2025:KER:68136

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

MONDAY, THE 15TH DAY OF SEPTEMBER 2025 / 24TH BHADRA, 1947

CRL.REV.PET NO. 312 OF 2006

AGAINST THE JUDGMENT DATED 20.12.2005 IN Crl.A NO.676 OF 2004 OF SESSIONS COURT, KOZHIKODE ARISING OUT OF THE JUDGMENT DATED 23.09.2004 IN CC NO.67 OF 2002 OF JUDICIAL MAGISTRATE OF FIRST CLASS -IV,KOZHIKODE

REVISION PETITIONER/APPELLANT/ACCUSED:

DR.A.NEELALOHITHADASAN NADAR
M.L.A.(EX-FOREST MINISTER, KERALA), RESIDING AT 'MANASI', THERUMALA, (NOW RESIDING AT NEW FLAT NO.202, M.L.A.QUARTERS, PALAYAM, THIRUVANANTHAPURAM.

BY ADVS.SRI.S.RAJEEV
SRI.V.VINAY, SRI.M.S.ANEER
SHRI.SARATH K.P., SHRI.ANILKUMAR C.R.
SHRI.K.S.KIRAN KRISHNAN

RESPONDENT/RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV SR PUBLIC PROSECUTOR SRI.E.C.BINEESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON ON 25.08.2025, THE COURT ON 15.09.2025 DELIVERED THE FOLLOWING:

2025:KER:68136

“C.R.”

O R D E R

The revision petitioner, Minister for Forest, Kerala, in 1999, was prosecuted before the Judicial First Class Magistrate Court – IV, Kozhikode (referred to as ‘the trial court’), for an offence punishable under Section 354 of the IPC, on the allegation that he outraged the modesty of the victim, an officer of the Indian Forest Service who was then serving as the Divisional Forest Officer, Kozhikode. After a comprehensive trial, the trial court found the petitioner guilty of the offence under Section 354 of the IPC, convicted him, and sentenced him to undergo simple imprisonment for one year. On appeal, the Court of Session, Kozhikode (referred to as ‘the appellate court’), upheld the conviction but reduced the sentence to three months’ simple imprisonment. This revision petition has been filed challenging the judgments of both the trial court and the appellate court.

2. I have heard Sri.S.Rajeev, the learned counsel for the

2025:KER:68136

petitioner and Sri.E.C.Bineesh, the learned Senior Public Prosecutor.

3. The conviction was primarily based on the victim's oral testimony. The evidence of the mother and a friend of the victim, who were examined as PW5 and PW14, respectively, to whom the victim allegedly disclosed the incident on the same day, as well as the evidence of PW6, Chairperson of the Kerala Women's Commission, PW8, Forest Conservator, and PW9, Chief Conservator of Forest (Vigilance), to whom the victim allegedly informed about the incident a few days later, were also relied upon.

4. Assailing the impugned conviction, the learned counsel for the petitioner, Sri S. Rajeev, made the following submissions:

- The conviction of the petitioner based solely on the testimony of the victim cannot be legally sustained since the said testimony did not satisfy the test laid down by the Supreme Court for qualifying as a testimony of sterling quality. Reliance was placed on

2025:KER:68136

Rai Sandeep @ Deepu and Another v. State (NCT of Delhi) [(2012) 8 SCC 21].

- The trial court as well as the appellate court erred in relying on the testimony of PWs 5, 6, 8, 9, and 14, as their evidence is merely hearsay and therefore inadmissible.
- There was undue delay of over two years in lodging Ext.P1 complaint, which has not been suitably explained. The established legal principle regarding delay in lodging the FIR has been misunderstood by both the trial court and the appellate court.
- The entire prosecution case was falsely constructed by the forest mafia due to their hostility towards the petitioner, with assistance from the victim.

On the other hand, the submission of Sri E. C. Bineesh, the learned Senior Public Prosecutor, is as follows:

- There was no infirmity in the trial court and the appellate court, relying solely on the testimony of the

2025:KER:68136

victim to base the conviction of the petitioner. So long as the testimony of the victim inspires confidence in the trial court, it withstands cross-examination; minor and irrelevant inconsistencies brought out in cross-examination cannot be a reason to discard her evidence.

