**IN THE COURT OF SPECIAL JUDGE, FAST TRACK SPECIAL COURT-II, THRISSUR**
**(SESSIONS DIVISION THRISSUR)**

**Present : Smt. Remya Menon, Special Judge**
**Monday, the 23rd day of November, 2026/ 02nd Margashirsham, 1948**

**Sessions Case No. 980/2022**
**(Crime No. 663/2022 of Thrissur Town West Police Station)**

Complainant : State of Kerala, Rep. by Sub Inspector of Police, Thrissur Town West Police Station.

Rep. by Adv. Sunitha K.A
(Special Public Prosecutor).

Accused : Sreejith T.R, aged 45/22 years,
S/o Raveendranath, Thattamparambil House, Moorkkanikkara Desom, Kozhukkully Village.

Represented by Adv. K Jayachandran

Offence : Under Section 509 Indian Penal Code and section 11(i) r/w 12 of PoCSO Act.

Plea of accused : Not guilty.

Findings the : The accused is found guilty of the offences punishable under Section 509 IPC and section 11(i) r/w 12 of PoCSO Act and he is convicted for these offences u/s.258(2) BNSS, 2023. Considering the facts and circumstances of the case, including the nature and gravity of the offence, I am of the view that this is not

a fit case to invoke the benevolent provisions of Probation of Offenders Act. Hence the accused was heard on question on sentence u/s. 258(2) of BNSS, 2023.

Sentence or Order : 1. The convict is sentenced to undergo rigorous imprisonment for one year u/s 11(i) r/w 12 of PoCSO Act and to pay a fine of Rs.50,000/- (Rupees fifty thousand only) for the offence. In default of fine, he shall undergo rigorous imprisonment for a further period of one month.

2. The convict is allowed set off u/s 468 of BNSS, for the period of detention undergone in judicial custody from 07.07.2022 to 15.07.2022, against the substantive sentence.

3.If the fine amount is realized, it shall be paid as compensation to PW1 and PW2 equally, the survivors, u/s.395(1)(b) BNSS.

This Sessions case having been finally heard on 16.11.2026 and stood over for consideration to this day, the court delivered the following:-

**JUDGMENT**

The accused stands trial for offence punishable under Sections 509 Indian Penal Code and 11(i) r/w 12 of PoCSO Act.

**2)** Prosecution case in a nutshell is as follows : On 04-07-2022 at 3:20 p.m in the car porch of the West Breeze Apartment in SN Park at Aranattukara, where both the survivor's in the case resided, when the two survivor's were on their way back from the school, the accused followed them and then unzipped his pants exhibiting his penis. He stroked his penis by staring at the survivor's. Thereby the accused is alleged to have committed offence punishable under Section 509 IPC and 11(i) r/w12 of PoCSO Act

**3)** The criminal law in this case was set in motion as per the statement of survivor to CW17, the then, GSCPO of Thrissur Town West Police station. On the basis of the statement, CW21, the then Sub Inspector at Thrissur Town West Police station registered Crime 663/2022 of Thrissur Town West Police station Police Station. CW21 investigated the offence. He laid the final report before the Additional Sessions Court I (Special Judge), Thrissur. Cognizance of the offences under sectionS 509 IPC and 11(i) r/w12 of PoCSO Act was taken by that Court in the above

case number. Thereafter the case was made over to this court for disposal.

**4)** In pursuance of summons, the accused entered appearance. He was enlarged on bail. All relevant copies of prosecution records were served to him. He was defended by a counsel of his choice. On appearance of the accused before this court, the learned Special Public Prosecutor opened her case. Records were perused. After hearing the learned Special Public Prosecutor and learned counsel for accused charge was framed under Sections 509 Indian Penal Code and 11(i) r/w12 of PoCSO Act, translated, read over and explained to the accused. He pleaded not guilty and claimed to be tried. Rule 19 (4) of Criminal rules of Practice was complied with.

**5)** In order to prove the accused's complicity testimonies of PW1 to PW15 were examined and Exts.P1 to P17 were marked. CW11, 12, 13 and CW19 were given up by the learned Special Prosecutor and she is justified in doing so. On the basis of the prosecution evidence accused is examined u/s 351(1)(b) BNSS. He denied all incriminating

circumstances and maintained innocence. He further submitted that this case has been falsely foisted in this case.

**6)** Thereafter the prosecution and defence were heard u/s.255 BNSS As there were no grounds to invoke the power u/s.255 BNSS and order an acquittal, the accused was directed to enter upon their defence.

**7)** Heard the Special Public Prosecutor and learned Counsel for the accused.

**8)** The points that arise for consideration are as follows:-

1 Whether the accused, On 4-7-2022 at 3.20 pm in the car porch of the West Breeze Apartment in SN Park at Aranattukara, you committed sexual harassment on PW1 and PW2 by unzipping his pants, exhibiting his penis and stroked his penis by staring at the survivor's and committed offence punishable under Section 11(i) r/w 12 of PoCSO Act?

