



1
Present: Sri. Muralee Krishna. S, Ist Addl. Sessions Judge
(Special Judge)

Monday, the 30th day of September, 2019
8th day of Aswina, 1941 S.E.

SESSIONS CASE No. 398 OF 2017

Complainant

: State represented by the Deputy
Superintendent of Police, Narcotic Cell,
Palakkad.

Name of accused

: Pradeep Kumar, S/o Muraleedharan Nair,
aged 32 years, Kadapallil House, Nagam
Kulangara, Wayalar East Village,
Cherthala Taluk, Alappuzha District.

Charge

: Under Sections 376(2)(i) and (n), 377,
305 and 354 of IPC, Sec. 5(1) r/w Sec. 6
and Sec. 7 r/w Sec. 8 of the Protection of
Children from Sexual Offences Act, 2012
and Sec. 3(1)(w)(i) and 3(2)(va) of the
Scheduled Castes / Scheduled Tribes
(Prevention of Atrocities) Act.

Plea of the accused

: Not guilty.

Finding of the judge

: Not guilty

Sentence or Order

: The accused is not found guilty of the offences
punishable under Sec. 376(2) (i) and (n), 377,
305 and 354 of IPC, Sec. 5(1) read with
Sec. 6 and Sec. 7 read with Sec. 8 of the
Protection of Children from Sexual Offences
Act and Sec. 3(1) (w) (i) and Sec. 3(2) (va) of
the Scheduled Castes / Scheduled Tribes
(Prevention of Atrocities) Act and he is
acquitted under Sec. 235(1) Cr. P.C.

Name of Police Station and
Crime Number

Name and designation of committing:
Magistrate and the No. of the case
on his file.

: Walayar Police Station.
Crime No. 43/2017- B.

Prosecution conducted by

: Smt. Latha Jayaraj, Special
Public Prosecutor. (POCSO)

Accused defended by

: Adv. S. Suresh.

Date on which copy of judgment
given to the accused

:

JUDGMENT

This is one of the series of cases charge sheeted by the Deputy Superintendent of Police, Narcotic Cell, Palakkad, which arose out of the suicide committed by two minor girls, who are sisters, aged 13 years and 9 years respectively. The elder girl committed suicide on 13.01.2017 and the younger girl committed suicide on 04.03.2017 by hanging themselves on the roof of the one room shed belonging to their mother. The Deputy Supdt. of Police, who headed the Special Investigation Team constituted for the purpose of investigation of the case filed altogether Six final reports before this court, inculcating altogether four persons for the death of the girls. Another final report was filed before the Juvenile Justice Board against a child

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in conflict- with-law. The above Sessions Case is in respect of the death of elder girl.

2. The sequence of events which lead to the filing of final reports by the Deputy Supdt. of Police are as follows:- On 13.01.2017, the elder girl aged 13 years was found dead by hanging herself on the rafter of the one room shed belonging to her mother. She used a churidar shawl as the ligature. On the very same day, on the basis of the First Information Statement given by CW1 Unnikrishnan, who is a relative of the girl, police registered the F.I.R as crime No. 43/2017 of Walayar police station under Sec. 174 Cr. P.C. While the said crime was under investigation, on 04.03.2017, the younger sister of the deceased girl, who was aged only 9 years also committed suicide in the very same manner. With regard to her death also police registered the F.I.R under sec. 174 Cr. P.C as crime No. 240/2017 of Walayar police station on the basis of the information received from one Radhakrishnan, a neighbour of the girls. The investigation of the offence was initially conducted by the Sub Inspector of Police, Walayar police station. Subsequently, it was handed over to the Circle Inspector of Police, who was holding charge of Kasaba Circle. In his investigation, it was found that the girls were subjected to sexual abuse. Hence, he filed report to incorporate the penal provisions under Sec. 376, 377 and 306 of IPC and Sec. 5 r/w Sec. 6 of the Protection of

Children from Sexual Offences Act and proceeded with the investigation. But due to public agitation a Special Investigation Team headed by the Deputy Superintendent of Police, Narcotic Cell, Palakkad was constituted as per the order of the Additional Director General of Police, North Zone and investigation was handed over to the Deputy Supdt. of Police, Narcotic Cell, Palakkad. In his investigation, he reached to a conclusion that the girls were repeatedly subjected to unnatural sexual intercourse and the intolerable pain in the anal region lead the girls to commit suicide. He arrested the accused in this case on 10.03.2017 and he was remanded in judicial custody. On completion of investigation, he filed a separate charge sheets against each of the accused. One of the accused was a minor and hence the charge sheet against him was filed before the Juvenile Justice Board. Against the accused in this Sessions Case, final report was filed for the offences punishable under Sec. 376 (2) (I) and (n), 305 and 354 of IPC, Sec. 7 r/w Sec. 8 and Sec. 5(l) r/w Sec. 6 of the Protection of Children from Sexual Offences Act and Sec. 3(1) (w) (i) and Sec. 3(2) (v) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act.

3. The prosecution case is that the accused, who is not a member of Scheduled Caste / Scheduled Tribe from January 2016 till 12.09.2016, from the rented house bearing No. XI/739 of Pudussery Grama Panchayat situated

at the place called Selvapuram, Pudussery East Village, in the ownership of one Unnikannan, S/o Krishnan, which was rented out to the accused, repeatedly committed rape and carnal intercourse against the victim, who is a minor girl aged 13 years and a member of Scheduled Caste. Because of the intolerable sexual assault and harassment of the accused in the above Sessions Case and other persons who were charge sheeted by the police, the victim committed suicide on 13.01.2017 between 14.30 hours and 17.00 hours by hanging herself on the rafter of her one room shed bearing No. XI/666, wherein she was residing with her parents and siblings.

4. On receipt of the final report, it was taken cognizance and after numbering the case as S.C 398/2017, the Principal Sessions Judge made over the case to this court for trial and disposal.

5. On production of the accused, he was served with copies of all relevant prosecution records as provided under Sec. 207 of Cr. P.C. After hearing both sides under Sec. 227 of Cr. P.C, charge was framed for the offences punishable under Sec. 376(2) (i) and (n), 377, 305 and 354 IPC, Sec. 5(l) read with Sec. 6 and Sec. 7 read with Sec. 8 of the Protection of Children from Sexual Offences Act and Sec. 3(1) (w) (i) and Sec. 3(2) (va) of the Scheduled Castes / Scheduled Tribes (Prevention of Atrocities) Act

6
against the accused. The accused pleaded not guilty, when charge was read over and explained to him in Malayalam. The accused was thereafter released on bail.

