

IN THE FAST TRACK SPECIAL COURT(POCSO)  
THIRUVANANTHAPURAM.

Present :- Smt. REKHA R, SPECIAL JUDGE.

Wednesday, 23<sup>rd</sup> April, 2025 (3<sup>rd</sup> Vaisakha, 1947)

**SESSIONS CASE No.573/2021**

(Crime No.1886/2019 of Museum Police Station)

Complainant : State-represented by the Sub Inspector  
of Police, Museum Police Station  
Thiruvananthapuram.

(By Special Public Prosecutor,  
Sri.Vijay Mohan.R.S)

Accused : Jeen Jackson, aged 45/19, S/o.Selvanos  
Karmelil Veedu, Nedumkuzhi Desom  
Chovalloor Ward, Vilappil Village.

(By Adv.Sri.V.Sajan Prasad)

Charge : Under sections 8 read with 7, sections 10  
read with 9(c), 10 read with 9(k) and 10 read  
with 9(m) of Protection of Children from Sexual  
Offences Act and section 75 of J.J. Act.

Plea : Not guilty

Finding : Guilty

Sentence/

order : Accused is convicted under section 235(1) Criminal Procedure Code for the offences punishable under sections 8 read with 7, sections 10 read with 9(c), sections 10 read with 9(k) and sections 10 read with 9(m) of Protection of Children from Sexual Offences Act and section 75 of J.J. Act.

In view of section 71 of Indian Penal Code no separate punishment is to be imposed for the offences under sections 8 read with 7 of POCSO Act and section 75 of J.J. Act.

Accused is sentenced to undergo **rigorous imprisonment for a period of 6 years** and to pay fine of **Rs.10,000/-** (Rupees Ten thousand) and in default of payment of fine to undergo **rigorous imprisonment** for a further period of **2 months** for the offence punishable under sections 10 read with 9(c) of Protection of Children from Sexual Offences Act and sentenced to undergo **rigorous imprisonment for a period of 6 years** and to pay fine of **Rs.10,000/-** (Rupees Ten thousand) and in default of payment of fine to undergo **rigorous imprisonment** for a further period of **2 months** for the offence punishable under sections 10 read with 9(k) of Protection of Children from Sexual Offences Act and sentenced to undergo **rigorous imprisonment** for a period of **6 years** and to pay fine of **Rs.10,000/-** (Rupees ten thousand) and in default of payment of fine to undergo **rigorous imprisonment** for a further period of **2 months** for the offence punishable under sections 10 read with 9(m) of

Protection of Children from Sexual Offences Act. Substantive sentences shall run concurrently.

The fine amount if remitted by the accused or if realized from the accused shall be paid to PW1 as compensation under section 357(1) (b) of Criminal Procedure Code.

Accused has been in judicial custody for the period from **25/09/2019 till 02/11/2019**. Accused is entitled to get set off for **39** days against the substantive term of imprisonment.

#### Description of the accused

Sl. No.	Name of accused	Father's name	Religion/ Caste	Occupation	Age	Residence
1	Jeen Jackson	Selvanos	Christian	Matron	51	Nedumkuzhi

#### Date of

Occurrence	Complaint	Apprehension	Released on bail	Committal	Commencement of trial	Close of trial	Sentence /order
05/09/19	05/03/21	25/09/19	02/11/19	Nil	18/01/22	22/04/25	23/04/25

This case having been finally heard on 22/04/2025 in presence of the above counsel and the court on 23/04/2025 delivered the following :

### **JUDGMENT**

**Accused** faced trial for charges under sections 8 read with 7, sections 10 read with 9(c), 10 read with 9(m) and 10 read with 9(k) of Protection of Children from Sexual Offences Act (POCSO) and section 75 of J.J. Act.

**2.Prosecution** case in brief is as follows:-

On 05/09/2019 at about 9.00 am accused being a Government servant and matron of Government Deaf school caused child victim to touch his penis and caught hold of the penis of child victim at the hostel of that school. Child victim has hearing and speech disability. At the time of incident child victim was aged 11 years and was studying in 6<sup>th</sup> standard in that school. Accused had thus committed the above mentioned offences.

**3.Sub** Inspector of Police, Museum Police Station registered first information report number 1886/2019 on the basis of first information statement given by child victim and conducted investigation. Sub Inspector of Police (PW23), Museum police station completed investigation. Sub Inspector of Police (PW24), Museum police station verified the records and laid final report before the Additional District and Sessions Court (For the trial of cases relating to Atrocities and Sexual Violence against Women and Children (POCSO), Thiruvananthapuram against accused. Cognizance was taken for the offence punishable under sections 7 read with 8, 9(c), (d), f), (k)(m),(o), read with 10, 11(i)(ii) read with 12 of POCSO Act and section 75 of Juvenile Justice Act. Accused appeared. Accused was released on bail. Accused was served with the copy of the prosecution records. After appearance of accused, the learned Special Public Prosecutor opened the case of the prosecution. Accused and prosecution were heard under section 227

of Criminal Procedure Code. After finding that there is no scope for discharge under section 227 Criminal Procedure Code, charges under sections 10 read with 9, section 8 read with 7 of Protection of Children from Sexual Offences Act and section 75 of J.J.Act, 2015 were framed in English read over and explained to accused in Malayalam to which he pleaded not guilty. Thereafter the case was made over to this court for trial and disposal.

