

**IN THE COURT OF THE JUDGE
SPECIAL COURT FOR SC/ST (POA) ACT/
ADDITIONAL SESSIONS COURT MANNARKKAD.**

Present : Sri. Jomon John, Judge.
Wednesday the 25th day of March, 2026.
04th day of Chaithra, 1948 S.E

Sessions Case No. 247/2025

Complainant	:	State of Kerala represented by the Deputy Superintendent of Police, Shornur. (Rep.by Sri. Rajeev.N, Special Public Prosecutor, Mannarkkad).
Name of Accused	:	Muhammed Hafar S/o Shakkeela, aged 25/24, Valavath (H), Chakkalakundu, Palappuram, Ottapalam.
Charge	:	Offences Punishable under sections 126(2), 115(2), 117(2) of Bharatiya Nyaya Sanhita, U/Ss.3(1) (s) and 3 (2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989.
Plea of the accused	:	Not guilty.
Finding of the judge	:	Accused is found not guilty of the offences punishable U/Ss.126(2), 115(2), 117(2) of Bharatiya Nyaya Sanhita, U/Ss.3(1) (s) and 3 (2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989.
Sentence or order	:	Accused is acquitted U/s. 255 of Bharatiya Nagarik Suraksha Sanhita.
Name of Police Station and Crime No. of the offences	:	Ottapalam Police Station. Cr.No. 1374/2024.
Prosecution conducted by	:	Rep. by Sri. Rajeev. N, Special Public Prosecutor, Mannarkkad.
Accused defended by	:	Adv.Sri.K. R. Santhoshkumar.

J U D G M E N T

This is a case charge sheeted by the Deputy Superintendent of Police, Shornur alleging the offences punishable U/Ss.126(2), 115(2), 117(2) of Bharatiya Nyaya Sanhita, U/Ss. 3(1) (s) and 3(2) (va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989.

2. The prosecution case is, in brief, as follows:- At 8.30 pm on 01-12-2024, on a public road lying at Chakkalakundu in Ottapalam II Village, the accused, not belonging to any Scheduled Caste/Tribe, wrongfully restrained the de facto complainant who is a member of a Scheduled Caste. Thereafter, the accused intentionally abused the de facto complainant by calling his caste name within public view. He also voluntarily caused simple hurt to him by punching on his face and nose. By receiving the hit, the nasal bone of the de facto complainant was also fractured. Therefore, the accused is booked for the offences punishable U/Ss.126(2), 115(2), 117(2) of Bharatiya Nyaya Sanhita, U/Ss. 3(1) (s) and 3(2) (va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989.

3. On appearance of the accused, the copies of all relevant prosecution records were furnished to him. He was enlarged on bail. Thereafter, the learned Special Public Prosecutor opened this case by describing the charge brought against the accused and stating by what evidence he proposed to prove his guilt. Upon consideration of the records of the case and documents submitted therein and after hearing the submissions of accused and the prosecution, a charge was framed against him for the offences punishable U/Ss.126(2), 115(2), 117(2) of Bharatiya Nyaya Sanhita, U/Ss. 3(1) (s) and 3(2) (va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989. When it was read over and explained to the accused, he pleaded not guilty.

4. To prove its case, the prosecution examined PW1 and PW2 and Ext. P1 to Ext.P10 documents were marked. Since the entire matter was settled out of court, the material witnesses, including the injured, failed to support the prosecution. Therefore, upon the satisfaction that the prosecution case would not improve further by examining the remaining witnesses, the prosecution evidence was closed. As there is no incriminating circumstances brought out in evidence against the accused, his questioning U/s. 351 of Bharatiya Nagarik Suraksha Sanhita was dispensed with.

5. Heard both sides U/s. 255 of Bharatiya Nagarik Suraksha Sanhita.

6. Points that arise for consideration:-

1. Whether the prosecution has succeeded in establishing the guilt of the accused for the commission of the offences charged against him?.
2. What is the punishment, if any, to be awarded to the accused?