6. From the side of the prosecution, PWs 1 to 28 were examined and Exts. P1 to P33 documents were marked. During cross-examination of prosecution witnesses, Exts. D1 to D3, the contradictory portions of the statements of prosecution witnesses recorded by the police under Sec. 161 of Cr. P.C and Ext. D4, served copy of the First Information Statement were marked from the side of the accused. The remaining witnesses were given up by the prosecution. On completion of the prosecution evidence, the accused was examined under Sec. 313(1) (b) Cr. P.C. He denied all the incriminating circumstances brought out in the evidence and further stated that at the time of death of the elder girl, he was not present in Palakkad District. He went to his native place at Cherthala during Onam eve of 2016 and returned back only on 26.02.2017. On coming to know about the death of the elder girl, he gave a complaint regarding the same before the Deputy Supdt. of Police, Cherthala. He understood that even after the girl attained puberty, her stepfather namely Shaji and one Kutti Madhu had been consuming liquor from her house. Kutti Madhu had been sleeping in that house during night and he had ill-treated the girl. It is showing all these facts, he gave a complaint before the

Deputy Supdt. of Police. The **girl had** the wish to study further and hence she would not commit suicide.

7. Subsequently, both **sides** were heard under Sec. 232 Cr. P.C. Having found the case as unfit for acquittal under Sec. 232 Cr. P.C, the accused was called upon to enter **into his** defence. Though the accused filed a petition to call for some **documents** from the Registrar of Kerala State Commission for Protection of **Child Rights** as CMP 2025/2019, this court has dismissed the same, finding it as **unnecessary** for the decision of this case and it was filed only for the purpose of **protracting** the proceedings. No other defence evidence was adduced **from the** side of the accused.

8. Heard both sides.

9. The points for consideration are:-

1. What is the **cause** of death of victim girl in this case ?
2. Whether the **prosecution** has succeeded in proving that the victim **girl was** aged 13 years at the time of her death ?
3. Whether the **accused** committed rape on the victim girl, as alleged by the **prosecution**?
4. Whether the **accused** subjected the victim girl to carnal intercourse **against** the order of nature, as alleged by the **prosecution**?

5. Whether the accused sexually assaulted the victim girl, as alleged by the prosecution?
6. Whether the accused abetted the victim girl to commit suicide, as alleged by the prosecution?
7. Whether the accused outraged the modesty of the victim girl, as alleged by the prosecution?
8. Whether the accused has committed the offence of outraging the modesty and sexual assault against the victim girl, aged 13 years, who is a member of Scheduled Caste, as alleged by the prosecution?
9. What offences, if any, committed by the accused?
10. The offences, if proved, what should be the punishment?

10. **Point Nos. 1 to 8:-** All these points are considered together as they are interconnected and also for the purpose of convenience. As said above, prosecution has examined altogether 28 witnesses in this case. It would be appropriate to briefly narrate their evidences before entering into the merits of the contentions raised by the learned Special Public Prosecutor and the learned defence counsel.

11. PW1 is the person, who gave First Information Statement regarding the death of the girl deposed that he gave Ext. P1 First Information Statement regarding the death of his aunt's daughter. After the death of the

girl mentioned in Ext.P1, her younger sister also died on the 54th day. Both of them committed suicide by hanging themselves. He is residing about half kilometre away from the house of those girls. After the death of the second girl, police made enquiries with him and recorded his statement. He knows the accused namely Pradeepkumar, who is involved in this case. Accused is also residing about half kilometre away from the house of the deceased girls. The girls were visiting the house of Pradeepkumar. This witness knows the wife of the accused also. She is working in a distilleries at Attapallam. She goes for work at 8.00 am and usually comes back at 5.30 pm. When the girls were visiting the house of the accused, his wife would not be available in his house. PW1 gave statement regarding these aspects to the police. During cross-examination this witness further deposed that the accused was behaving very well with the children. He has only hearsay knowledge from newspaper reports as well as from the police regarding the offence committed against the girls.

12. PW2 is a neighbour of the deceased girls. He deposed that he is residing about 100 meters away from the house of those girls. He knows the deceased girls and their nick names. They used to visit the house of the accused for playing. The wife of the accused is working in Amritha Distilleries. She goes for work at 7.30 am and comes back only at 6.00 pm.

While taking cattle for grazing, he saw the children playing in the house of the accused. During cross-examination he deposed that his statement was recorded by the police after the death of the elder girl. No such statement was recorded after the death of the younger girl. It is not possible to see the house of the deceased girls and the accused from his house. He denied the portion of the statement allegedly made by him to the police to the effect that the house of the accused and the deceased girls are visible from his house. That portion of his statement recorded under Sec. 161 Cr. P.C is marked as Ext. D1.

13. PW3 is an inquest witness. He identified his signature in Ext.P2 inquest report.

14. PW4 is another neighbour of the deceased girls, who also deposed that he had seen the children coming to the house of the accused for playing.

15. PW5 is the stepfather of the deceased girl in this case. He deposed that the deceased girl is the daughter of his wife in her first husband. The accused was taking tuition class for his daughters from his house. The accused was residing with his wife in his house. He has no job. His wife is working in a company and she usually goes for work at 7.00 am and comes back only at 5.30 – 6.00 pm. He understood that the girl committed suicide due to ill-treatment. He named one Valiya Madhu, Pradeep, Shibu and

Kutti Madhu as the persons, who have abused the girl. It is further deposed by PW5 that he personally saw Valiya Madhu sexually abusing the girl. He came to know from one Sumathy and Nisha that the accused was standing naked and exhibited his nudity to the deceased girl when she had attended his house.

16. PW6 is the mother of the deceased girl. She deposed that the deceased girl is her elder daughter in her first husband. PW5 is her second husband. The accused is her distant relative and he is residing near to her house. She was in good terms with the accused. Accused was residing with his wife in his house and he is having no job. Whereas the wife of the accused is having job. When PW6 and her husband were getting late to come back from their work place, her children were usually going to the house of the accused and waiting there. He was taking classes for the girls. After postmortem examination of the girls it has come to the knowledge of PW6 as informed by the police that the girls were subjected to sexual abuse. It is told by the police that the accused in this case namely Pradeepkumar, Shibu, Kutti Madu and Valiya Madhu have subjected the girls to sexual abuse.