**4. To proves** its case, prosecution examined PW1 to PW25 and got marked Exts.P1 to P28 and MO1. CW9 to CW11, CW15, CW22, CW23 and CW25 were given up by the learned Special Public Prosecutor. Thereafter first head in original charge was modified to include the offence under sections 10 read with 9(c) and charges under sections 10 read with 9(k) and sections 10 read with 9(m) of POCSO Act were added. Modified charge under section 10 read with 9(c) in respect of the first head in the original charges and additional charges under sections 10 read with 9(m) and 10 read with 9(k) of POCSO Act were framed in English, read over and explained to accused in Malayalam to which he pleaded not guilty. Modification and additional charges were such that proceeding with trial would not affect the prosecution in the conduct of the case and prejudice the accused in his defence. Hence trial was proceeded with. Both sides were given opportunity to recall or examine any witnesses on the modified and added charges. On the request of accused PW4 and

PW12 were recalled and examined further. Prosecution evidence was closed.

**5.Accused** was questioned under section 313 of Criminal Procedure Code. The defence version as seen from the 313 statement of accused was that he did not commit the acts alleged in this case. PW2 and PW5 had personal enmity towards accused. They created this case with the help of PW3, PW6 and PW7 who were friends of PW2 and PW5. PW2 and PW3 came to the school in the year 2019. PW3 brought to this school PW14 also who was studying in the school in Kozhikode while PW3 was working there. PW14 used to file false case against accused as accused and two others lodged complaint to PW5 against him for subjecting other child to sexual assault. PW1 was subjected to torture by PW6 and PW7 to name accused instead of PW14. As per the order in CMP.457/2024 PW1 was recalled and examined in further. Thereafter accused was again questioned under section 313 Cr.PC. He submitted that he has been working in deaf school since 2007. Such children would parrot as taught to them.

**6. Both** sides were heard under section 232 Cr.PC. Accused was found not entitled to be acquitted under section 232 Cr.PC. Accused was called upon to enter on his defence and to produce witnesses. DW1 to DW3 were examined and Ext.D1 to D4 were marked on the side of accused.

**7.The** points which arise for consideration are :-

1. Did accused being a Government servant and matron of Government HSS for deaf school cause PW1 on 05/09/2019 at 9.00 am to touch his penis and catch hold of penis of PW1 at the hostel of that school when PW1 was studying in 6<sup>th</sup> standard in that school in 2019 and thereby commit the offence punishable under sections 10 read with 9(c) of POCSO Act?
2. Did accused cause PW1 on 05/09/2019 at 9.00 am to touch his penis and catch hold of penis of PW1 at the hostel of his school when PW1 was studying in 6<sup>th</sup> standard in that school in 2019 and thereby commit the offence punishable under sections 8 read with 7 of POCSO Act?
3. Did accused being a Government servant and matron of Government HSS for deaf school, cause PW1 on 05/09/2019 at 9.00 am to touch his penis and catch hold of penis of PW1 at the hostel of that school when PW1 was aged 11 years and studying in 6<sup>th</sup> standard in that school in 2019 and thereby commit the offence punishable under sections 10 read with 9(m) of POCSO Act?
4. Did accused being a Government servant and matron of Government HSS for deaf school, cause PW1 on 05/09/2019 at 9.00 am to touch his penis and catch hold of penis of PW1 at the hostel of that school when PW1 was studying in 6<sup>th</sup> standard in that school in 2019 and commit aggravated sexual assault on PW1 who is deaf and dumb taking advantage of his disability and thereby commit the offence punishable under sections 10 read with 9(k) of POCSO Act?
5. Did accused having the actual charge and control over PW1 in his capacity as the matron of the hostel abuse PW1 by committing sexual assault to him and thereby commit the offence punishable under section 75 of J.J. Act?

6. In the event of conviction, what is the proper sentence to be imposed on the accused?

**8. Point Nos.1 to 5 :** Since evidence to be discussed in points 1 to 5 are interconnected, these points are considered together. Prosecution allegation was that accused who was the matron of the hostel of Deaf school where PW1 was staying committed aggravated sexual assault to him.

**9. The main** foundational aspect to be considered is whether prosecution succeeded in proving that PW1 was a minor on the date of incident. As per the prosecution case, the incident occurred at 9.00 am on 05/09/2019 at the hostel in the Government VHSS for Deaf school. PW1 could not state the exact date and time of the incident. In the initial part of the chief examination PW1 stated that accused asked him to come to the upper floor when he had returned after playing football after the Christmas examination. Later PW1 stated in chief examination itself that the incident had occurred during Christmas exam after Onam examination. But PW1 stated in the last part of the chief examination that he could not remember the exact date of the incident. During cross examination PW1 answered to the question put by the learned defence counsel as to whether the incident had occurred prior to or after Onam examination that three children informed PW7 about the act done by accused to PW1 when they had returned after Onam examination. PW1 stated that the incident had occurred prior to the Christmas exam in 6<sup>th</sup> standard.