7. **Point No. 1:-** PW1-Sumesh is the de facto complainant and sole injured in this

case. His caste identity is not disputed. The acquittance between PW1 and the accused is also an admitted fact. As per the evidence of PW1, he sustained bodily hurts in the alleged occurrence for which he lodged Ext.P1 F.I Statement. However, in the witness box, PW1 testified that he had sustained bodily hurts on a fall and he could not identify the perpetrator. He categorically denied the involvement of the accused in the alleged occurrence. According to his evidence, he lodged Ext.P1 F.I Statement on mistake of fact. PW1 further testified that the entire matter had been amicably settled out of court with the accused.

8. PW2-Nidheesh was examined as eye witness of the alleged occurrence. But, he denied that he had witnessed the alleged occurrence.

9. Although PW1 and PW2 were declared hostile to the prosecution and cross examined by the learned Special Public Prosecutor, nothing was extracted from their mouths in support of the prosecution.

10. From the material evidence of PW1, it is established that PW1 is a member of a Scheduled Caste and that he sustained bodily hurts in the alleged occurrence. However, the entire prosecution evidence is silent regarding the identity of the perpetrator. Therefore, the involvement of accused in the alleged occurrence remains not proved. As a result, he is entitled to get the benefit of doubt. It is further deciphered that the entire matter has been amicably settled out of court with the accused. In these circumstances, it is held that the prosecution has failed to prove the guilt of both accused beyond all reasonable doubt. Hence, **Point No. 1** is answered against the prosecution.

11. **Point No. 2:-** In the result, the accused is found not guilty of the offences punishable U/Ss.126(2), 115(2), 117(2) of Bharatiya Nyaya Sanhita, U/Ss. 3(1) (s) and 3(2) (va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989 and he is acquitted for the same U/s. 255 of Bharatiya Nagarik Suraksha Sanhita.

Dictated to the Confidential Assistant, typed and transcribed by her, corrected and pronounced by me in open court on this the 25th day of March, 2026.

Judge,
Special Court for SC/ST (POA) ACT/
Additional Sessions Court
Mannarkkad.

APPENDIX

Witness examined for the prosecution:

PW1 : Sumesh S/o Radhakrishnan, Ottapalam.

PW2 : Nidheesh S/o Sasikumar, Ottapalam

Exhibits marked for prosecution

Ext.P1 : FI statement dated 04-12-2024

Ext.P2 : FIR dated 04-12-2024

Ext.P3 : Scene mahazar dated 06-12-2024

Ext.P4 : Scene plan dated Nil

Ext.P5 : Wound certificate of CW1 dated 01-12-2024

Ext.P6 : Medical certificate of CW1 dated 09-01-2025

Ext.P7 : Community certificate of CW1 dated 21-01-2025

Ext.P8 : Caste certificate of accused dated 31-01-2025

Ext.P9 : Section adding report 3(1) (s) dated 06-12-2024

Ext.P9(a): Section adding report 17(2) dated 23-01-2025

Ext.P10 : Complete address of accused adding report dated 16-01-2025

Material Objects marked:- : Nil

Witness examined for the defence:- : Nil

Exhibits marked for the defence:- : Nil

Court Exhibits marked:- : Nil

Tabular Statement as per Rule 207 of Cr.P.C. of Kerala

1. Serial No. :
2. Name of Police Station and : Ottapalam Police Station
Crime No. of the offences : Cr.No. 1374/2024
3. Description of the accused

Name	Father's Name	Age	Residence
Muhammed Hafan	Shakkeela	25/24	Ottapalam, Palakkad

4. Date of Occurrence : 01-12-2024
Date of complaint : 04-12-2024

Date of arrest	:	04-12-2024
Released on bail	:	08-01-2025
Commencement of trial	:	19-03-2026
Close of trial	:	19-03-2026
Date of judgment	:	25-03-2026
Explanation of delay	:	No delay.

Judge,
Special Court for SC/ST (POA) ACT/
Additional Sessions Court
Mannarkkad.

**Fair/Copy of Judgment
in SC-247/2025
Dated 25-03-2026**