17. PW7 is a minor boy, aged 15 years. He was examined after conducting voir dire test. He deposed that the deceased girls were his friends. He knows the accused also. But this witness turned hostile to the

prosecution and deposed that they were not going to the house of the accused for playing. He denied the statements allegedly made to the police to the effect that the accused was taking the deceased girls to his house for playing and he scolds PW7 if he goes to that house. That portion of the statement is marked as Ext.P3 at the instance of the learned Special Public Prosecutor.

18. PW8 deposed that he let out his house at Pudussery to the accused in the year 2016. The accused was residing with his wife in that house. The monthly rent was ₹ 3,000/-. After the death of the children of Bagyavathy, the accused vacated that house.

19. PW9 deposed that she is working in a Soap manufacturing company at Kanjikode. She knows the deceased girl in this case. Once she had gone for election work along with the deceased girl and one Rachana and Nisha. At that time the deceased girl told her that she is scared of sitting alone in the house. On their way they met the accused in this case. At that time the girl hid herself behind PW9. On enquiry she told that the accused is residing near to her house and he is not a good man. This witness is treated as disloyal witness by the prosecution. However when leading question was put to the witness by the Special Public Prosecutor after obtaining permission of the court, she admitted that she had stated to the police that the deceased girl

told her that on a day when she went to the house of the accused, the accused closed the door and exhibited his nudity to her.

20. PW10 deposed that she is residing about $\frac{1}{2}$ Km - 1 Km. away from the house of the deceased girl. This witness also deposed that once she along with PW9, one Rachana and the deceased girl went for election work. On their way when they met the accused the deceased girl became perplexed. On enquiry the girl told that she is afraid of the accused. Prosecution treated this witness also as a disloyal witness. She denied her statement allegedly made to the police to the effect that the deceased girl told her that the accused exhibited his nudity to her. That portion of the statement is marked as Ext.P4 at the instance of the prosecution.

21. PW11 deposed that while she was working as Assistant Surgeon in the Department of Forensic Medicine at District Hospital, Palakkad, she conducted postmortem examination on the body of the deceased girl in this case and issued Ext.P5 certificate. It is further deposed by PW11 that the findings in the anal canal described in the postmortem certificate could be a sequilae of previous anal penetration or as a result of infection in the region. She has given statement to the police after the receipt of chemical examination reports. Those reports dated 13.02.2017 and 23.03.2017 were shown to the witness and marked as Exts. P6 and P7 respectively. It is further

deposed by this witness that even if a negative chemical examination report is received, it will not rule out the possibility of sexual intercourse vaginally or anally. During cross-examination this witness deposed that the anal injury can be possible in the case of a later stage of piles.

22. PW12 deposed that she knows the deceased girl in this case and they went together for canvassing vote for her mother who had contested for Panchayat election. She along with PW9, PW10 and the deceased girl went for election work. On their way they met the accused in this case and on seeing him the deceased girl became scared and on enquiry she told that one day the accused called her to his house and after giving his mobile phone to the girl suddenly locked the door from inside. Thereafter he exhibited his nudity to the girl and asked her to take his nude photograph. When the girl shouted aloud the accused opened the door and left her.

23. PW13 deposed that while working as Headmaster of Kanjikode Govt. High School, he produced Ext.P8, the extract of school admission register showing the date of birth of the girl as 14.09.2004.

24. PW14 is a seizure mahazar witness, who identified his signature in Ext.P9 seizure mahazar of Ext. P8 extract of school admission register.

25. PW15, the Nursing Assistant of District Hospital, Palakkad identified his signature in Ext.P10 seizure mahazar of the samples handed

over by PW11 to the investigating officer.

26. PW16 deposed that while working as Senior Civil Police Officer of Chittur police station, he was the Team Members of the Special Investigation Team headed by Dy. Supdt. of Police. He identified his signature in Ext.P10 seizure mahazar and also in Ext.P11 seizure mahazar of the samples collected for DNA Profiling from the accused.

27. PW17, the village officer of Pudussery East village deposed that as per the request of the investigating officer, he issued income certificate of the mother of the deceased girl. The said certificate is marked as Ext.P12 through this witness.

28. PW18 deposed that while working as Assistant Surgeon at District Hospital, Palakkad, on 10.03.2017, he examined the accused in this case and issued Ext.P13 potency certificate. There is nothing to suggest that the accused is incapable of performing the sexual act.

29. PW19 deposed that while working as Scientific Assistant in Regional Forensic Science Laboratory, Thrissur, as per the request of the investigating officer, he visited the scene of occurrence of crime No. 43/2017 and 240/2017 of Walayar police station, on 09.03.2017 and collected thirty one materials from the scene of occurrence which were described in Ext. P14 seizure mahazar. The materials were packed, sealed,

labelled and handed over to the investigating officer.

30. PW20 deposed that he is residing about One kilometer away from the house of the deceased girl and he signed as a witness in Ext.P15 scene mahazar cum seizure mahazar of the dresses of the accused.

31. PW21 deposed that while working as Civil police officer of Walayar police station, he signed as a witness in Exts. P16 and P17 seizure mahazars. Ext.P16 was prepared while the C.D of videograph prepared at the time of recovery was effected on the basis of the confession of the accused and Ext.P17 was prepared while seizing the photographs produced by the photographer.

32. PW22 deposed that while working as Secretary of Pudussery Grama Panchayat, he issued Ext.P18 ownership certificate of building bearing No. XI/739, which stands in the name of one Unnikannan, S/o Krishnan.

33. PW23 deposed that while working as Tahsildar of Palakkad Taluk, he issued Ext. P19 caste certificate of the deceased girl showing that she is a member of Scheduled Caste namely Hindu – Cheruman.

34. PW24 deposed that while working as Tahsildar of Chertahla Taluk, as per the requisition of the police, he issued Ext.P20 caste certificate showing the caste of the accused as Hindu-Nair.

35. PW25 deposed that while working as Addl. Sub Inspector of police at Walayar police station, on 13.01.2017, on the basis of Ext.P1 First Information Statement of PW1, he registered Ext.P1(a) F.I.R under Sec. 174 Cr. P.C at 20.44 hours as crime No. 43/2017.

36. PW26 deposed that while working as Sub Inspector of Police at Walayar police station, on 14.01.2017, he took charge of the investigation of this case and after visiting the place of incident, he prepared Ext.P2 inquest report of the dead body. The properties were seized at the time of inquest and they were produced before the court as per Ext.P21 property list. The samples collected at the time of postmortem were sent for chemical analysis and Exts. P6 and P7 are the reports received for the same.