PW1 further stated that teachers informed his parents the incident after Christmas exam. During re-examination PW1 stated that the incident had happened while he was studying in 6<sup>th</sup> standard. During further re-examination after the recall of PW1, he maintained that he studied in 6<sup>th</sup> standard in the year 2019. As regards the time of incident also PW1 could not depose the exact time of incident. Deposition of PW1 was that the incident might have happened in the afternoon but it was not in the morning. On evaluating the deposition of PW1, it can be understood that PW1 could not depose the actual date of the incident and time of the incident. PW12 who alleged to have witnessed PW1 in the company of accused also could not state the exact date of the incident. What can be deduced from the deposition of PW1 is that the incident happened in the year 2019 while he was studying in 6<sup>th</sup> standard.

**10.** The learned defence counsel argued that since PW1 was not able to depose the actual date of incident and that deposition of PW1 was that the incident had occurred during Christmas examination, the entire prosecution case should be thrown overboard due to the failure of the prosecution to prove the actual date of incident. The learned Special Public Prosecutor argued that PW1 being a vulnerable witness and speech and hearing challenged should be given some leverage while appreciating his evidence. The important aspect to be considered is whether there is anything in the deposition of PW1 to conclude that the inability of PW1 to state

the actual date of incident is due to the falsity of the prosecution case. It could be understood from the deposition of PW8 and PW9 who are parents of PW1 that PW1 was studying in Government Deaf and Dumb school and teachers there informed them about the incident. Ext.P1 first information statement was recorded on 24/09/2019. It is evident from the deposition of PW8 and PW9 that on 24/09/2019 they got information from the school regarding the incident. So there is no possibility of the incident having occurred during Christmas examination in 2019 which would normally be conducted prior to or after Christmas in December. It is well evident from the deposition of PW1 and from the date of information received by parents of PW1 that testimony of PW1 that the incident had happened during Christmas examination is a mistake. On the basis of that mistake alone, the entire prosecution case cannot be rejected. Nothing has been forthcoming from the cross examination of PW1 to suggest that PW1 stated the period of incident falsely due to the false nature of the case. Deposition of PW1 clearly proved that the incident occurred in 2019 while he was studying in 6<sup>th</sup> standard. Accused had no case that he was not in the school prior to 24/09/2019. Deposition of DW2 made it clear that accused came to this school in the year immediately prior to 2018. In these circumstances, the mere fact that PW1 was not able to depose the actual date and time of the incident cannot be considered as a reason to reject the entire prosecution case in view of the speech and hearing disability of PW1

also. From the deposition of PW1, PW8, PW9 and from the date of lodging of Ext.P1, it can be understood that the incident happened prior to 24/09/2019 while PW1 was studying in 6<sup>th</sup> standard in 2019.

**11. The** learned defence counsel vehemently argued that the court cannot conclude a different date as varied from the court charge as the date of the incident and accused needs to answer only the date mentioned in the court charge. The further contention of the learned defence counsel was that the incident happened in 2019 while PW1 was studying in 6<sup>th</sup> standard and prior to 24/09/2019 was not put to accused during the questioning under section 313 Cr.PC. It is pertinent to note that as per the original court charge the date of incident was 05/09/2019. But in the modified and added charges dated 27/01/2024 the date of incident was stated as 05/09/2019 while the child victim was aged 11 years and studying in 6<sup>th</sup> standard. It is clear that the period of the incident ie. the child was studying in 6<sup>th</sup> standard in 2019 was also there in the modified and additional charges. Similarly on scrutinizing the questions put to PW1 during the questioning under section 313 Crpc it is crystal clear that depositions of PW1 that the incident had occurred while he was in 6<sup>th</sup> standard and he was in 6<sup>th</sup> standard in 2019 and that PW8 and PW9 came to learn about the incident on 24/09/2019 and that Ext.P1 was recorded on 24/09/2019 were explained to the accused. In these circumstances the contentions of the learned defence counsel that there was omission in the charge in respect of the period of incident

which can be found out by this court from the evidence adduced and such evidence were not put to accused during the questioning under section 313 Cr.PC are liable to be rejected. It can be concluded from the deposition of PW1, PW8 and PW9 and from Ext.P1 that the incident had occurred prior to 24/09/2019 while PW1 was studying in 6<sup>th</sup> standard in 2019 in Deaf and Dumb school.

**12.Prosecution** relied upon Ext.P3 verified copy of school admission register of PW1 and Ext.P14 extract of the birth register of PW1 to prove the date of birth of PW1. Ext.P3 was marked through PW4 who was the Headmistress in charge of Government Deaf and Dumb school. Deposition of PW4 would go to show that admission number of PW1 in Ext.P3 is 1767 and his date of birth is 01/11/2008. Ext.P14 was marked through PW18 who was the registrar of birth and death in Thiruvananthapuram Corporation. As per Exts.P3 and P14, date of birth of PW1 is 01/11/2008.