- The delay in submitting Ext.P1 complaint has been adequately explained.
- The prosecution has successfully established the essential elements of Section 354 of the IPC and proved the case beyond a reasonable doubt.
- Since there are concurrent findings of conviction and sentence by the two courts, this court should exercise caution when invoking the revisional powers under Section 397 r/w Section 401 of Cr.P.C.

5. The victim, who was examined as PW1, deposed that on 27/2/1999 at 9.30 a.m., the petitioner called her to the Kozhikode Government Guest House. When she arrived at the

2025:KER:68136

room where the petitioner was standing, three people were present, and later all of them left the room. When she was alone with the petitioner, he grabbed her right hand and pulled it towards him, causing her shoulder to brush against his body, which she felt outraged her modesty. She further deposed that she immediately ran out of the Guest House and left the premises. She was frightened and lacked the courage to complain. However, she informed her mother (PW5) and her close friend (PW14) over phone on the same day, reported the matter to the Commissioner of Police, Kozhikode (CW10) in person the next day, and notified PW6, PW8, and PW9 the following month. Although the defence completely denied the incident, the evidence on record shows that the victim had met the petitioner at his room in the Government Guest House, Kozhikode, on 27/2/1999 at 9.30 a.m. However, the key issue remains is whether her testimony regarding the alleged incident—that the petitioner grabbed her right arm, pulled her towards him, and pressed her shoulder against his body—can be relied upon to

2025:KER:68136

establish the petitioner’s guilt.

6. Before evaluating the victim's evidence, I find it appropriate to deal with the evidence of PWs 5, 6, 8, 9, and 14 as well as the admissibility and evidentiary value of their evidence.

7. PWs 5, 6, 8, 9 or 14 have no case that they witnessed the petitioner sexually assaulting or sexually harassing the victim. There was no occasion for the same. PW5 and PW14 deposed that the victim told them about the sexual assault meted out by her at the hands of the petitioner on 27/2/1999 at 9.30 a.m., at the Government Guest House, Kozhikode. PW6 deposed that PW1 told her that the petitioner had made advances involving unwelcome sexual overtures and made requests for sexual favours. PW8 and PW9 only deposed that PW1 told them that the petitioner behaved badly with her. No doubt, this evidence tendered by PWs 5, 6, 8, 9 and 14 is hit by Section 60 of the Indian Evidence Act, 1872 (for short, 'the Evidence Act') being hearsay evidence. Section 60 requires oral evidence to be direct. However, let us examine whether their evidence could be

2025:KER:68136

acted upon with the aid of Section 8 of the Evidence Act. Section 8 of the Evidence Act reads as follows:

> *"8. Motive, preparation and previous or subsequent conduct.*
> *Any fact is relevant which shows or constitutes a motive or preparation for any fact in issue or relevant fact.*
> *The conduct of any party, or of any agent to any party, to any suit or proceeding, in reference to such suit or proceeding, or in reference to any fact in issue or relevant thereto, and the conduct of any person an offence against whom is the subject of any proceeding is relevant, if such conduct influences or is influenced by any fact in issue or relevant fact, and whether it was previous or subsequent thereto.*
> *Explanation 1. - The word "conduct" in this section does not include statements; unless those statements accompany and explain acts other than statements; but this explanation is not to affect the relevancy of statements under any other section of this Act.*
> *Explanation 2. - When the conduct of any person is relevant, any statement made to him or in his presence and hearing, which affects such conduct, is relevant."*

8. The bare language of Section 8 makes it abundantly clear that the subsequent conduct of any party to a proceeding is relevant if it is in reference to such proceeding or is in reference to any fact in issue therein or relevant thereto, if such conduct is

2025:KER:68136

influenced by any fact in issue or relevant fact. Illustration (j) to Section 8 reads thus:

> *" (j)The question is, whether A was ravished.*
> *The facts that, shortly after the alleged rape, she made a complaint relating to the crime, the circumstances under which, and terms in which, the complaint was made, are relevant.*
> *The fact that, without making a complaint, she said that she had been ravished is not relevant as conduct under this section, though it may be relevant, as a dying declaration under section 32, clause (1), or as corroborative evidence under Section 157."*

A reading of the provisions in Section 8 coupled with Illustration (j) would show that the statement made by the victim after the sexual assault, if any, narrating the circumstances and the manner in which she was subjected to sexual assault by the accused is legally admissible as evidence of conduct under Section 8 of the Evidence Act. PW5 is the mother, PW6 is the Chairperson of the Kerala Women's Commission, PWs8 and 9 are the Senior Officers, and PW14 is the close friend of the victim. Being the victim herself, PW1 is a party to the proceedings within

2025:KER:68136

the ambit of Section 8, and her complaint to her mother, close friend, and superior officers, if proved and has direct bearing on the fact in issue, would certainly fall under Section 8 of the Evidence Act, being her subsequent conduct. However, the crucial question is whether their evidence would fall under the ambit of Section 8.

