

IN THE FAST TRACK SPECIAL COURT-I, NEYYATTINKARA

Present: Smt. SUJA K.M., SPECIAL JUDGE

Tuesday this the 26th day of May, 2026/05th Jyeshtham 1947 S.E.

SESSIONS CASE No.2362/2024

Complainant	:	The State of Kerala, represented by the Sub Inspector of Police, Kovalam Police Station in Crime No.983/2022. <i>(by Adv. Sri.F.Vinod, the Special Public Prosecutor)</i>
Name of accused	A1	Eldose Kunnappillil, aged 48 years, S/o.K.U.Paulose, House No.16/30, Kunnappillil House, Ward No.16, Rayamangalam Village, Kunnathunadu Thaluk, Ernakulam District. <i>(by Adv. Sri.Suneesh D. and Abhishek Nair M.R.)</i>
	A2	Reneesha, aged 37 years, D/o. Ramla, Vadakkenethi Houyuse, Near Cheruvelikunnu Weight Bridge, Mudikkal, Marampalli Village, Kunnathunadu Thaluk, Ernakulam District. <i>(By Adv. Sri.Suneesh D)</i>
	A3	Sippi Noorudheen, aged 37 years, S/o.Noorudheen, T.C.7/1711(2) Siya Veedu, Sree Chithra Nagar, Pangodu Ward, Sasthamangalam Village, Thiruvananthapuram District. <i>(by Adv. Sri.Jijith S.L.)</i>
Charge against accused nos. 1 to 3		Offences punishable under sections 323, 366, 354, 506(i), 354B, 376(2)(n), and 307 r/w 34 of the Indian Penal Code
Plea of the accused	:	Not Guilty
Finding	:	Not guilty

Sentence or Order	:	The accused are acquitted under section 255 of the Bharatiya Nagarik Suraksha Sanhita, 2023.
Name of Police Station and Crime No.	:	Kovalam Police Station in Crime No.983/2022
Name and designation of Committing Magistrate and the No. of the case on his file.	:	Praleen R. The Judicial First Class Magistrate Court - VII, Neyyattinkara. C.P. No.37/2024
Date of trial and hearing		18.05.2026, 25.05.2026 and 26.05.2026.

This case having been finally heard on 26.05.2026 and this Court on the same day delivered the following:-

JUDGMENT

The 1st accused was put on trial for the offences punishable under sections 323, 366, 354, 506(i), 354B, 376(2)(n), and 307 r/w 34 of the Indian Penal Code and the accused Nos.2 and 3 were put on trial for the offence punishable under section 506(i) r/w sec.34 of the Indian Penal Code.

2. **The prosecution's case, in brief, is as follows:-** The 1st accused, a member of the Perumbavoor Legislative Assembly constituency, who had acquaintance with the victim for about five years, with intent to kidnap and rape the victim, more than one occasion by threatening and physically assaulting her and also to

outrage her modesty, continuously called and messaged the victim over phone and compelled her to come to the MLA Hostel at night. Accordingly, on 04.07.2022, the 1st accused reached Pettah Railway Station at about 5 p.m. in the car bearing registration No.KL-01-BS-5252 and from there he took the victim in the said car after making her believe that there was a meeting in an institution named Ayursoma Ayurvedic Royal Retreat, Adimalathura. Thereafter, he brought the victim in front of Room No.164 situated on the 1st floor of the said establishment, and when the victim was sitting on a chair there, the 1st accused forcibly took her inside the room and raped her. Thereafter one day after 01.09.2022, the 1st accused took the victim to a house in Thrikkakara North Village in Ernakulam District and raped the victim and on 05.09.2022, the 1st accused took the victim to a house in Rayamangalam Village in Ernakulam District and raped her. On 14.09.2022, at about 10.30 p.m., the 1st accused arrived in the car bearing Registration No.KL.01-BS-5252 at the house of the 42nd charge witness in Kadakampally Village and asked the victim to accompany him. When the victim refused, the 1st accused physically assaulted her and forcibly made her enter the car, and took her to the portico of the Kerala Government Guest House, Kovalam and there, he compelled the

victim to stay in a room, and when she refused, he again assaulted her at the portico area. When the victim reached the entrance portion leading to the road of the Guest House, the 1st accused again assaulted her and thereafter, he forcibly forcibly made the victim enter the car bearing Registration No.KL-01-BS-5252 and then brought her to the footpath portion situated on the eastern side of the north-south road leading from Kovalam Junction to Kovalam Beach and owing to the enmity and anger arising from the victim's refusal to take a room and stay at the guest house, the 1st accused pushed the victim towards the deep water-filled rocky pit situated directly below the eastern side of the said place, approximately 150 feet deep and thereby attempted to murder her. When the victim escaped from the 1st accused and ran towards the east-west road situated on the western side of the place of occurrence, the 1st accused continued to pursue her. Thereafter on 15.09.2022, the 1st accused reached the house at which the victim resided and disrobed her and raped her more than once. Thereafter, with the intention of preventing the victim from disclosing the aforesaid incidents, the 2nd accused, who was a friend of the 1st accused, repeatedly called the victim over phone and threatened her by stating that she would be implicated as a honey-trap operator and sent