**13.The Hon'ble Supreme Court in P. Yuvaprakash v. State represented by Inspector of Police (2023 KHC 6709)** held that it is evident from the conjoint reading of the above provisions (section 34(1) of Protection of Children from Sexual Offences Act and section 94 of the Juvenile Justice Act 2015) that whenever the dispute with respect to the age of a person arises in the context of her or him being a victim under the Protection of Children from Sexual Offences Act, the courts have to take recourse to the steps indicated in section 94 of the Juvenile Justice Act. Exts.P3and P14 are authoritative

documents to prove the age of PW1 mentioned in section 94 of J.J. Act and in the decision in **P. Yuvaprakash's** case mentioned above. It can be concluded from Exts.P3 and P14 that date of birth of PW1 is 01/11/2008. So PW1 was aged 11 years prior to 24/09/2019 while he was studying in 6<sup>th</sup> standard in 2019. Prosecution succeeded in proving that PW1 was 11 years old at the time of incident.

**14.** There is no dispute in this case regarding the disability of PW1 and also the fact that accused was matron of the hostel in which PW1 was staying. Before moving to the contentious issues in this case, it is highly necessary to consider whether prosecution succeeded in proving that PW1 has speech and hearing disability and accused was the matron of the hostel in the Government Deaf and Dumb school where PW1 was studying.

**15.** It could be understood from the deposition of PW8 and PW9 that PW1 was studying in Government Deaf and Dumb school. PW3 to PW7, PW10 and DW2 are the teachers in Deaf and Dumb school, Thiruvananthapuram. It is evident from the deposition of PW3 to PW7, PW10 and DW2 that PW1 is a student in Government Deaf and Dumb school. Ext.P16 copy of disability certificate of PW1 was marked through PW8 after comparing the same with its original. PW25 was the Chairman of the Medical Board constituted for examining the disability of PW1. Deposition of PW25 revealed that PW1 has congenital bilateral sensory neural hearing loss and has permanent disability of 88 percentage and his disability is severe. As

per the deposition of PW25, PW1 is deaf and dumb. PW25 identified his signature in Ext.P16 disability certificate. On evaluating the deposition of PW25 and Ext.P16, it can be concluded that PW1 is deaf and dumb and has severe disability of 88 percentage.

**16.PW1** identified accused as the warden of the hostel where he was staying. PW14 stated that accused was actually managing the hostel and supervising whether food was consumed. Deposition of PW3, PW4, PW6, PW5, PW7 PW10 and DW2 clearly proved that accused was the matron of the hostel of Government Deaf and Dumb school. PW12 and DW1 are the other matrons working with accused in that hostel. Deposition of PW12 and DW1 also proved that accused was the matron of the hostel of Government Deaf and Dumb school. So it can be concluded from the deposition of PW1, PW3 to PW7, PW10, PW12, PW14, DW1 and DW2 that accused was also the matron of the hostel at the time of incident in the school where PW1 was studying in 6<sup>th</sup> standard in 2019.

**17. Now I** shall address the contentious issues in this case. It is highly necessary to consider whether prosecution succeeded in proving that accused committed sexual assault to PW1 at the hostel. PW1 was examined after conducting voir dire test and with the help of interpreter and in due compliance of section 119 of Indian Evidence Act. PW1 specifically stated that accused told him to come to the upstairs when he had come after playing football and did sex

with him forcefully. Although PW1 deposed that accused did sex with him forcefully, he explained what was actually done by accused to him. It is evident from the subsequent deposition of PW1 that accused actually made him to touch his penis. Thereafter PW1 specifically stated that accused did not commit any other act on him. During further re-examination also PW1 reiterated that he was made to touch penis. PW1 was subjected to thorough cross examination. Nothing was brought about in the cross examination of PW1 to shake his testimony that accused made him to touch his penis. An attempt was made by the defence side to prove before the court through the examination of DW2 that PW1 was made to depose before the court under threat. DW2 who is teacher of PW1 in 9<sup>th</sup> standard deposed that PW1 was absent on some days in the 9<sup>th</sup> standard and he was found explaining in signs to his friends when he was present after his absence on above days and DW2 noticed the same and found that PW1 was telling his friends that he went to court and everybody was telling lies there and he was made to depose before the court against his will by two teachers and one interpreter and his eyes were filled up with tears when DW2 was asked to him about this. As per the deposition of DW2, he realised that PW1 was compelled to do something. The above deposition of DW2 was largely relied upon by the defence side to contend that PW1 was made to lie before the court. It is important to note that after the examination of DW2, PW1 was recalled by the prosecution as per the order in CMP.457/2024.