9. Both PW5 and PW14 stated that PW1 telephoned them on the evening of 27/2/1999 and informed them about the alleged incident. They specifically said that the victim narrated how the petitioner assaulted her. Although PW1 mentioned in her chief examination that she told her parents about the incident on the same day, in cross-examination, she admitted that she did not remember whether she informed PW5 about it that day. In Ext.P1 complaint, the victim mentioned about telling CW10, PW6, PW8, and PW9 about the incident, but she did not state that she informed PW5 and PW14 over the phone on the same day. PW1 was questioned by PW11, who initially conducted investigation, on 14/6/2001, and by PW15, who took over the investigation

2025:KER:68136

later, on 29/10/2001. PW5 and PW14 were also questioned by PW15 on 1/12/2011 and 2/12/2011, respectively. It is notable that when PW1 was questioned by PW11 on 14/6/2001, she did not state that she disclosed the incident to PWs 5 and 14. PW15, who took over the case from PW11, testified that he did not review PW1's statement given to PW11 on 14/6/2001, and he also said he could not confirm whether PW1 stated to PW11 that she informed about the incident to PW5 and PW14 over phone that day. Highlighting these points, the petitioner's counsel argued that PWs 5 and 14 were introduced later, and the story that PW1 told them about the incident on the same evening was fabricated after PW15 took charge of the investigation to bolster the prosecution's case. I find force in the said submission.

10. The fact that when PW1 was questioned by PW11 on 14/6/2001, she did not state that she disclosed the alleged incident to PWs 5 and 14 was brought out from the evidence of PW1 and PW11 as an omission. No doubt, it is a material omission amounting to a contradiction. Not every omission constitutes a

2025:KER:68136

contradiction; only those that are significant and relevant to the case can be treated as such, as explained by the Explanation to Section 162 of Cr.P.C. An omission is considered ‘material’ when it is crucial to the case’s context and would have been expected to be mentioned in the police statement, thereby raising doubts about the witness’s credibility or the overall narrative. The importance of an omission is determined by the context in which it occurs, making it a question of fact for the court to decide. Although PW1 claimed that she disclosed the entire incident to PWs6, 8, and 9, none of them testified that PW1 informed them about the alleged sexual assault. Therefore, the only witnesses the prosecution relied upon to prove that PW1 disclosed the incident immediately afterwards are PW5 and PW14, her mother and best friend. From that perspective, PW1's failure to include this in Ext.P1 and disclosing it to PW11 while recording her statement under Section 161 of Cr.P.C constitutes a material omission because it is crucial and relevant to the case. All these facts and circumstances persuade me to subscribe to the

2025:KER:68136

submission of the learned counsel for the petitioner that the story that PW1 informed PW5 and PW14 on the day of the incident was a later development to strengthen the prosecution case. Furthermore, the investigating agency did not attempt to gather evidence regarding any telephone call made by PW1 to PW5 and PW14. Therefore, I hold that the testimony of PWs 5 and 14 cannot be relied upon with the aid of Section 8 of the Evidence Act.

11. The evidence of PWs 6, 8, and 9, particularly that of PW6, was heavily relied upon by both the trial court and the appellate court. PW6, the Chairperson of the Kerala State Women's Commission, testified that in March 1999, PW1 approached her and discussed the sexual advances made by the petitioner towards her. She further stated that PW1 told her that the petitioner had called her to meet at various locations. According to her, PW1 was not referring to a specific incident of sexual harassment but was speaking generally about the petitioner's conduct. She mentioned that when she inquired

2025:KER:68136

about the nature of the harassment, PW1 clarified that the petitioner used vulgar language, behaved inappropriately, and invited her to go with him. PW6 did not claim that PW1 informed her about the alleged incident at the Guest House on 27/2/1999 at 9.30 a.m. PW8, PW1's immediate superior, testified that during a joint inspection and a casual conversation, PW1 mentioned that she does not take late-night calls, as a Minister would call her late at night. He also stated that when further questioned, PW1 complained that on a day when she had an official discussion with the petitioner at the Government Guest House, Kozhikode, he deliberately prolonged the meeting to prevent her from leaving. However, PW1 did not reveal any incident that occurred on that day. PW9, the then Chief Conservator of Forest, Vigilance, testified that in March 1999, PW1 approached him and said that the petitioner was watching her with ill intentions.