37. PW27 deposed that while holding Addl. charge of Kasaba Circle, as per the order of the Assistant Superintendent of Police, he took charge of the investigation of this case on 06.03.2017. For crime No. 240/2017, he prepared Ext.P22 scene mahazar. Having found that the girls were subjected to sexual abuse, he filed Ext.P23 report to incorporate penal provisions in the case. Thereafter he filed report for transferring the case records from the Sub Divisional Magistrate Court to this court. Subsequently on 08.03.2017, a Special Investigation Team was constituted as per the order of the Addl. Director General of Police and accordingly

investigation was handed over to PW28. 18

38. PW28 deposed that while working as Dy. Supdt. of Police, Narcotic Cell, Palakkad, as per Ext. P24 order of North Zone Director General of Police, he took charge of the investigation of this case on 09.03.2017. Immediately he visited the place of occurrence with the assistance of Scientific Officer and collected thirty one material objects and two documents by preparing Ext.P14 seizure mahazar. On 10.03.2017 at 8.00 am the accused was arrested from the Kasaba Circle Inspector's office. Ext. P25 arrest memo and Ext.P26 inspection memo are prepared at the time of arresting the accused. On the very same day he filed Ext. P27 report to alter the penal provision. Thereafter the accused was produced before the Medical Officer for potency test and then produced before the court. Ext. P28 is the report filed for adding the full name and address of the accused in this case. On 14.03.2017, the accused was taken in police custody from the court and he confessed the guilt and stated that if he is taken, he would show the room and produce the clothes. Accordingly, as lead by the accused, on 15.03.2017 at 4.40 pm, PW28 went to the house of the accused and prepared a scene mahazar. The dresses of the accused were seized by preparing Ext.P16 seizure mahazar. The relevant portion of confession statement of the accused is marked as Ext. P29 through this witness. Thereafter PW28 seized the school

admission register by preparing Ext.P9 seizure mahazar and the original register was returned on executing Ext. P30 bond. Again he filed Ext.P31 report to alter the penal provision. He collected Ext. P32 scene plan of the house of the accused, the caste certificate of the deceased girl and the accused, the income certificate of the mother of the girl and again filed Ext.P33 report to alter the penal provision. On completion of investigation, he filed final report in this case.

39. The learned defence counsel addressed extensive argument and pressed on the point that the accused was at first arrested by the investigating officer and then he manipulated statements of witnesses with a view to create evidence against the accused. The laches and the contradictions in the prosecution case are highlighted by the learned counsel. On the other hand, the learned Special Public Prosecutor argued that there are circumstantial evidences which unerringly pointing towards the guilt of the accused and it is due to the passive abettment of the accused, the girl committed suicide. I will come to those arguments in detail, in the later parts of this judgment, at the relevant places.

40. There is no dispute that the girl, who died in this case was aged only thirteen years at the time of her death. More over, there is evidence in the form of Ext.P8, the extract of school admission register issued by PW13 to

prove the same. From his evidence it is proved that the date of birth of the girl as per the school records is 14.09.2004. The girl died on 13.01.2017. Therefore it can be concluded that she was of the age of thirteen years at the time of her death.

41. Now coming to the cause of death of the girl, the evidences available to ascertain the cause of death of the girl are the oral evidence of PWs 5 and 6, the parents of the girl, the medical evidence obtained by the postmortem conducted by PW11, the Forensic Surgeon and Ext. P2 inquest report of the dead body prepared by PW26, the Sub Inspector of police, who conducted initial part of the investigation of this case.

42. It is deposed by PWs 5 and 6 that their daughter committed suicide by hanging herself on the roof of their one room shed. PW26 deposed that he conducted inquest of the dead body of the girl on 14.01.2017 and prepared Ext.P2 inquest report. In that report it is stated that the girl was found hanging in the house by the younger sister of the girl at about 5.00 pm when she had returned after grazing the cattle. PW11, the Assistant Surgeon of Forensic Medicine, who conducted postmortem examination of the dead body noted the following antemortem injuries on the body.

Neck findings: A dark blue synthetic cloth was seen around neck measuring 145cm with fresh cut open loop at one end measuring 41cm with a slip knot.

There were horizontal wrinkles across breadth of 82cm.

1. Pressure abrasion, dark brown in colour, non continuous, non grooved, parchmented, having no specific pattern over upper part of neck, over and above the level of thyroid cartilage measuring 29cm against a total neck circumference of 30cm. It was oblique coursing upwards from right to left. The location of pressure abrasion was as follows:
 6cm below right mastoid (2cm broad), 7cm below right ear (2cm broad), 6.5cm below right angle of jaw (2cm broad), 7cm behind chin (1.5cm broad), 4cm below left angle of jaw (1.5cm broad), 2cm below left ear (2cm broad), 1.5cm below left mastoid (1cm broad), 8cm occipital protuberance (1cm broad). It was not well visualised for 8cm on left side of back of neck.

After post mortem examination she gave the finding that the death was due to hanging. During investigation, no other reason was found by the investigating officer to say that the girl died other than by way of suicide. Neither the prosecution nor the defence has a case during evidence that the girl died not by committing suicide. Therefore, from the available evidence, it can be concluded that the victim in this case, who is aged only thirteen years committed suicide by hanging herself by making use of a churidar shawl as the ligature, in the one room shed wherein she was residing with her family.

43. The definite case of the prosecution is that the girl was subjected to rape and carnal intercourse against the order of nature repeatedly by about five persons including the accused in this case and the intolerable pain suffered on the anal canal lead the girl to commit suicide. How far the prosecution succeeded in proving the offence alleged against the accused, who faced trial in this Sessions Case is the main point to be decided now. Only if the commission of sexual offence by the accused is proved, there is necessity of entering into the point whether the said sexual abuse prompted or abetted the girl to end up her life. At this juncture, the learned counsel for the accused argued that as per the prosecution version there are five persons involved in the commission of the offence. Though the exact time and period of the offence committed by each of the accused is not specified, the definite case of the prosecution is that those persons have committed independent sexual offences against the girl at different points of time. Prosecution has no case that the offences were committed by the accused in the course of same transaction or with common intention. Hence according to the learned counsel, separate F.I.Rs ought to have been registered by the police in respect of each of the accused, whenever it has come to the knowledge of the investigating officer that more than one persons have committed separate offences against the girl. In support of said argument the learned counsel

relied on the judgment of the Hon'ble Supreme Court of India in *Anju Chaudhary v. State of U.P. and Another* (2012 KHC 4760), *Sreekumar P v. State of Kerala and Others* (2018 KHC 6196) and *Pattu Rajan v. State of Tamil Nadu* (2019 KHC 6361).