2. Whether the accused, On 4-7-2022 at 3.20 pm in the car porch of the West Breeze Apartment in SN Park at Aranattukara, you committed insult to the modesty of PW1 and PW2 by unzipping his pants, exhibiting his penis and stroked his penis by staring at the survivor's and thereby committed offence punishable u/S 509 IPC?

3) If found guilty, what is the proper order as to sentence?

**9) Point No 1 and 2:-**

The prosecution here seeks to prove on 04-07-2022 at 3.20 pm in the car porch of the West Breeze Apartment in SN Park at Aranattukara, where both the survivor's in the case resided, when the two survivor's were on their way back from the school, the accused followed them and then unzipped his pants exhibiting his penis. He stroked his penis by staring at the survivor's.

**10)** The direct evidence in this case is the testimony of PW1 and PW2 the survivors in this case. The survivor (PW1) testified that she was born on 28/03/2008. She testified that the incident occurred while she was a 9th-grade student at Kendriya Vidyalaya, Puranattukara. She stated that on 04/07/2022, at 3:20 PM, she and her friend (PW2) got off their school bus at a junction known as 'SN'. As they were walking toward their residence, 'West Breeze Flats', a black Safari car drove past them. The car stopped near an Anganwadi. As the girls approached the Anganwadi, the vehicle moved further ahead and was parked near the gate of their apartment complex. The survivor (PW1) further testified that

as they were walking toward the flats, she observed a man get out of the car and proceed into the car porch area.

**11)** PW1 testified that as they walked towards the porch, she saw the man, who had stepped out of a car standing between two pillars of the porch. As they moved forward, he unzipped his trousers, exposed his penis, and was fondling them. When they approached, he looked at them, ensuring that they had noticed him, and continued his actions. Frightened by this, they ran up to the flat above. She further stated that she informed her father (PW7) about the incident over the phone, and he, in turn, contacted the mother of the other survivor (PW3). When the two survivors returned to check if the man was still there, he was no longer present.

**12)** PW1 testified that the police were notified that same day. In the evening, a female police officer arrived and recorded her statement (marked as Ext.P1). She also stated that she did not attend school on July 5, 2022, as she was taken for a medical examination on that very day. The survivor (PW1) testified that her statemnt as seen in Ext.P2 was recorded. She further deposed that she had gone to school on the 6th. Her father's younger brother (PW8) arrived by car at the SN Park

Junction to pick her up as she got off the bus, intending to take her to the flat. As they neared the flat, they encountered the same black Safari vehicle, and the individual seen previously was inside. Her uncle asked if it was the same one they saw on 4th. They pointed towards the vehicle identifying the same. The man immediately drove off. The survivor (PW1) testified that the person she saw on that day, as well as on the 4th, was dark-skinned and had a high forehead with curly hair. She identified the accused in the dock.

**13)** PW2, who was with the survivor (PW1), testified that her date of birth is 08/01/2012 and that she was a fifth-grade student at the time of the incident. This was corroborated by the testimony of PW3 (the mother of PW2). Furthermore, the birth certificate (marked as Ext.P12) confirms that PW2's date of birth is 08/01/2012.

**14)** The survivor (PW2) testified that on July 4, 2022, between 3:20 PM and 3:30 PM, she and her elder friend (PW1) returned from school by bus and got off in front of a shop called 'Uppum Mulakum'. As they were walking towards a side lane off SN Park Road, a black car approached from behind and honked. They moved aside to let it pass, and the car parked near a nearby Anganwadi. When they reached the

vicinity of the Anganwadi, the car suddenly pulled away and headed towards their apartment complex, 'West Breeze'. As they walked past the shop, they saw a man get out of that car and enter the apartment complex. Upon reaching the gate, they saw the man standing between the first and second pillars of the car porch. He had unzipped his trousers, exposed his genitals and was engaged in some activity. Even after realizing he had been spotted, he continued his actions without stopping. Terrified, both she and PW1 ran inside.

**15)** PW1 called her father and informed him of the incident, he in turn then contacted their mother. Upon learning of the event, her mother arrived at the apartment complex and enquired with her. The survivor stated that she was extremely frightened. She further testified that the police were informed shortly thereafter. The survivor (PW2) testified that on the 5th, she and PW1 did not go to school due to fear. She gave a statement (Ext.P3 including Ext.P3(a)) before a Magistrate and also visited a hospital for a medical examination on the same day. However, as no physical assault had occurred, she declined a physical examination.