12. A review of the evidence of PWs6, 8, and 9 reveals that they have no case at all that PW1 disclosed anything to them about the alleged incident at the Government Guest House,

2025:KER:68136

Kozhikode, on 27/2/1999 at 9.30 a.m. The conduct made relevant by Section 8 of the Evidence Act is the conduct directly and immediately influenced by a fact in issue or a relevant fact. It does not include actions unconnected to the fact in issue or relevant fact. As already stated, since PW1 did not disclose anything about the alleged incident to PWs 6, 8, and 9, her conduct cannot be said to be influenced by a fact in issue or relevant fact so as to fall under Section 8 of the Evidence Act. Therefore, both the trial court and the appellate court erred in relying on the evidence of PWs5, 6, 8, 9, and 14. What remains is the sole evidence of the victim.

13. Conviction undoubtedly can be recorded on the sole evidence of a victim of crime; however, it must undergo a strict scrutiny through the well-recognizable legal principles as established in a catena of decisions. It is settled that the sole testimony of the victim in cases involving sexual offences would be sufficient to form the basis of a conviction of the accused without any corroboration if the witness is found to be wholly

2025:KER:68136

reliable and her evidence is of sterling quality. Witnesses can be classified into three categories, viz., (i) wholly reliable; (ii) wholly unreliable; (iii) neither wholly reliable nor wholly unreliable. If the witness is wholly reliable, the conviction or acquittal could be based on the testimony of such a single witness. Equally, if the witness is wholly unreliable, neither conviction nor acquittal can be based on the testimony of such a witness. For witnesses who fall into the third category (neither wholly reliable nor wholly unreliable), the courts will look for corroboration in material particulars from other reliable evidence, direct or circumstantial, before acting on their testimony. In *Ganesan v. State* [(2020) 10 SCC 573], the Supreme Court held that the sole testimony of the victim, if found reliable and trustworthy, requires no corroboration and may be sufficient to invite conviction of the accused. In *Krishan Kumar Malik v. State of Haryana* [(2011) 7 SCC 130], the Supreme Court laid down that although the victim's solitary evidence in matters related to sexual offences is generally deemed sufficient to hold an accused guilty, the conviction

2025:KER:68136

cannot be sustained if the prosecutrix's testimony is found unreliable and insufficient due to identified flaws and lacunae. In *Nirmal Premkumar v. State* (2024 SCC OnLine SC 260), it was held that the Court can rely on the victim as a “sterling witness” without further corroboration, but the quality and credibility must be exceptionally high. The statement of the prosecutrix ought to be consistent from the beginning to the end (minor inconsistencies excepted), from the initial statement to the oral testimony, without creating any doubt qua the prosecution’s case. While a victim's testimony is usually enough for sexual offence cases, an unreliable or insufficient account from the prosecutrix, marked by identified flaws and gaps, could make it difficult for a conviction to be recorded. The quality of the evidence that would qualify as “sterling” has been expatiated in *Rai Sandeep* (supra) as follows:

> *“The sterling witness should be of a very high quality and calibre whose version should, therefore, be unassailable. The court considering the version of such witness should be in a position to accept it for its face value without any hesitation.*