to jail. Further, the 3rd accused, who was a friend of the 2nd accused, threatened the victim by falsely representing himself as a Jail Superintendent and stating that a complaint had been received from the 2nd accused, and warned the victim not to contact the 2nd accused and further threatening that she would be implicated in a honey-trap case. The accused thereby committed the offences punishable under sections 323, 366, 354, 506(i), 354B, 376(2)(n), and 307 r/w 34 of the Indian Penal Code.

3. On the basis of the written petition given by the victim on 28.09.2022, to the City Police Commissioner, Thiruvananthapuram, the Sub Inspector of Police, Kovalam Police Station, registered the case as Crime No.983/2022 for the offences punishable under sections 362, 323, 354 and 506(i) r/w sec.34 of the Indian Penal Code. The medical examination of the victim was conducted. Her statement under section 164 of the Cr.P.C., was recorded. The investigating officer inspected the places of occurrence and prepared scene mahazars and examined the witnesses. He arrested the 1st accused on 02.12.2022 and the 2nd accused on 03.11.2022 and produced them before the Judicial First Class Magistrate - VII, Neyyattinkara. The learned Magistrate enlarged the accused on bail. After the investigation, the Inspector of Police,

Kovalam Police Station, submitted the final report before the Judicial First Class Magistrate - VII, Neyyattinkara alleging commission of the offences punishable under sections 323, 366, 354, 506(i), 354B, 376(2) (n), and 307 r/w 34 of the Indian Penal Code. The learned Magistrate took cognizance for the aforesaid offences. The final report was taken on files as C.P. No.37/2024.

4. Summons was issued to the accused. They appeared before the Judicial First Class Magistrate Court - VII, Neyyattinkara. The learned Magistrate, after complying with the procedural requirements under section 207 of the Cr.P.C., committed the case to the Sessions Court, Thiruvananthapuram. The Sessions Court, Thiruvananthapuram, took the case on files as Sessions Case No.2362/2024. Thereafter, the case was made over to this court for disposal.

5. The accused appeared before this court. The learned Special Public Prosecutor in charge of the case, opened the case under section 249 of the Bharatiya Nagarik Suraksha Sanhita, 2023., by describing the charges brought against the accused and stating by what evidence they proposed to prove the guilt of the accused. The accused were represented by a counsel of their choice.

7. Upon consideration of the records of the case and the documents submitted therewith and after hearing the prosecution and the accused, this court considered that there were no ground to discharge the accused under section 250 of the Bharatiya Nagarik Suraksha Sanhita, 2023. After such consideration and hearing as aforesaid, this court found that there was ground for presuming that the accused have committed the offences. So, this court framed charges for the offences punishable under sections 323, 366, 354, 506(i), 354B, 376(2)(n), and 307 r/w 34 of the Indian Penal Code against the 1st accused and the charge for the offence punishable under section 506(i) r/w 34 of the Indian Penal Code against the accused Nos.2 and 3 and read and explained to the accused in Malayalam, to which they denied it and claimed to be tried. So, the case was posted for the evidence of the prosecution.

8. The evidence of the prosecution consists of the oral evidence of of PW1 to PW3 and the documentary evidence of Exts.P1 to P5 series. After closing the evidence of the prosecution, the accused were questioned under section 351 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and thereby provided an opportunity to the accused to explain personally the incriminating circumstances brought

out in evidence against them. They denied all the incriminating circumstances.

9. The learned Special Public Prosecutor and the learned counsel for the accused were heard under section 255 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

10. Heard both parties. Perused the records.

11. The points that arose for consideration are as follows:-

1. Whether the 1st accused, voluntarily caused hurt to the victim and thereby committed the offence punishable under section 323 of the Indian Penal Code?
2. Whether the 1st accused, abducted the victim with intent to subject her to sexual intercourse and thereby committed the offence punishable under section 366 of the Indian Penal Code?
3. Whether the 1st accused, outraged the modesty of the victim and thereby committed the offence punishable under section 354 of the Indian Penal Code?
4. Whether the accused, with common intention, criminally intimidated the victim and thereby committed the offence punishable under section 506(i) r/w sec.34 of the Indian Penal Code?
5. Whether the 1st accused, used criminal force to disrobe the victim and thereby committed the offence punishable under section 354B of the Indian Penal Code?
6. Whether the 1st accused, subjected the victim to rape on multiple occasions and thereby committed

the offence punishable under section 376(2)(n) of the Indian Penal Code?