44. On going through the decisions relied by the learned defence counsel, I am of the opinion that the facts of those cases are different from the facts of the case in our hand. In *Anju Chaudhary's* case (referred supra), the Hon'ble Supreme Court held that "On the plain construction of the language and scheme of S.154, S.156 and S.190 of the Code, it cannot be construed or suggested that there can be more than one FIR about an occurrence. However, the opening words of S.154 suggest that every information relating to commission of a cognizable offence shall be reduced to writing by the officer in - charge of a Police Station. This implies that there has to be the first information report about an incident which constitutes a cognizable offence. The purpose of registering an FIR is to set the machinery of criminal investigation into motion, which culminates with filing of the police report in terms of S.173(2) of the Code. It will, thus, be appropriate to follow the settled principle that there cannot be two FIRs registered for the same offence. However, where the incident is separate; offences are similar or different, or even where the subsequent crime is of such magnitude that it

does not fall within the ambit and scope of the FIR recorded first, then a second FIR could be registered". In **Sreekumar's** case also (referred supra) the Hon'ble Supreme Court held that "In other words, there is no prohibition in law to file the second FIR and once it is filed, such FIR is capable of being taken note of and tried on merits in accordance with law". Similarly, in **Pattu Rajan's** case (referred supra) the Hon'ble Supreme Court held that "In case a fresh offence is committed during the course of the earlier investigation, which is distinct from the offence being investigated, such fresh offence cannot be investigated as part of the pending case, and should instead be investigated afresh. It is pertinent to note that the facts on hand are similar to the facts in the case of *Awadesh Kumar Jha v. State of Bihar*, 2016 KHC 6017 : 2016 (3) SCC 8 : 2016 (1) KLD 276 : 2016 (1) SCALE 200 : AIR 2016 SC 373 : 2016 (1) KLT SN 84 : 2016 CriLJ 1129, wherein this Court held that the case arising out of a second FIR, if relating to a separate transaction, cannot be investigated along with a previous FIR under the clause 'further investigation' as contemplated under Sub-S.8 to S.173 of the Cr.P.C".

45. In all the above cases, the Hon'ble Supreme Court held that when a fresh offence was committed during the course of investigation of the crime which is distinct from the offence being investigated, the registration of fresh F.I.R is not barred. But in none of the above decisions it is held by the

Hon'ble Supreme Court that it is mandatory to register fresh F.I.Rs when the commission of similar offence by another accused has come to the knowledge of the investigating officer during the course of investigation on the basis of the first F.I.R. Fresh investigation and fresh registration of F.I.Rs are mandated by the Hon'ble Supreme Court only in the case where a distinct and different offence has been committed during the pendency of the earlier crime or commission of a distinct offence has come to the knowledge of the investigating agency after the filing of final report. Is it necessary to register a fresh F.I.R in a particular case is a matter which depends upon the facts and circumstances of the case. In the case in our hand, the prosecution case is that during an interval of about two years all the accused have intermittently committed similar offences against the deceased girl. The F.I.R in this case was originally registered under Sec. 174 of Cr. P.C for unnatural death of the girl. The involvement of several persons in the commission of the offence against the deceased girl came to the knowledge of the investigating officer when he recorded the statements of witnesses. Therefore, on completion of investigation he filed split charges against each of the accused. Statements of witnesses were collected in respect of each of the accused separately. Therefore it cannot be said that the moment involvement of another accused had come to the knowledge of the investigating officer, he had to register

new F.I.Rs one after another. More over, nothing was brought out during cross-examination of the material witnesses or during argument to show that any prejudice has been caused to the accused due to the non-registration of separate F.I.R against him. It is settled position of law that the registration of F.I.R is the first stage by which the criminal law was set into motion. In this case, the F.I.R was registered on the basis of information regarding unnatural death of the girl received by PW25, the Addl. Sub Inspector from PW1. He registered the F.I.R. under Sec. 174 Cr. P.C and subsequently investigation was proceeded with. The alleged involvement of the accused in the commission of the crime came into light only during the investigation conducted by PW28, the Dy. Supdt. of Police, who headed the Special Investigation Team. Therefore, I find no merits in the argument of the learned defence counsel regarding non-registration of separate F.I.Rs by the investigating officer.

46. When going through the evidence of prosecution witnesses and from the arguments of learned Special Public Prosecutor, it is clear that there is no direct evidence regarding the involvement of the accused in the commission of the offences alleged. The prosecution is mainly relying on the circumstantial evidences to contend that the accused has committed grave sexual offence against the victim girl and it is due to that reason, she

committed suicide. It is settled position of law that in a case wherein circumstantial evidence only is available against the accused, then the chain of circumstances must in all probability leads towards the guilt of the accused. The golden rules to be followed in the case of circumstantial evidence is laid down by the Hon'ble Supreme Court in **Hanumant Govind Nargundkar V. State of M.P.**(AIR 1952 SC 343). The court held that *"It is well to remember those in cases where the evidence is of a circumstantial nature, the circumstances from which the conclusion of guilt is to be drawn should in the first instance be fully established, and all the facts so established should be consistent only with the hypothesis of the guilt of the accused. Again, the circumstances should be of a conclusive nature and tendency and they should be such as to exclude every hypothesis but the one proposed to be proved. In other words, there must be a chain of evidence so far complete as not to leave any reasonable ground for a conclusion consistent with the innocence of the accused and it must be such as to show that within all human probability the act must have been done by the accused"*.

In **Bhagat Ram v. State of Punjab** (1954 KHC 533), the Hon'ble Supreme Court held that *"where a case depends upon the conclusion drawn from circumstances, the cumulative effect of the circumstances must be such as to*

negative the innocence of the accused and bring home the offences beyond any reasonable doubt".

In Sharad Birdhichand Sardar Vs. State of Maharashtra, (AIR 1984 SC1622), the Hon'ble Supreme Court held that "A close analysis of this decision would show that the following conditions must be fulfilled before a case against an accused can be said to be fully established :

(1) the circumstances from which the conclusion of guilt is to be drawn should be fully established.