2025:KER:68136

To test the quality of such a witness, the status of the witness would be immaterial and what would be relevant is the truthfulness of the statements made by such a witness. What would be more relevant would be the consistency of the statement right from the starting point till the end, namely, at the time when the witness makes the initial statement and ultimately before the court. It should be natural and consistent with the case of the prosecution qua the accused. There should not be any prevarication in the version of such a witness. The witness should be in a position to withstand the cross-examination of any length and how so ever strenuous it may be and under no circumstances should give room for any doubt as to the factum of the occurrence, the persons involved, as well as the sequence of it. Such a version should have co-relation with each and every one of other supporting material such as the recoveries made, the weapons used, the manner of offence committed, the scientific evidence and the expert opinion. The said version should consistently match with the version of every other witness. It can even be stated that it should be akin to the test applied in the case of circumstantial evidence where there should not be any missing link in the chain of circumstances to hold the accused guilty of the offence alleged against him. Only if the version of such a witness qualifies the above test as well as all other such similar tests to be applied can it be held that such a witness can be called a 'sterling witness' whose version can be accepted by the court without any corroboration and based on which the guilty can be punished. To be more

2025:KER:68136

precise, the version of the said witness on the core spectrum of the crime should remain intact while all other attendant materials, namely, oral, documentary and material objects should match the said version in material particulars in order to enable the court trying the offence to rely on the core version to sieve the other supporting materials for holding the offender guilty of the charge alleged."

14. Now, let me examine whether PW1 would fall within the category of 'wholly reliable witness' and her testimony would qualify to be that of a 'sterling character' to form the sole basis of the conviction of the petitioner.

15. The alleged incident occurred on 27/2/1999 at 9.30 a.m in a room at the Government Guest House in Kozhikode, where the petitioner admits to have stayed. However, Ext. P11 FIR was only registered on 9/5/2001, based on Ext.P1, a complaint made by the victim to the Director General of Police on 25/3/2001. There was a delay of more than two years in preferring the complaint and registering the FIR. The explanation offered by PW1 for the delay was that she was afraid to make a complaint against the petitioner, as he was a Minister of her own

2025:KER:68136

department. However, it has come out in evidence that the petitioner resigned as the Minister on 12/2/2000. It was after the resignation of the petitioner that PW1 gave a statement in Crime No.40/2000 regarding the alleged incident on 3/5/2000. Ext.P1 complaint was lodged almost ten months thereafter, i.e. on 25/3/2001. There is absolutely no satisfactory explanation for the delay during the said period. The explanation given by PW1 in Ext.P1 that even after she gave a statement in Crime No.40/2000 on 3/5/2000, she had been under fear and threat in various forms is so vague and not supported by any materials. At the same time, it has come out in evidence that before she gave a statement in Crime No.40/2000 on 3/5/2000, the news item regarding the sexual assault made by the petitioner on her appeared on the news channels. The petitioner was not a Minister at that time. Therefore, there was absolutely no reason for PW1, who was a well-educated high-profile officer, not to prefer any complaint at least immediately after 3/5/2000.

16. It is indeed settled that the delay in lodging the

2025:KER:68136

complaint/FIR is not automatically fatal to the prosecution's case. Delay has the effect of putting the Court in its guard to search if any explanation has been offered for the delay, and if offered, whether it is satisfactory or not. If the prosecution fails to satisfactorily explain the delay and there is a possibility of embellishment in the prosecution version on account of such delay, the delay would be fatal to the prosecution. However, if the delay is explained to the satisfaction of the court, the delay cannot by itself be a ground for disbelieving and discarding the entire prosecution case [*State of H.P. v Gian Chand*, (2001) 6 SCC 71]. The Supreme Court in *Thulia Kali v. State of Tamil Nadu* (AIR 1973 SC 501) held that the delay in lodging the first information report quite often results in embellishment as a result of afterthought. On account of delay, the report not only gets bereft of the advantage of spontaneity, but also danger creeps in of the introduction of coloured version, exaggerated account or concocted story as a result of deliberation and consultation. In *Dilawar Singh v. State of Delhi* [(2007) 12 SCC 641], it was held

2025:KER:68136

that delay defeats the chance of the unsoiled and untarnished version of the case to be presented before the Court at the earliest instance. That is why if there is delay in either coming before the police or before the Court, the Courts always view the allegations with suspicion and look for satisfactory explanation. If no such satisfaction is formed, the delay is treated as fatal to the prosecution case. In *Ram Jag and Others v. State of U.P.* (AIR 1974 SC 606), the position was explained that whether the delay is so long as to throw a cloud of suspicion on the seeds of the prosecution case must depend upon a variety of factors which would vary from case to case.

17. Here, even though the explanation provided by PW1 for the delay from the date of the incident until 3/5/2000 can be accepted, the vague and flimsy explanation given for the delay from 3/5/2000 to 25/3/2001 cannot be believed at all. The failure to explain the said delay is fatal and is a key factor when assessing the quality of PW1's evidence.