During the second round of examination also PW1 was examined after conducting voire dire examination and with the help of an interpreter and in due compliance of section 119 of Indian Evidence Act. During the second round of examination, another interpreter was appointed as both sides have no objection as per the order dated 05/08/2024. During the second round of examination PW1 categorically stated that he did not state DW2 and his friends that he was made to depose before the court under threat and what was stated by him about accused was absolutely true. At that time also PW1 reiterated that he was made to touch penis. On analysing the deposition of PW1 in the first and second round of examination, this court could not find anything to conclude that PW1 deposed before the court under compulsion. On evaluating the entire deposition of PW1 in the light of the testimony of DW2, it can only be concluded that PW1 was not compelled to depose before the court under threat and PW1 deposed before the court truthfully what was committed by accused on him.

**18.**The learned defence counsel attacked the deposition of PW1 on the ground that Ext.P1 first information statement was made by teachers in the school after beating PW1 to give statement against accused. The learned defence counsel made an attempt to cull out some part of the deposition of PW1 during cross examination to canvass such a contention. PW1 answered in response to the question by the learned defence counsel that teachers actually taught

him what was to be stated to the police that police was writing and he stood there without speaking at that time and explained in sign language to the questions of police. PW1 further stated that PW6 and PW7 asked him about what had happened and teacher explained everything to the police. In the later part of cross examination PW1 stated that he explained to teacher in sign language and teacher explained it to police. PW1 stated that on the date of giving the statement PW6 hit him for standing dumb after explaining everything. Later PW1 stated that PW6, PW7 and Headmistress asked him and he cried. According to PW1, PW6 took him to Headmistress and PW7 while he was hanging out watching football and Headmistress asked him in anger and he got frightened. The above stated depositions of PW1 in cross examination was relied upon by the defence to contend that teachers actually explained to the police due to enmity towards accused. On evaluating the entire deposition of PW1 in cross examination it can only be concluded that he explained to the teachers what was done by accused to him in sign language and teacher explained that to the police. There was nothing in the deposition of PW1 to conclude that he was beaten up by the teachers to give false statement against accused. Moreover nothing has been forthcoming from the deposition of PW6 to conclude that PW1 was subjected to ill-treatment prior to giving statement to police. No evidence was adduced by defence side to prove that PW1 was subjected to physical torture by PW6 prior to the

lodging of Ext.P1. In these circumstances it cannot be concluded from the deposition of PW1 that he was subjected to ill-treatment for giving statement to the police. Deposition of a witness should be analysed in toto to understand what was actually stated by witness. It is not a acceptable practice to cull out some part of the deposition and to place them in isolation to convey a different meaning. Hence it cannot be concluded from some part of the deposition of PW1 in cross examination by disregarding what was stated by PW1 when analysing his deposition in toto that PW1 was made to give a statement falsely by teachers. On evaluating the entire depositions of PW1 it cannot be concluded that PW1 was made to give a false statement due to the intervention of the teachers and teachers explained on their own accord to the police as contended by the defence side.

**19.The major** defence of the accused was that he was falsely implicated in this case due to the enmity of PW5 towards him. It is necessary to recapitulate the sequence of incidents leading to the disclosure of the incident in this case to address the above defence of the accused. The sequence of the incidents as revealed from the deposition of PW5, PW6, PW7, PW10 are as follows: On 24/09/2019 PW6 who was a teacher in UP section of Government Deaf and Dumb school attended a call which had come to the phone of staff secretary at staff room while the staff secretary had gone to wash the utensil after having food. At that time PW6 was at the staff room after

making arrangements for the staff meeting on that day along with staff secretary. The caller was actually another teacher from Higher Secondary and the message passed was that PW1 was subjected to assault by accused. PW6 informed the same to PW7, PW10 and staff secretary. Thereafter PW6 and PW7 asked PW1 as per the instruction of PW10 who was class teacher of PW1 at the class room of 5<sup>th</sup> class. As per the deposition of PW7 on 24/09/2019 some senior students came to her class and informed that accused was calling PW1. PW7 sought the permission of class teacher and class teacher directed that PW1 should be send only when accused would come. Thereafter accused came with that request and PW7 allowed PW1 to go with accused and PW1 returned after 10 minutes and at that time PW1 was sad. On enquiry PW1 told PW7 that accused actually took him to spread bed sheet. PW7 came to the staff room after the class and at that time class teacher of PW1 informed the incident. According to PW7 also, PW6 and she asked PW1 about the incident and PW1 disclosed the incident. PW10 who is the class teacher of PW1 also deposed in tune with the deposition of PW7. PW10 informed PW5 who is the Headmistress of the school. As per the deposition of PW5 also she came to know the incident from PW10 and reported it to the police as per Ext.P4. Thereafter police came to the school and recorded Ext.P1 first information statement of PW1.