It may be noted here that this Court indicated that the circumstances concerned 'must or should' and not 'may be' established. There is not only a grammatical but a legal distinction between 'may be proved' and "must be or should be proved" as was held by this Court in Shivaji Sahabrao Bobade v. State of Maharashtra (1973 (2) SCC 793 : 1973 SCC (Cri) 1033 : 1973 CriLJ 1783) where the following observations were made : [SCC para 19, p. 807 : SCC (Cri) p. 1047]

Certainly, it is a primary principle that the accused must be and not merely may be guilty before a court can convict and the mental distance between 'may be' and 'must be' is long and divides vague conjectures from sure conclusions.

(2) the facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty,

(3) the circumstances should be of a conclusive nature and tendency,

(4) they should exclude every possible hypothesis except the one to be proved,

and

(5) there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused".

The Hon'ble Supreme Court in **Chengal Reddy v. State of A.P.**, (AIR 1996 SC 3390) held that "In a case based on circumstantial evidence, the settled law is that the circumstances from which the conclusion of guilt is drawn should be fully proved and such circumstances must be conclusive in nature. Moreover, all the circumstances should be complete and there should be no gap left in the chain of evidence. Further, the proved circumstances must be consistent only with the hypothesis of the guilt of the accused and totally inconsistent with his innocence."

It is in the light of the above principles; the evidence adduced by the prosecution in this case has to be analyzed.

47. The Prosecution is mainly relying on the postmortem findings to say that the girl was subjected to carnal intercourse against the order of nature repeatedly and she suffered intolerable pain. The evidence of PWs 1, 2 and 4 are relied by the prosecution to contend that the girl had been going to the house of the accused and that gave opportunity for the commission of the offence by the accused. The evidence of PW8 is also relied to prove that the accused had been residing near to the house of the victim girl. The evidences of PWs 9, 10 and 12 are relied to contend that the accused has committed sexual offence against the girl when she visited his house. Whether these evidences relied by the prosecution sufficiently proves the guilt of the accused is to be analysed now.

48. The accused did not dispute the fact that he had been residing with his wife in a rented house situated at about 100 metres away from the house of the victim girl. More over, it is deposed by PW8 that he rented out his house to the accused in the year 2016 for a monthly rent of ₹ 3,000/-. The accused vacated the house after 31.03.2017. From the evidence of PWs 1, 2 and 4, the neighbours of the victim, it is proved that the accused had been residing in that house. It is proved from the evidence of PWs 1, 2 and 4 and also from the evidence of PWs 5 and 6, the parents of the victim girl that she had been visiting the house of the accused. According to PWs 5 and 6, the

accused had been taking classes for the girl. This evidence given by PWs 1, 2, 4, 5, 6 and 8 is not rebutted by bringing out any contradicting circumstances and hence it can be accepted as far as the first circumstance that the victim girl had been visiting the house of the accused and thus he obtained an opportunity to commit the offence against the girl.

49. Now I shall come to the evidence of PWs 9, 10 and 12. As narrated above, PW9 deposed that she along with PW10, PW12 and the victim girl went for canvassing vote for the Kerala Legislative Assembly Election. On seeing the accused, the victim girl hid herself behind PW9 and told that he is her neighbour and he is not a man of good habit. It is also told by the victim that once when she went to the house of the accused, he closed the door and exhibited his nudity to her. PW10 turned hostile to the prosecution and gave evidence only to the effect that when PWs 9, 12, the victim girl and herself went for election work they saw the accused on their way. On seeing him, the victim girl became perplexed. According to this girl, it is for the Students Organization, namely SFI, they went for election work. PW12, yet another witness, who supported the prosecution deposed that it is for the Panchayat election in which her mother contested as a ward member, they went for election work. This witness deposed in a similar line as that of PW9 stating that on seeing the accused, the victim girl became perplexed and

she told PW12 that on a day the accused called the victim girl to his house and gave his mobile phone to her. Thereafter by exhibiting his nudity he asked the girl to take a photograph of him and when the girl shouted the accused opened the door. Thus the only incriminating evidence adduced by these witnesses is that the victim girl had told PW9 and PW12 that the accused exhibited his nudity to the victim girl once from his house. The evidence of PW5 and PW6, the parents of the deceased girl is only hearsay from PWs 9 and 12. Hence, the evidence of PWs 5 and 6 assumes no importance as far as the decision of this case is concerned, regarding sexual offence allegedly committed against the deceased girl.

50. The learned defence counsel at this juncture highlighted the contradictions in the evidence of PWs 9, 10 and 12 and argued that they are not creditworthy witnesses and are deposing falsehood with a view to help the prosecution. PW12, the main witness, whose evidence is relied by the prosecution to contend that the accused has exhibited his nudity to the victim girl, has made substantial improvement in her deposition before the court and that creates a serious doubt about the truthfulness and credibility of that witness is the argument of the learned defence counsel. He relied on the judgment of the Hon'ble Supreme Court in **Harbeer Singh v. Sheeshpal and Others** reported in **2016 KHC 6715** in support of his argument. In the said

decision the Hon'ble Supreme Court held that *"The Explanation to S.162 Cr.P.C. provides that an omission to state a fact or circumstance in the statement recorded by a police officer under S.161 Cr.P.C., may amount to contradiction if the same appears to be significant and otherwise relevant having regard to the context in which such omission occurs and whether any omission amounts to a contradiction in the particular context shall be a question of fact. Thus, while it is true that every improvement is not fatal to the prosecution case, in cases where an improvement creates a serious doubt about the truthfulness or credibility of a witness, the defence may take advantage of the same"*. Similarly the judgment of the Hon'ble Supreme Court in **Subhash v. State of Haryana** reported in **2010 KHC 5008** is also relied by the learned defence counsel to argue that if a significant omission is made in the statement of a witness recorded under Sec. 161 Cr. P.C, the same may amount to a contradiction. In the said decision the Hon'ble Supreme Court held that *"A bare reading of this Explanation would reveal that if a significant omission is made in the statement of a witness recorded under S.161 of the Cr.P.C., the same may amount to a contradiction and that whether it so amounts is a question of fact in each case"*.

51. The evidence of PWs 9, 10 and 12 when analysed, it raises serious doubt regarding the truthfulness of their depositions. PW9 deposed

that it is for the Legislative Assembly Election, they went for canvassing votes. Whereas PW10 deposed that it is for a Student Political Organization, namely SFI, they went for election work. PW12, the supporting witness of prosecution deposed that it is for the Panchayat election, they went for canvassing vote. This contradiction in the deposition of these witnesses itself is sufficient to doubt the genuineness of their depositions. More over, the facts deposed by PW12 before the court that the deceased girl was given a mobile phone by the accused and he asked her to take his nude photograph, did not find a place in the statement recorded by the police under Sec. 161 Cr. P.C. This omission amounts to material contradiction as held by the Hon'ble Supreme Court in **Subash's case (referred supra)**. Therefore the truthfulness of the deposition of PWs 9, 10 and 12 is doubtful.

