nil

Material object: - Nil

FOOT NOTE

Cr. No. & Name of Station: Crime No. 269/2016 of
Kodungallur Police Station

DESCRIPTION OF THE ACCUSED

Sl. No.	Name of accused	Father's or Husband's name	Caste/ race	Occupation	Residence	Age
1	Vishnu C H	Haridasan			Pudukkad House, Naduvilkkara, Ganeshamangala m, Vatanappilly Village	18/2016

	<u>DATE OF</u>	
Occurrence	-	19.01.2016
Complaint	-	21.01.2016
Apprehension	-	23.01.2016
Release on bail	-	11.04.2016
Commencement of trial	-	15.12.2025
Close of trial	-	04.03.2026
Judgment pronounced	-	04.03.2026
Explanation for delay	-	Nil

SPECIAL JUDGE

Copied by: AN

Compared by:PS