**16)** PW2 further testified that on the 6th of the same month, around the same time the incident had previously taken place, PW1's

uncle, PW8 (PW1's father's younger brother) arrived at the bus stop in a car. He offered to drive them to their flat, and she got into the vehicle. Upon reaching the vicinity of the flat, they noticed the same black Safari car parked there. Her uncle asked if this was the vehicle that had appeared the previous day. When they confirmed this and pointed it out, the person inside the car reversed the vehicle and drove away. They followed the car for a short distance but were eventually unable to continue, so they turned back. The survivor stated that she would be able to recognize the individual if she saw him again, and noted that the police had informed them that evening that the person had been apprehended. She identified the accused in the dock.

**17)** PW3 testified that PW2 is his daughter, who was in the 5th grade at the time of the incident in question. She deposed that on July 4, 2022, her daughter informed her about the incident, mentioning that a man with "red eyes" had stared intensely at the children. Frightened, the children had retreated into their flat, and PW1 had called her father (PW6) to report the matter. Consequently, it was PW1's father who relayed this information to her.

**18)** PW6, the father of the survivor (PW1), testified that his daughter informed him that while she was walking home to their flat,via the Anganwadi SN Junction, after school, theyhad been followed by an individual in a 'Safari' car and had committed the aforemntioned act. He deposed that, upon being informed by his daughter, he reported the matter to the police that same evening.

**19)** PW6's wife (the mother of PW1), PW7 testified that on July 4, 2022, she was away from home on leave for personal matters. On that day, their daughter (PW1), who was in the 9$^{th}$ grade and PW2 were returning from school when the incident took place. Her husband called to inform her, and they both returned home. She also relayed the details to her husband's younger brother (PW8). When the daughter spoke to her uncle about what had happened, he assured her that they would track down the 'Safari' car, and from that point on, he began searching for it. On July 6th, 2022, while the husband's brother was at his furniture shop, he spotted the same car passing by. He followed it and observed the vehicle picking up children at a bus stop. The children were taken into the vehicle at the SL Parking Junction. The car in question was again spotted in the vicinity of their flat. PW7 (the mother

of PW1) testified that when the children looked at the car and pointed towards it, the man drove off at high speed; she added that her husband's younger brother had informed her that the car's registration number was KL07 C8 9054.

**20)** PW8 testified that the child who is the complainant in the case is his elder brother's daughter, and that he is acquainted with the victims, PW1 and PW2. He stated that his sister-in-law (PW7, his brother's wife) had informed him that an incident of the nature described had occurred when the child was returning from school. On July 6, 2022, while he was at his furniture shop located in front of Infant Jesus School, he observed a black Safari car pass by. Noting the vehicle's registration number as KL 07 CX 9054, he immediately followed it in his own car and observed it heading toward the apartment complex in SN Park where the victims reside. Upon reaching the bus stop, he found the children standing there. He quickly had them get into his car and followed the vehicle toward the apartment complex. When the children identified the car, the person inside, realizing he had been spotted, reversed the vehicle and sped off in a different direction. PW8 identified the accused in the dock.

**21)** PW9, Shaija, testified that while seh was working as GSCPO at thrissur west Police station she had recorded Ext.P1 FIS of the survivor (PW1) and accompanied both survivors to the hospital for medico legal examination. On the basis of the FIS Ext.P13 FIR was registered by PW15, the then Sub Inspector at Thrissur Town West police station.

**22)** PW4, Santhosh Kumar.M prepared Ext.P4 sketch on the basis of the scene mahazar and after vsisting the same. PW5, Navya, who is a resident of the West Breeze apartment complex, testified that she witnessed preparation of Ext P5 mahazar and signed the same as witness.

**23)** PW10 testified that, while serving as a Civil Police Officer at the West Police Station, on 07-07-2022 at 6:30 a.m he has witness seizure of the Balck safari car bearing Reg No KL 07 CX 9054 after describing the same in Ext.P6 seizure mahazr and attested in the same as witness.

**24)** PW12, Sudhakaran P.V., testified that on September 3, 2022 while serving as the Principal of Kendriya Vidyalaya, Puranattukara he produced Ext.P10, a copy of the admission register. He noted that the

survivor's (PW1) name and details were recorded on page 128 of the register under admission number 8035, which indicated the child's date of birth as March 28, 2008. Birth certificate of PW2, indicating that her date of birth is 08/01/2012, is marked as Ext.P12 with consent of the learned defence counsel. Birth certificate of PW1, indicating that her date of birth is 28/3/2008, is marked as Ext P7 through PW11.