52. There is yet another reason to disbelieve the evidence given by PWs 9, 10 and 12. It is deposed by PW12 during cross-examination that they along with the victim girl went for canvassing votes about two years prior to the death of the girl. As said above, her version is that it is for the Panchayat Election in which her mother contested as a candidate, they canvassed votes. It is further deposed by PW12 that her mother was elected as a Member of Panchayat about four years back to the date of her deposing before the court. It is deposed by PW28, the investigating officer that on his investigation he

understood that it was for the Legislative Assembly Election of the year 2014, the girls went together for canvassing votes. If the evidence of PW12 and PW28 is accepted, then it would definitely be in the year 2014 or 2015 they went for canvassing votes with the victim girl. At the same time, it is to be borne in mind that the specific case of the prosecution is that from January 2016 till September 2016, the deceased girl was abused by the accused. From the evidence of PW8, the owner of the rented house wherein the accused was residing it has come out that he rented out the house to the accused only in the year 2016. Then there is no possibility of the deceased girl stating to PWs 9, 10, 12 prior to 2016 that the accused has been residing near to her house and exhibited nudity to her. These contradictions in the deposition of PWs 9, 10 and 12 show that they are planted witnesses to suit the prosecution case and these witnesses are deposing falsehood before the court with a view to help the prosecution.

53. After taking over the investigation, PW28 collected thirty one items from the scene of death of the girl. Similarly, he seized the clothes of the accused. He collected samples for DNA profiling also. All the material objects collected from the scene of death and the clothes of the accused were sent for chemical analysis. Exts. P6 and P7 are the reports of analysis received from the laboratory. But both the reports showed the result negative.

No semen or spermatozoa could be collected either from the specimen collected from the deceased girl or from the dresses of the accused. Therefore, absolutely there is absence of scientific evidence to connect the accused with the alleged offence. Similarly, as discussed above, PW11, the Assistant Surgeon of Forensic Department, who conducted postmortem examination though opined that the injuries noted in the anal canal of the girl could be due to anal penetration, she gave an alternative opinion also to the effect that it could be the result of an infection in the region. The opinion given by the doctor after postmortem examination is not the conclusive proof to say that the girl was subjected to anal penetration. An expert evidence can be used only for the purpose of corroboration. In this case, there is absence of substantive evidence to be corroborated by the opinion evidence given by PW11. More over, her deposition itself shows that an alternative opinion of infection in the anal regions of the girl was also given by this expert.

54. During cross-examination of PW27, it has come out that he handed over the investigation to PW28 on 09.03.2017. From 06.03.2017 to 09.03.2017 PW27 did not get any piece of evidence against the accused. Admittedly, none of the witnesses named the accused, till PW28 took over the investigation. It is admitted by PW28 in his cross-examination that though he arrested the accused on 10.03.2017, even on 09.03.2017 the accused was in

his custody. According to PW28, the accused was arrested only on the basis of his confession statement. But what prompted PW28 to take the accused into custody when none of the witnesses named him to the police till 09.03.2017 is unknown. Even though PW28 deposed that the accused has confessed the guilt and hence he was arrested on 10.03.2017, it has come out in evidence that the confession of the accused was recorded by PW28 only after obtaining his police custody from court after his arrest and remand in judicial custody. If the accused had given a confession statement to PW28, what prevented him to record that confession before arresting the accused is not explained. Similarly Ext. D3 shows that the statement of PW12 was recorded on 09.03.2017 by PW28. In none of the statements of witnesses recorded under Sec. 161 Cr. P.C, the time of recording of those statements were noted by the investigating officer. If the accused was in the custody of PW28 on 09.03.2017 as admitted by him, then there is force in the argument of the learned defence counsel that it is after taking into the custody of the accused the statements of witnesses were manipulated by the investigating officer to suit his case.

55. Some of the clothes of the accused were seized on the basis of Ext.P29 recovery statement of the accused. According to the investigating officer, the accused confessed that if he is taken, he would show the room

and produce the clothes. The relevant portion of the confession statement of the accused is marked as Ext.P29 through PW28. There is absolutely no relevancy for this alleged confession of the accused for the purpose of completing the chain of circumstance put forward by the prosecution. In order to accept the confession made to a police officer as provided under Sec. 27 of the Indian Evidence Act, the facts disclosed and thereby discovered should be within the exclusive knowledge of the accused and it should be connected with the crime committed. But in this case, prosecution case itself is that prior to Ext. P29, the investigating officer had come to know from the statements of PWs 9, 10 and 12 about the place of commission of the offence. Hence the disclosure of the place of commission of offence as his house by the accused as claimed by PW28 cannot be taken as a new disclosure which is coming under the purview of Sec. 27 of the Indian Evidence Act. Even though some clothes were claimed as discovered on the basis of the confession of the accused, there is nothing in evidence to show that the clothes were worn by the accused while committing the offence against the victim girl. There is no scientific or other evidence to say that the accused was wearing those dresses at the time of commission of the offence and he concealed them in a place within his exclusive knowledge. Hence the alleged disclosure statement of the accused is also not helpful for the

prosecution.

56. On analysing the entire evidence adduced by the prosecution as discussed above, it is clear that in the chain of circumstances only two circumstances are proved by the prosecution. First one is that the accused had been residing near to the house of the victim girl in a rented house and the second one is that the accused had an opportunity to commit an offence against the victim girl when she had visited his house either for playing or for obtaining tuition. But there is absence of any other circumstance to link the accused with the commission of the alleged offences. Therefore, I have no hesitation to hold that prosecution has miserably failed to prove the alleged offences against the accused beyond reasonable doubt. The accused is therefore entitled to be acquitted of the offences charged. Points answered accordingly.

57. **Point Nos. 9 and 10:-** In the light of my findings on points 1 to 8, the accused is entitled to be acquitted of the offences punishable under sections ~~under~~ Sec. 376(2) (i) and (n), 377, 305 and 354 of IPC, Sec. 5(l) read with Sec. 6 and Sec. 7 read with Sec. 8 of the Protection of Children from Sexual Offences Act and Sec. 3(1) (w) (i) and Sec. 3(2) (va) of the Scheduled Castes / Scheduled Tribes (Prevention of Atrocities) Act. Points answered accordingly.