**20. It is highly** necessary to consider whether any evidence has been forthcoming to conclude that this case was foisted at the instance of PW5 due to enmity with accused. Accused relied upon the deposition of PW12, PW4, DW1 and DW2 to prove that there was previous enmity between accused and PW5. It is evident from the deposition of PW5 that accused and DW1 who were matrons took leave simultaneously and it that affected the smooth functioning of the hostel and she objected to such practice of accused and DW1 and accordingly accused and DW2 lodged complaints against her. PW5 further admitted that accused and DW1 lodged complaints against her before State Human Rights Commission. PW5 maintained that she has no personal enmity towards accused and she only directed to perform the official duty. PW5 denied any intervention of accused into her matrimonial dispute with her first husband and personal enmity towards accused in this regard.

**21.PW4** deposed that accused had some issues with PW5. Moreover as per the deposition of PW4, accused is native of first husband of PW5 and there was some issues between accused and PW5 in connection with her first marriage. It is pertinent to note that PW4 did not depose specifically what was the issue between accused and PW5. Moreover it is evident from the deposition of PW4 that there was some seniority issues between her and PW5 and she got suspension also from the school in connection with the presence of some germs in the food. According to PW4, a secret

gang was present in the school and one more person was implicated in a POCSO case and he was acquitted. Deposition of PW4 revealed that she was suspended from the school once and had some seniority issues with PW5. On scrutinizing the deposition of PW4, it could be understood that PW4 did not depose the actual issue between accused and PW5. Deposition of PW4 did not reveal that she had direct knowledge regarding the actual issue between accused and PW5. Moreover PW4 had some seniority issues with PW5. In these circumstances it is not safe to conclude from the deposition of PW4 that PW5 had previous enmity with accused.

**22.PW12** who was another matron in the very same hostel also deposed that accused lodged complaint against PW5 before DPI and Human Rights Commission. According to PW12, PW5 issued a circular that accused should sleep with PW1. PW12 came across that order when accused had shown that order to him. It is interesting to note that no such order was produced by the defence side in this case. So deposition of PW12 cannot be accepted to conclude that any such order was issued by PW5.

**23.It could be** understood from the deposition of DW1 that she lodged complaint before Human Rights Commission against PW5 and obtained Ext.D2 order. According to DW1 Ext.D4 is the copy of the complaint lodged by accused and her before Education Department against PW5. On scrutinizing Ext.D2 it could be seen that there was some violation of the circulars on the part PW5 in the

school and direction was issued to PW5 to assign duties of matron, cook and sweeper on turns without any complaints. Ext.D4 shows that accused and DW1 lodged complaint before Director of Public Education against PW5 about overtime duty.

**24.DW2 also** mentioned about some enmity between accused and PW5. Deposition of DW2 also did not give an impression that he had any direct knowledge that issue. Hence deposition of DW2 cannot be acted upon to conclude that accused had previous enmity with PW5.

**25.On** scrutinizing the deposition of PW5 and DW1 it can be ascertained that there was some issue between accused and PW5 in connection with assignment of duties. PW5 maintained that the issue between accused and her was with respect to official matters and there was no personal animosity between them. No convincing evidence was adduced by accused to prove that PW5 had personal enmity towards him in connection with his intervention into the matrimonial dispute in the first marriage of PW1. It has come out in evidence that accused lodged complaint against PW5 in connection with some official matters. Nothing has been forthcoming from the cross examination of PW1 to conclude that he deposed against accused due to the intervention of PW5. In these circumstances the issue between PW5 and accused in connection with assignment of official duties in the hostel cannot be considered as the sole reason for creating this case. PW5 is duty bound to

report the matter to the police in her capacity as the Headmistress of the school. That was done by her as per Ext.P4 report. PW5 cannot abstain from that duty to report the matter to the police for the simple reason that she had some issues with accused. Since there was nothing in the deposition of PW1 to discredit his version, the mere fact that PW5 had some issues with accused in connection with official duties and reported the matter to the police as per Ext.P4 is no ground to reject the prosecution case.

**26. PW2** was the teacher in the Higher Secondary Section of Deaf and Dumb school who interpreted the statement of PW1 in sign language while recording Ext.P1. The contention of the learned defence counsel was that PW5 had upper hand over PW2 and PW2 was chosen by PW5 as the interpreter to create this false case eventhough some senior teachers were available in the school as the interpreter. Defence side further alleged that PW2 was interested in acting against accused as she had some personal enmity towards accused in connection with an issue involving PTA president of the school. It is necessary to analyze whether the first the contention of the accused that PW2 had enmity towards him is believable. PW2 admitted that there was a talk in the school due to her free interaction with PTA president and PTA president resigned. That incident happened in June - July 2022 as per her version. PW2 maintained that she acted as interpreter as part of her official duty. PW4 also deposed about the resignation of PTA president in

connection with some issues involving PW2. As per the version of PW12 that there was an allegation in the school that accused spread the issue between PW12 and PTA president. Deposition of PW12 proved that he had no direct knowledge regarding involvement of accused in the issue between PW2 and PTA president. Hence on the deposition of PW12 that there was an allegation against accused pertaining to that issue cannot be interpreted to assume that PW2 was in inimical terms with accused. No convincing evidence was adduced by accused to prove that PW2 had enmity towards accused. Hence it can only be concluded that the defence raised by accused that PW2 interpreted what was dictated by PW5 due to enmity with accused actually fell to the ground.