**25)** PW13, Dr. Veena, testified that while working as a Junior Consultant at the General Hospital, Thrissur, she examined the first witness (PW1) at 12:25 PM. The survivor recounted the incidents to her; however, as there had been no physical assault or inappropriate physical contact, both the survivor (PW1) and her mother declined physical examination. she issued the Ext.P8 certificate. She examined PW2 on that same day. PW13 deposed that PW2 had recounted the events of July 4, 2022, to her. Since there was no physical contact or bodily harm involved, both the mother and the survivor declined physical examination. PW13, Dr.Veena further testified that she issued the P9 certificate Ext.P11 potency certificate is marked with consent of the learned counsel for accused.

**26)** PW14, Sheeja, testified that on 05.07.2022, while serving as the GSPO at the Thrissur West Police Station, she recorded the statements of PW2 as well as an additional statement from the PW1. She further stated that on the same day, witnesses 1 and 2 were produced before the court for the recording of their statements under Section 164 of the CrPC.

**27)** PW15, Vijayan, testified that he took over the investigation, arranged for the medical examination of witnesses 1 and 2, initiated procedures to record their statements under Section 164 CrPC, and visited the scene of the incident to prepare the scene mahazar (Ext. P5). Regarding the investigation, he testified that after the accused was identified andhe went to the accused's residence on 7.7.2022 and brought him to the police station. Following the protocols mandated by the POCSO Act which included having witnesses 1 and 2 identify the accused he placed the accused under arrest and prepared the arrest memo (Ext.P14) and the inspection memo (Ext.P15). PW15, Vijayan, testified that the arrest intimation (Ext.P16) was prepared. He further stated that the arrested accused was subjected to a potency test, his full address was documented. The survivor's birth certificate was obtained and produced.

The sketch of the scene of the incident,procured from the relevant officials, was also submitted. Additionally, the vehicle in which the accused had traveled (KL-07-CX-9054) was seized and detailed in the seizure mahazar (Ext.P6). PW15, Vijayan, testified that the items thus seized were included in the property list (Ext.P17) and produced before the court.

**Analysis of evidence**

**28)** From the aforementioned detailed prosecution evidence discussed above, it is evident that PW1 and PW2 are the sole ocular witnesses to the incident, while PW8 merely corroborated the identification of the accused on 06.07.2022 when, as per the prosecution case, the accused returned to the vicinity of the survivor's residence. Insofar as all the remaining witnesses, including the parents of the survivor (namely, PW2, PW6, and PW7), are concerned, they possess merely hearsay knowledge of the occurrence, whereas the other official witnesses have only deposed regarding the course of investigation adopted by the Investigating Officer. Consequently, the pivotal witnesses in the instant case are PW1, PW2, and PW8.

**29)** The defence has not set up any specific plea other than a blanket denial of the entire prosecution narrative and the complicity of the accused therein in any manner whatsoever. The defence version, as culled out during cross-examination and the course of arguments, is that the identification of the accused is flawed and improper in the present case. Learned counsel for the defence contended that the accused, being a prominent Malayalam film actor, ought to have been identified by name by the witnesses, which they failed to do. Specifically, during the cross-examination of PW1, it emerged that she had likened the accused to one Binu Adimaly, an assertion that was instantaneously refuted by PW2. The official who recorded the statement of the victim also deposed that a dispute arose among the witnesses concerning the identity of the accused, wherein one individual stated that the man resembled Binu Adimaly while the other negated the same. This shows that PW1 had a glimse of familiarity of the accused and could not actually pin on a name. Learned counsel for the defence further argued that children who were acquainted with a relatively junior artist, mostly confined to television screens, could have effortlessly identified this film star who is well known for his supporting roles.

**30)** This hypothesis cannot be countenanced by this Court, as the present generation of children is not insulated from the broader world and enjoys exposure to cinema across multiple languages. The mere fact that the children were unaware of the name of this particular individual who may be a supporting actor in Malayalam cinema, yet does not command the prominence of mainstream lead actors and the omission of his name despite his status as a public figure, does not, by itself, impeach the credibility of the witnesses regarding the identity of the accused. Both victims consistently described the perpetrator as a dark-complexioned man with curly hair and a high forehead, features that align squarely with the actual physical appearance of the accused present before this Court, and they unequivocally identified him in the dock. While identifying him in the dock, they betrayed no hesitation or doubt whatsoever as to his identity and remained firm that he was the perpetrator he saw on **04.07.2022.**