7. Whether the 1st accused, attempted to murder the victim and thereby committed the offence punishable under section 307 of the Indian Penal Code?
8. What should be the proper punishment to be awarded to the accused if they are found guilty of any offence?

12. Point Nos.1 to 7:- Since the evidence is interconnected, these seven points are considered together for the convenience of discussion of evidence. The prosecution examined the victim before the court. She is PW1. She did not support the prosecution's case stating that the 1st accused had not raped her or subjected her to sexual harassment or the accused Nos.2 and 3 had not criminally intimidated her. A friend of the victim was examined before the court. He is PW2. He did not support the prosecution's case stating that he had not seen the transaction. The prosecution examined another witness. He is PW3. He also had not supported the prosecution's case stating that he does not know the transactions in the case. The other witnesses were given up. There is no evidence on record to show that the accused voluntarily caused hurt to the victim or used any criminal force against her or outraged her modesty or raped her or attempted to murder her

or any of the accused criminally intimidated her. Hence these points are found against the prosecution.

In the result, the 1st accused is found not guilty of the offences punishable under sections 323, 366, 354, 506(i), 354B, 376(2)(n) and 307 r/w 34 of the Indian Penal Code and the accused Nos.2 and 3 are found not guilty of the offence punishable under section 506(i) r/w sec.34 of the Indian Penal Code. So they are acquitted of the said offences under section 255 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Their bail bonds stand cancelled. They are set at liberty.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open Court on this day 26th May 2026)

Sd/-
Special Judge,
Fast Track Special Court-I, Neyyattinkara

A P P E N D I X

Prosecution Witnesses:-

PW1	XXX	25.05.2026	Victim
PW2	XXX	25.05.2026	Friend of the victim
PW3	Jishnu R.Nair	25.05.2026	Other witness

*For the purpose of keeping the anonymity, name of the victim, her friend and the name of the house in which the offence committed are not stated.

Defence Witness:- Nil

Court Witness:- Nil

Prosecution Exhibit:-

P1/PW1	28.09.2022	Complaint of the victim
P2/with consent	13.10.2022	Medical Report of the victim

P3/with consent	11.10.2022	FIR
P4/with consent	15.10.2022	Scene Mahazar - 1
	17.10.2022	Scene Mahazar - 2
	18.10.2022	Scene Mahazar - 3
	18.10.2022	Scene Mahazar - 4
	20.10.2022	Scene Mahazar - 5
	20.10.2022	Scene Mahazar - 6
P5/with consent	02.12.2022	Arrest Memo of A1
	03.11.2022	Arrest Memo of A2

Defence Exhibits: Nil

Material Objects : Nil

Sd/-

Special Judge

Fast Track Special Court-I, Neyyattinkara

// TRUE COPY//

Special Judge,

Fast Track Special Court-I, Neyyattinkara

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

1	Serial No.	:	S.C. No.2362/2024
2	Name of Police Station and Crime No. of the offence	:	Kovalam Police Station. Crime No.983/2022
3	<u>Description of the accused</u>		
	Name and Rank	A1 A2 A3	Eldose Kunnappillil. Reneesha. Sippi Noorudheen.
	Age	A1 A2 A3	48 years 37 years 37 years
	Father's name Mother's Name Father's Name	A1 A2 A3	K.U.Paulose Remla Noorudheen
	Occupation	A1 A2	Ex-MLA

		A3	
	Residence	A1	House No.16/30, Kunnappillil House, Ward No.16, Rayamangalam Village, Kunnathunadu Thaluk, Ernakulam District.
		A2	Vadakkennethil House, Near Cheruvelikunnu Weight Bridge, Mudikkal, Marampalli Village, Kunnathunadu Thaluk, Ernakulam District.
		A3	T.C.7/1711(2) Siya Veedu, Sree Chithra Nagar, Pangodu Ward, Sasthamangalam Village, Thiruvananthapuram District.
4	<u>Dates of</u>		
	Occurrence		in 2012
	Complaint		11.10.2022
	Apprehension	A1	02.12.2022
		A2	03.11.2022
	Released on Bail	A1	02.12.2022
		A2	03.11.2022
	Commitment		21.10.2024
	Commencement of trial		18.05.2026
	Commencement of evidence		25.05.2026
	Close of trial	:	26.05.2026
	Sentence or order	:	26.05.2026
	Period of detention undergone during investigation, inquiry or trial for the purpose of section 428 of the Cr.P.C.	:	N.A.
	Explanation of delay	:	No delay
	Service of copy of judgment or finding on accused	:	Ready to deliver copy on 26.05.2026

Special Judge,
Fast Track Special Court -1, Neyyattinkara.

**Judgment in
SC 2362/2024
Dated : 26.05.2026**