In the result, the accused is not found guilty of the offences punishable under Sec. 376(2) (i) and (n), 377, 305 and 354 of IPC, Sec. 5(1) read with Sec. 6 and Sec. 7 read with Sec. 8 of the Protection of Children from Sexual Offences Act and Sec. 3(1) (w) (i) and Sec. 3(2) (va) of the Scheduled Castes / Scheduled Tribes (Prevention of Atrocities) Act and he is acquitted under Sec. 235(1) Cr. P.C. The bail bond of the accused stands cancelled and he is set at liberty.

Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in open court on this the 30th day of September, 2019.



Special Judge/ Ist Additional Sessions Judge

APPENDIX

The following witnesses were examined for the Prosecution :

- PW1 : Unnikrishnan.
- PW2 : Mani.
- PW3 : Babu.
- PW4 : Ajayan.
- PW5 : Shaji @ Sheri.
- PW6 : Bhagyavathi.
- PW7 : Akhil Prasad.
- PW8 : Unnikannan.K.
- PW9 : Sumathi.
- PW10 : Nisha.

- PW11 : Dr. Priyatha.P, Assistant Surgeon, Department of Forensic Medicine, District Hospital, Palakkad.
- PW12 : Rajana.
- PW13 : Mathew. M. John, Headmaster, Govt. High School, Kanjikode.
- PW14 : A. Thadeus Sekhar.
- PW15 : Krishnan, Nursing Assistant, District Hospital, Palakkad.
- PW16 : V. Dharmarajan, Senior Civil Police Officer.
- PW17 : K. Chandrakumar, Village Officer, Pudussery East Village.
- PW18 : Dr. Aboobacker, Asst. Surgeon, District Hospital, Palakkad.
- PW19 : Unnikrishnan.K., Scientific Assistant, Regional Forensic Science Laboratory, Thrissur.
- PW20 : Murukesan.
- PW21 : Pushpadas, Civil Police Officer.
- PW22 : Balachandran, Secretary, Pudussery Grama Panchayat.
- PW23 : Kaverikutty.P., Tahsildar, Palakkad Taluk.
- PW24 : P.M. Mohammed Shareef, Tahsildar, Cherthala.
- PW25 : Pinson .P. Joseph, Additional Sub Inspector of Police.
- PW26 : P.C. Chacko, Sub Inspector of Police.
- PW27 : Premanandakrishnan, Inspector of Police.
- PW28 : M.J. Sojan, Deputy Superintendent of Police, Narcotic Cell, Palakkad.

For the Defence : Nil

The following Exhibits were marked for the Prosecution :

- | | | |
|-------|--------------|---|
| P1 | : 13.01.2017 | : Certified copy of F.I.S. |
| P1(a) | : 13.01.2017 | : Certified copy of F.I.R. |
| P2 | : 14.01.2017 | : Certified copy of Inquest Report. |
| P3 | : 08.05.2017 | : Certified copy of Relevant portion of 161 statement of PW7. |

P4	: 09.03.2017	: Certified copy of Relevant portion of 161 statement of PW10.
P5	: 14.01.2017	: Certified copy of Postmortem Certificate.
P6	: 13.02.2017	: Certified copy of Chemical Analysis Report.
P7	: 23.03.2017	: Certified copy of Chemical Analysis Report.
P8	: 24.03.2017	: Certified copy of Extract of Admission Register.
P9	: 24.03.2017	: Certified copy of Seizure Mahazar.
P10	: 03.04.2017	: Certified copy of Seizure Mahazar.
P11	: 10.03.2017	: Certified copy of Seizure Mahazar.
P12	: 17.05.2017	: Certified copy of Income Certificate.
P13	: 10.03.2017	: Potency Certificate.
P14	: 09.03.2017	: Certified copy of Seizure Mahazar.
P15	: 15.03.2017	: Scene Mahazar cum Seizure Mahazar.
P16	: 23.05.2017	: Certified copy of Seizure Mahazar.
P17	: 23.05.2017	: Certified copy of Seizure Mahazar.
P18	: 17.04.2017	: Ownership Certificate
P19	: 26.04.2017	: Certified copy of Community Certificate.
P20	: 24.04.2017	: Caste Certificate
P21	: 14.01.2017	: Copy of Property List.
P22	: 06.03.2017	: Certified copy of Scene Mahazar
P23	: 06.03.2017	: Certified copy of report for altering section.
P24	: 08.03.2017	: Certified copy of Proceedings of the Director General of Police, North Zone, Kozhikkode.
P25	: 10.03.2017	: Arrest Memo.
P26	: 10.03.2017	: Inspection Memo.
P27	:	: Certified copy of report for altering section.
P28	: 10.03.2017	: Certified copy of Report for adding name and address of accused.
P29	: 14.03.2017	: Confession extract of accused.
P30	: 24.03.2017	: Certified copy of Bond.

43
P31 : 28.03.2017 :
P32 : 19.04.2017 : Certified copy of report for altering section.
P33 : 07.06.2017 : Scene Plan
: Report for adding section.

For the Defence :

D1 : 09.03.2017 : Certified copy of Relevant portion of
D2 : 06.03.2017 : 161 statement of PW2.
D3 : 09.03.2017 : Certified copy of Relevant portion of
D4 : 13.01.2017 : 161 statement of PW5.
: Certified copy of Relevant portion of
: 161 statement of PW12.
: Accused copy of FIS.

Material Objects marked: Nil.

Special Judge/ Ist Additional Sessions Judge

Tabular Statement as per Rule 132 Criminal Rule of Practice of Kerala.

1. Serial No. :
2. Name of Police Station and Crime No. of the offence : Walayar Police Station
Crime No. 43/2017-B.
3. Description of the accused : Pradeep Kumar, S/o Muraleedharan
Nair, aged 32 years, Kadapallil
House, Nagam Kulangara, Wayalar
East Village, Cherthala Taluk,
Alappuzha District.

44

4. Date of :
Occurrence

: On several occasions from January,
2016 till 12.09.2016

Complaint

: 07.06.2017

Apprehension

: 10.03.2017

Released on Bail

: 25.01.2019

Commitment

:

Commencement of trial

: Charge framed on 29.11.2018
and evidence commenced on
20.02.2019

Close of trial

: 30.07.2019

Date of Judgment

: 30.09.2019

Explanation for the delay : Pending of old cases.

Special Judge/ Ist Additional Sessions Judge

Typed by: Radhika. P.S. ✓

Compared by: Bindhu.K. ✓