**31)** The same holds true for PW8, the maternal uncle of the victims, who purportedly sighted the accused on **06.07.2022** while accompanying the survivors from the bus stop where they ordinarily alight from their school bus to the apartment complex where they

resided. At this juncture, the deposition of PW8 exhibits certain variations. According to PW1, she was informed that her uncle arrived at the bus stop to escort her owing to an untoward incident that transpired the preceding day. Conversely, according to PW8, while stationed at his furniture shop opposite Infant Jesus School, he spotted the black Safari car, pursued it, observed it proceeding toward the said apartments, and fortuitously picked up the children at the precise moment they alighted from their buses to show them the vehicle, whereupon they sighted the car near their apartment and both he and the children identified the accused. Although these two accounts diverge, they do not discredit the testimony of these witnesses, as they have remained steadfast and consistent in their identification of the accused. It is pertinent to note herein that the registration number of the subject vehicle was unequivocally noted by PW8 as KL07C X9054, alongside the accurate identification of its make and color as a Black Safari. Subsequently, the accused himself produced the requisite documents to substantiate ownership of the said vehicle, whereupon it was established that the vehicle stood registered in his name, resulting in its release to his interim custody by orders of Ist Additional Sessions court in CMP

2244/22 dated 4/8/2022 Court. Although PW8 observed the occurrence only on 06.07.2022, PW1 and PW2 had witnessed the incident on the very date of occurrence, i.e., 04.07.2022, and had consistently deposed and given statements to the effect that the vehicle that pursued them was a Black Safari, firmly adhering to this version throughout. Furthermore, there exists no dispute regarding the identity of the vehicle in which the accused arrived, the vehicle sighted by PW1 and PW2 at the scene of occurrence, or its ownership. The accused expressly admits ownership of the said vehicle, and it was solely upon his admission and application that the vehicle was released to him on interim custody. This circumstance alone sufficiently establishes the complicity of the accused in the commission of the alleged offence.

**32)** As PW8 deposed that he recognized who the accused was on that very day, yet he omitted to disclose the name of the accused in any of his statements recorded under Section 161 Cr.P.C. before the Investigating Officer. It is starnge that neither the Investigating Officer queried these witnesses as to whether they knew the accused outside the context of this incident, nor did the Learned Public Prosecutor pose such a question; naturally, Learned Counsel for the Defence refrained from

doing so, as an affirmative answer would have cemented the identity of the accused.

**33)** Nevertheless, the depositions of these witnesses cannot be discarded merely because they failed to recognize the accused as a cine artist. Even though he essays notable roles in Malayalam films, he is not the quintessential face of Malayalam cinema, and today's generation cannot be expected to be intimately familiar with every film actor. Furthermore, it would be wholly unreasonable to rely on such a presumption to conclude that young children subjected to sexual abuse would fabricate a falsehood and falsely implicate an innocent person in the absence of any prior animosity or personal grudge against the accused.

**34)** On this score, it is imperative to note the opening submission advanced by Learned Counsel for the Accused, wherein it was stated that the accused was enlarged on bail by the Hon'ble High Court subject to a direction to undergo medical treatment for exhibitionism, a condition with which he duly complied. This submission, in and of itself, indicates an implicit acknowledgment on the part of the accused that he suffers

from this affliction and has undergone requisite treatment for the same. This demonstrates that even the defence does not entirely rule out the probability of the accused having committed the alleged offence.

**35)** Viewed in this light, minor discrepancies, if any, in the testimonies of child witnesses aged **14** and **10** years pale into insignificance. For children of such tender years, they withstood the rigors of a protracted cross-examination and emerged with an unwavering account of the core occurrence namely, the incident that transpired on **04.07.2022.** They categorically deposed that they observed the accused standing between two pillars in the porch of their apartment, unzipping his trousers, exposing his penis, and fondling it while gazing at them to ensure they witnessed his act, which left the children petrified. The statement of PW**1** was recorded on the very same day, followed by her additional statement on **06.07.2022.** The psychological trauma and mental state of the children must be accorded due consideration. Weighing all these mitigating and pressurizing factors alongside their tender age, it is clear that they endured a grueling cross-examination in Court and established their sterling credibility through a consistent narration of the occurrence and an unimpeachable dock identification of the accused.

**36)** Undoubtedly, questions have been raised regarding the manner in which the Investigating Officer conducted the identification process in the instant case. According to PW1, she identified the accused while he was exiting the police station on the morning of 07.7.2022 whereas PW2 deposed that on 06.7.2022 she was apprised that the accused had been apprehended by the police. The Investigating Officer, on the other hand, furnished a different timeline, stating that he apprehended the accused in the early hours of 07.07.2022 , which stands at variance with the dates cited by the witnesses. Be that as it may, *inter se*, PW1 and PW2 have cogently corroborated each other's testimonies.

**37)** It is pertinent to observe that the investigation in the present case has been lackadaisical. Certain lapses on the part of the Investigating Officer were highlighted by Learned Counsel for the Defence, and this Court concurs that there was indeed laxity—not on the part of the witnesses, however, but squarely on the part of the Investigating Officer. Learned Counsel for the Defence pointed out that although PW1, PW2, and PW8 maintained that the accused trailed the children from SN Park Junction to their apartment on 04.07.2022, and was again spotted commuting in the same vehicle along the identical

route on 06.07.2022, no CCTV footage capturing the transit of the said vehicle was seized, despite the intervening stretch being densely populated and equipped with surveillance cameras. The conspicuous non-seizure of CCTV footage along this busy thoroughfare cannot be weaponized to impugn the veracity of the witnesses; rather, it is directly attributable to the want of diligence on the part of the Investigating Officer.