18. It is noteworthy that PW1 chose to prefer Ext.P1

2025:KER:68136

complaint against the petitioner after a considerable period, having made up her mind and firmly decided to proceed legally against him. Consequently, there was no reason for PW1 not to mention in Ext.P1 the crucial fact of disclosing the alleged incident to her mother and close friends, PW5 and PW14, over the phone on the day of the incident itself. In Ext.P1, PW1 stated that she discussed the matter with CW10, the Commissioner of Police, Calicut City, the following day. When PW1 was examined, a specific question was asked regarding this. She responded that she disclosed the entire incident that occurred in the room at the Government Guest House, Kozhikode on 27/2/1999 at 9.30 a.m. to CW10. The prosecution did not examine CW10. PW15, who questioned CW10, testified that she did not state in her statement that PW1 informed her about the sexual assault that took place at the Government Guest House, Kozhikode, on 27/2/1999 at 9. 30 a.m. PW1, in her evidence, also clearly stated that she specifically reported the sexual assault incident to PW6, PW8, and PW9. However, the evidence of PW6, PW8, and PW9

2025:KER:68136

contradicts this.

19. According to PW1, when she entered the petitioner' s room at the Guest House, there were three people present besides the petitioner. The petitioner introduced one among them as the Devaswam Secretary. The prosecution, however, did not examine this witness. The defence examined him as DW5. He stated that on 27/2/1999, he was working as the District Collector, Pathanamthitta, and he did not come to Kozhikode. He produced and marked his official vehicle logbook as Ext.X5. After evaluating this evidence, the trial court found that PW1' s assertion that the petitioner introduced DW5 as the Devaswam Secretary was incorrect. However, the court inferred that the investigating agency had not conducted a proper enquiry about the person who was present in the room at the Guest House, suggesting it was a case of mistaken identity. Neither PW1 nor PW15 has such a case. Conversely, PW1 testified that she met DW5 in the room of the Guest House on 27/2/1999 and confirmed that the person she met there was DW5 when she encountered

2025:KER:68136

him later at a local body election venue where he was serving as an election observer.

20. From the above sequence of events, it is clear that the statement of PW1 has been consistently refined and improved from Ext.P1 complaint to her statements made to PW11 and PW15 under Section 161 of Cr.P.C, as well as in her deposition before the court. Her version of the incident testified in court has no correlation with her own police statement. The said version also does not match the accounts of other prosecution witnesses. After a thorough examination of PW1's evidence, tested against legal standards and considering the circumstances, I am of the view that PW1 cannot be regarded as a ‘sterling witness’ whose testimony can be accepted without corroboration to be the basis for the conviction of the petitioner.

21. True, this court is not supposed to reappreciate the evidence in a revision petition. But where the evidence on record had been misconstrued or the conviction was based on inadmissible evidence or the entire approach of the court in

2025:KER:68136

dealing with the evidence is patently illegal, this court can very well interfere with the concurrent finding of fact in the exercise of jurisdiction vested with it under Sections 397 and 401 of Cr.P.C. The concurrent finding of fact based on illegal appreciation of evidence cannot be called a question of fact, but it is a question of law for the purpose of Section 397 of Cr.P.C. [*Giresh Kumar and Another v. C.S.Rajeswari Amma and Another* (2012) 4 KHC 145]. It is a case where the trial court, as well as the appellate court, failed to test the evidence of PW1 as that of a sterling witness. The evidence of PWs5, 6, 8, 9 and 14 was also not scrutinised on the touchstone of Sections 8 and 60 of the Evidence Act. The entire approach of the trial court, as well as the appellate court, in dealing with the evidence and law on the point was wrong. The evidence on record does not at all justify a conviction under Section 354 of IPC. At any rate, it is a fit case where the benefit of doubt ought to have been extended to the petitioner.

For all the foregoing reasons, the conviction and sentence of the petitioner as recorded by the trial Court and the appellate

2025:KER:68136

Court stand hereby set aside. The petitioner is found not guilty of the offence alleged against him, and he is acquitted. The Criminal Revision Petition is, accordingly, allowed.

Sd/-

DR. KAUSER EDAPPAGATH

JUDGE

Rp