**27.The next** aspect to be considered is whether there existed any malafide intention on the part of PW5 in selecting PW2 as the interpreter of PW1. As per the deposition of PW5, Eda Derry was senior most teacher in the school at that time. Deposition of DW2 and DW3 show that there were other senior teachers including male teachers in the school. Deposition of PW2 clearly proved that she was the junior most teacher in Higher Secondary section at that time. Defence side contended that PW5 selected PW2 who was the junior most teacher with ulterior motive. Deposition of PW5 throws some light on why she was selected as interpreter. It is evident from the deposition of PW2 that she was residing near the hostel and that was the reason for calling her as the interpreter. According to PW2,

PW5 and one PT teacher were residing at the quarters and PT teacher was not specially trained in hearing impairment. Deposition of PW2 revealed that on 24/09/2019 PW5 called her to come to the school in the evening after school hours and PW5, PW10, one teacher by name Chithralekha and parents of PW1 were present in the school at that time and she interpreted the statement of PW1 to the police. It is evident from the deposition of PW10 that on 24-9-2019 he left the school at 3.30 pm and took her daughter to the hospital and at that time PW5 informed that police had come and he dropped daughter at the house and came to school office and returned to his house in between 6.00 to 6.30 pm. PW10 was not available in the school at the time of recording first information statement. Deposition of PW5 also proved that police came to the school to record the statement of PW1 after the school hours. Ext.P1 was seen recorded at 8.15 pm on 24/09/2019. On a combined analysis of the deposition of PW2 and PW5 it can only be assumed that PW2 was appointed as the interpreter as she was residing near to the hostel and was the person available at that time to act as interpreter. PW10 who was the class teacher of PW1 was also not available at the time of recording Ext.P1. No evidence has been forthcoming to conclude that senior teachers were available at the school at 8.15 pm to act as the interpreter of PW1. In these circumstances it can only be concluded that PW2 was called as the interpreter as she was the accessible person available at that time to

act as the interpreter. No ulterior motive can be found from the evidence adduced regarding the selection of PW2 as the interpreter of PW1.

**28.** Prosecution case was attacked by the defence counsel for the reasons of selection of interpreter and the absence of video recording of taking of Ext.P1 statement also. It was already found that no malice can be found by this court regarding the selection of PW2 as the interpreter. The counsel for accused vehemently argued that an independent interpreter should be appointed at the instance of the police to record Ext.P1 first information statement. It is pertinent to note that Ext.P1 first information statement was recorded during night. As already stated nothing could be found by this court to doubt the deposition of PW1 in respect of the offending act of accused. Even for sake of arguments the failure to appoint an independent interpreter is accepted as a valid ground, non-appointment of independent interpreter can only be considered as the defect of the investigator. The said defect of the investigating officer is no ground to throw the testimony of PW1. As already stated no malice could be found in the selection of PW2 as the interpreter. Hence absence of impartial interpreter cannot be considered as having a detrimental effect on the testimony of PW1.

**29. Section 26(3)** of POCSO Act permits the Magistrate and police to seek the assistance of a special educator or any person familiar with the manner of communication with the child or an expert

in that field in the case of recording the statement of child having mental or physical disability. As per section 26(4) of POCSO Act, wherever possible Magistrate or police shall ensure that statement of child is recorded by audio video electronic means. The language of section 26(4) made it clear that it is not a mandatory provision. The offences alleged in this case did not attract the application of the second proviso of section 154(1) of Criminal Procedure Code. PW24 who filed final report deposed that he investigated upon the omission to video record the statement of child and found that photographer was not available at the time of recording the statement of child during night. Since Ext.P1 was recorded during night and section 26(4) of POCSO Act cannot be considered as a mandatory provision, omission to videograph the recording of Ext.P1 statement cannot be considered as a major flaw affecting the credibility of the prosecution case.

**30.Deposition** of PW4, PW12, DW1 and DW2 were relied upon by the defence to contend that there was no occasion for accused to enter the hostel of PW1 and the incident was not revealed during the routine counselling in the school. The above two circumstances were canvassed by the defence side to project the falsity of the prosecution case. As per the deposition of PW4 there were three matrons in the hostel including accused in 2019 and during exam time children would come to school in between 8.30 - 9.00 am after having food at 8.00 am and child would not be allowed

to play in the morning during exam time. According to PW4 there was counselling of boys in the school and no complaint was raised in that counselling. According to PW12 in 2019 accused was assigned with mess duty and he would return to hostel during night only and during Onam exam time in 2019 children would come to hostel at about 8.00 am after having food in the mess and would proceed to the school at about 8.30 am under his supervision. PW12 stated that accused did not come to the hostel in the morning during Onam exam time in 2019. During cross examination PW12 stated that accused had to come to hostel in the morning to collect the materials from the store for preparing food. Hence deposition of PW12 cannot be acted upon to conclude that accused did not come to the hostel in the morning in 2019. DW1 stated that accused did not commit any wrong. DW1 was in charge of girls hostel at that time. According to DW1 if something happened it would reach her. Similarly DW2 also deposed that there was counselling after the Onam exam and assault of senior students was only revealed in that counselling. According to DW2, accused supplied water during the teachers meeting which was held for about 10 minutes after 9.00 am on September 5, 2019. On scrutinizing the deposition of PW4, PW12, DW1 and DW2 it is evident that they adduced evidence regarding the timing of arrival of children to school in the morning and that nothing was revealed in the counselling after Onam exam. Deposition of PW4, PW12, DW1 and DW2 were not in such a way to rule out the commission of an act by