**38)** Learned Counsel for the Accused further cross-examined the children regarding whether various neighbors in their vicinity had installed CCTV cameras. However, the witnesses are minor children residing in an apartment complex; moreover, PW2 is the daughter of a government servant subject to periodic transfers every two to three years. Consequently, their familiarity with their neighbors is inherently limited, and they candidly deposed that they were unacquainted with them. Their failure to take note of the existence of CCTV cameras is entirely natural for children of their age. Merely because the witnesses could not attest to the presence or absence of CCTV cameras, coupled with the Investigating Officer's dereliction in seizing available footage at or near the scene of occurrence, does not give rise to any material discrepancy

in the ocular evidence; it merely underscores the sluggishness with which the Investigating Officer conducted the probe. The principle that an accused cannot claim acquittal solely on the grounds of a faulty investigation was affirmed by the Supreme Court of India in **Edakkandi Dineshan @ P. Dineshan & Ors. v. State of Kerala** (**2025 INSC 28**) The Court emphasized that a defective investigation does not automatically benefit the accused on that ground alone, and courts must evaluate the remaining prosecution evidence such as eyewitness accounts and medical reports.

**39)** Regarding minor discrepancies, *Edakkandi Dineshan* clarifies that the doctrine of *falsus in uno, falsus in omnibus* does not apply in India. The minor inconsistencies will not invalidate the testimony of PW1 and PW2 as long as they remain unwavering regarding the main occurrence on **04.07.2022**.A careful scrutiny of the depositions of PW1 and PW2 demonstrates that they have rendered a consistent and unwavering account of the events that transpired on **04.07.2022**, and their identification of the accused remains unimpeachable. The mere omission on the part of the witnesses to utter the name of the accused, on the premise that he is a well-known cine artist, does not by itself

impeach or diminish their credibility. The testimonies of PW1 and PW2 are cogent, trustworthy, and inspire the confidence of this Court.

**40)** At this juncture, it is pertinent to observe that through the admission of the birth certificate of PW2 and the marking of the documentary evidence adduced through PW12, read in conjunction with the oral testimonies of PW1, PW3, and PW7, the prosecution has conclusively established and the defence has not disputed that the victims, PW1 and PW2, were minors and fell within the statutory definition of "child" under the POCSO Act as on the date of the occurrence.

**41)** From the unshaken testimonies of PW1 and PW2, the prosecution has proved beyond a shadow of doubt that on 04.07.2022, between 03:20 PM and 03:40 PM, in the porch of their apartment building, *West Breeze*, they witnessed the accused unzipping his trousers, exposing his penis, and fondling the same with the manifest intention that the said act be seen by the victims. Such conduct squarely satisfies the ingredients of sexual harassment as defined under Section 11(i) of the

POCSO Act, rendering the accused liable for punishment under Section 12 thereof.

**42)** Furthermore, the aforesaid act of exhibitionism on the part of the accused constitutes a direct affront to the modesty of PW1 and PW2, who, irrespective of their age, fall within the legal ambit of "woman," thereby attracting the penal consequences under Section 509 of the Indian Penal Code. Consequently, on the strength of the sterling and unimpeached testimonies of PW1 and PW2, the prosecution has succeeded in bringing home the guilt of the accused beyond all reasonable doubt for the offences punishable under Section 11(i) read with Section 12 of the POCSO Act and Section 509 of the IPC.

Accordingly, these points are answered in favour of the prosecution.

**43)** **Point No. 3 :-**

**In the result,** the accused is found guilty of the offences punishable under Section 509 Indian Penal Code and section 11(i) r/w 12 of PoCSO Act and he is convicted for these offences u/s.258(2) BNSS, 2023. Considering the facts and circumstances of the case, including the nature and gravity of the offence, I am of the view that this is not a fit case to invoke the benevolent

provisions of Probation of Offenders Act. Hence the accused was heard on question on sentence u/s. 258(2) of BNSS, 2023.

(Dictated to the Confidential Assistant, transcribed and typed by him, corrected by me and pronounced in open Court on this the 23rd day of November, 2026).

**Sd/-**
**Remya Menon,**
**Special Judge,**
**Fast Track Special Court-II, Thrissur.**

**44)** Heard learned Special Public Prosecutor and the learned Counsel for the convict on sentence. The Special Public Prosecutor argued that the accused deserved maximum sentences prescribed for the offence. According to him, the convict committed sexual harassment on the survivors, who were happily returning from school, scarring every sweet memory of their childhood. Thus he is undeserving of any leniency.

**45)** The defence counsel stated that the convict has no criminal antecedents. He being a cine artist has already been humiliated and his career has suffered due to these allegations. The learned counsel for defence has sought for leniency.

**46)** I have weighed the aggravating and mitigating circumstances pointed out by the prosecution and the defence. The aggravating circumstances is that the convict had targeted two school going girls, not only scarring the girls but the society which depends on the decency of its members to trust their children to be on their own in public. The very purpose of the Special Act is to prevent sexual harassment against the children. The impact of sexual assault would be damaging and it may last throughout her life. The experience of child sexual abuse can change the way a child understands their world, the people in it and where they belong. Their understanding of themselves and the world around them can become distorted, and create feelings of mistrust, fear, and betrayal. The convict, who himself was years older had exploited the vulnerability of the children. The very purpose of the act is to protect innocent children from the clutches of such predators.

**47)** In the State of **M.P. v. Saleem Alias Chamaru and another[(2005) 5 SCC 554]**, the Hon'ble Supreme Court ruled:-

**"10.** The court will be failing in its duty if appropriate punishment is not awarded for a crime which has been committed not only against the individual victim but also against the society to which the criminal

and victim belong. The punishment to be awarded for a crime must not be irrelevant but it should conform to and be consistent with the atrocity and brutality with which the crime has been perpetrated, the enormity of the crime warranting public abhorrence and it should "respond to the society's cry for justice against the criminal."

**48)** In the dictum laid down by the Apex Court in the decision reported in **Sevaka Perumal v.State of T.N.-1991 KHC 989**, the court held:-

Undue sympathy to impose inadequate sentences would do more harm to the justice system to undermine the public confidence in the efficacy of law and society could not long endure under such serious threats. If the courts did not protect the injured, the injured would then resort to private vengeance. It is, therefore, the duty of every court to award proper sentence having regard to the nature of the offence and the manner in which it was executed or committed, etc." Thus in the light of the above discussion the convict is not deserving of the such leninency.

**49)** The accused is found guilty of the offences punishable u/S 509 Indian Penal Code and 11(i) r/w 12 of PoCSO Act and he is convicted for these offences u/s.258(2) BNSS.

**50)** Section 42 of PoCSO Act reads as follows: **"**Section 42 Alternate punishment. Where an act or omission constitutes an offence punishable under this Act and also under sections 166A, 354A, 354B, 354C, 354D, 370, 370A, 375, 376, 2 [376A, 376AB, 376B, 376C, 376D, 376DA, 376DB], 3 [376E, section 509 of the Indian Penal Code or section 67B of the Information Technology Act, 2000 (21 of 2000)], then, notwithstanding anything contained in any law for the time being in force, the offender found guilty of such offence shall be liable to punishment only under this Act or under the Indian Penal Code as provides for punishment which is greater in degree.**"**

**51)** Hence applying Sec.42 of the PoCSO Act and considering the fact that the trial of the offence was conducted by the Special Court, the sentence is awarded u/s. 12 of PoCSO Act. No separate sentence is imposed on the convict for the offences u/s.509 of IPC. Considering the nature of the act committed the convict is sentenced to undergo rigorous

imprisonment for one years u/s 11(i) r/w 12 of PoCSO Act and to pay a fine of Rs.50,000/- (Rupees fifty thousand only) for the offence. In default of fine, he shall undergo rigorous imprisonment for a further period of one month.

**In the result,**

| | |
|---|---|
| 1) | The convict is sentenced to undergo rigorous imprisonment for one year u/s 11(i) r/w 12 of PoCSO Act and to pay a fine of Rs.50,000/- (Rupees fifty thousand only) for the offence. In default of fine, he shall undergo rigorous imprisonment for a further period of one month. |
| 2) | The convict is allowed set off u/s 468 of BNSS, for the period of detention undergone in judicial custody from 07.07.2022 to 15.07.2022, against the substantive sentence. |
| 3) | If the fine amount is realized, it shall be paid as compensation to PW1 and PW2 the survivors equally, u/s.395(1)(b) BNSS. |

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court on this the 23rd day of November, 2026).

**Sd/-**
**Remya Menon,**
**Special Judge,**
**Fast Track Special Court-II, Thrissur.**

## APPENDIX

**List of Prosecution/Defence/ Court Witnesses :-**

**A. Prosecution witnesses :-**

| Rank | Name | Whether eye witness, Expert witness, Other witness,Police witness, Medical witness. | Date |
|---|---|---|---|
| PW1 | Not disclosed | Survivor | 18.07.2026 |
| PW2 | Not disclosed | Survivor | 18.07.2026 |
| PW3 | Not disclosed | Mother of CW2 | 18.07.2026 |
| PW4 | Santhosh Kumar, Village Officer, Aranattukkara Village Office | Official witness | 21.07.2026 |
| PW5 | Navya Ramachandran | Other witness | 21.07.2026 |
| PW6 | Not disclosed | Father of CW1 | 23.07.2026 |
| PW7 | Not disclosed | Mother of CW1 | 07.08.2026 |
| PW8 | Nipun | Other witness | 14.08.2026 |
| PW9 | Shyja V.V, GSCPO West Police Station | Police witness | 07.09.2026 |
| PW10 | Jose Paul, CPO, West Police Station | Police witness | 07.09.2026 |
| PW11 | Rajan P.M, HI GR II, Registrar of Birth & Marriage (Common) Kozhikode Municipal Corporation | Official witness | 15.09.2026 |
| PW12 | Sudhakaran P.V | Official witness | 15.09.2026 |
| PW13 | Dr. Veena R, Junior Consultant, General Hospital, Thrissur | Medical witness | 15.09.2026 |
| PW14 | Sheeja P.N, GSCPO, West Police Station | Police witness | 26.09.2026 |

| | | | |
|---|---|---|---|
| PW15 | Vijayan, SI, Town West PS | Investigating Officer | 26.09.2026 |

**B. Defence Witness :- Nil**

**C. Court Witness :- Nil**

**List of Prosecution/Defence/ Court Exhibits :-**

**A. Prosecution Exhibits :-**

| Sl.No. | Exhibit No | Description | Date |
|---|---|---|---|
| 1 | Ext.P1/PW1 | First Information Statement | 04.07.2022 |
| 2 | Ext.P2/PW1 | 164 statement of CW1 | 05.07.2022 |
| 3 | Ext.P2(a)/PW1 | Portion of 164 statement | 05.07.2022 |
| 4 | Ext.P3/PW2 | 164 statement of CW2 | 05.07.2022 |
| 5 | Ext.P3(a)/PW2 | Portion of 164 statement | 05.07.2022 |
| 6 | Ext.P4/PW4 | Sketch of place of occurrence | - |
| 7 | Ext.P5/PW5 | Scene Mahazar | 05.07.2022 |
| 8 | Ext.P6/PW10 | Seizure Mahazar | 07.07.2022 |
| 9 | Ext.P7/PW11 | Birth Certificate of CW1 | 16.07.2022 |
| 10 | Ext.P8/PW13 | Medico Legal Report of CW1 | 05.07.2022 |
| 11 | Ext.P9/PW13 | Medico Legal Report of CW2 | 05.07.2022 |
| 12 | Ext.P10/PW12 | Extract of school admission register | - |
| 13 | Ext.P11/PW12 | Examination of Potency | 07.07.2022 |
| 14 | Ext.P12/PW12 | Birth Certificate of CW2 | 15.07.2022 |
| 15 | Ext.P13/PW15 | FIR | 04.07.2022 |
| 16 | Ext.P14/PW15 | Arrest memo | 07.07.2022 |
| 17 | Ext.P15/PW15 | Inspection memo | 07.07.2022 |
| 18 | Ext.P16/PW15 | Arrest Intimation notice | 07.07.2022 |
| 19 | Ext.P17/PW15 | Property list | 07.07.2022 |

**B. Defence Exhibits :- Nil**

**C. Court Exhibits :- Nil**

**D. Material Objects :- Nil**

## FOOT NOTE

| | | |
|---|---|---|
| Cr.No & Name of Police Station | : | 663/2022 of Thrissur Town West Police Station. |

## DESCRIPTION OF THE ACCUSED

| Sl. No | Name of Accused | Father's Name | Caste/ Race | Occupation | Residence | Age |
|---|---|---|---|---|---|---|
| 1 | Sreejith T R | Raveendranath | Hindu | - | Thattamparambil House, Moorkkanikkara Desom, Kozhukkully Village. | 45/22 |

## DATE OF

| | | |
|---|---|---|
| Occurrence | : | 04.07.2022 |
| Complaint | : | 04.07.2022 |
| Arrest | : | 07.07.2022 |
| Release on bail | : | 15.07.2022 |
| Commencement of trial | : | 18.07.2026 |
| Commencement of evidence | : | 18.07.2026 |
| Close of Trial | : | 16.11.2026 |
| Sentence or Order | : | 23.11.2026 |
| Service of copy of judgment or finding on accused | : | 23.11.2026 |

**Sd/-**
**Remya Menon,**
**Special Judge,**
**Fast Track Special Court-II, Thrissur.**

**(True Copy)**

**Sd/-**
**Special Judge,**
**Fast Track Special Court-II, Thrissur.**

Fair/copy Judgment in
SC: 980/2022
Dated: 23.11.2026