accused as evident from the deposition of PW1. PW4, PW12, DW1 and DW2 adduced evidence regarding some possibilities. Deposition of PW4, PW12, DW1 and DW2 did not rule out the presence of accused in the hostel. In these circumstances the deposition of PW4, PW12, DW1 and DW2 and the conduct of counselling after Onam exam cannot be relied upon to conclude that there was no possibility of the occurrence of an incident stated by PW1.

**31.PW14** was cited by the prosecution as an eye witness in this case. PW14 is also a Deaf and Dumb child. PW4 studied in the school of PW1 in 2019 and completed Plus 2 in that school. As per the deposition of PW14, accused was found going upstairs with PW1 about 5 years ago while he was studying in Plus 1. At that time he also went to the upstairs and found that PW1 and accused were standing in the upstairs and PW1 was found sliding away from accused. Later he asked PW1 about why he did so and at that time PW1 told him that accused had sex with him. During cross examination PW14 stated that accused hugged PW1 and PW1 writhed and slipped away. PW14 further stated that he informed the same to other friends there and informed teachers on the next day. There was nothing in the deposition of PW14 regarding date of the incident. Moreover PW14 could not recollect the time of incident. It is highly necessary to consider whether deposition of PW14 can be accepted as corroborating the evidence of PW1. As per the deposition of PW1, accused made him to touch his penis and did not

commit any other act. But according to PW14 accused hugged PW1 and he found PW1 sliding away from accused. PW14 could not state the actual time and period of the incident. Since PW1 had no case that accused hugged him in connection with the incident stated by him, a doubt arose as to whether PW14 actually witnessed the incident in this case. Moreover as per the deposition of PW14, PW1 was found in the company of accused in the upstairs of the hostel. But PW14 could not depose the period and the time during which he happened to see accused and PW1 there. Since the deposition of PW14 is not clear as to the actual period and time during which he witnessed PW1 in the company of accused, deposition of PW14 cannot be interpreted to assume that PW14 saw PW1 in the company of accused in the course of the incident stated by PW1. Since PW14 deposed about some other acts committed by accused which was not actually committed as per the deposition of PW1 and did not depose about the period and the time of the incident stated by him, deposition of PW14 cannot be considered as corroborating the testimony of PW1.

**32.The** learned defence counsel argued that PW14 assaulted children there and accused took up that matter with PW5 and due to that enmity also he was implicated in this case. PW12 deposed that PW14 assaulted small children there and accused, another matron and he lodged complaint to PW5 and Principle of Higher Secondary. DW1 identified Ext.D3 as the complaint made to PW5 by accused,

PW12 and her. Ext.D3 was actually a complaint to PW5 lodged by accused, PW12 and one Sudarsan regarding some students. It is interesting to note that DW1 was not a party in Ext.D3. But she deposed that she was also a complainant in Ext.D3. DW1 did not explain how she got custody of Ext.D3 especially when she is not a party to it. Interestingly there is no mention about PW14 in Ext.D3. Since DW1 is not a party and proper custody of Ext.D3 by DW1 was not explained, Ext.D3 cannot be accepted as the secondary evidence of the actual complaint lodged by accused, PW12 and other matron as stated by PW12. Since the actual complaint lodged by PW12, accused and another matron against PW14 was not produced, deposition of PW12 cannot be acted upon to conclude that there was some complaint against PW14 on the part of accused. DW2 stated that there was some complaint about the assault of senior students towards the juniors in the counselling held at school. There was nothing in the deposition of DW2 to conclude that PW14 was also involved in that assault incident. There is no convincing evidence to prove that accused informed authorities the assault of PW14 to children there. In this backdrop the contention of the accused that he was falsely implicated in this case as he informed PW5 about the assault of PW14 cannot be believed.

**33.The learned** defence counsel contended that failure of PW22 to register first information report is fatal to the prosecution case. Ext.P4 was the report submitted by PW5 to the police

regarding the incident. It is evident from the deposition of PW5 and PW22 that Ext.P4 was received by PW22 prior to Ext.P1. The explanation offered by PW22 was that the information in Ext.P4 was not complete. So he proceeded to record the statement of PW1 with the help of a woman Sub Inspector and registered first information report on that basis. It was stated in Ext.P4 that information was received from PW1 and other senior student that PW1 was subjected to sexual assault by accused. It is true that nature of the sexual assault was not mentioned in it. Since a cognizable offence of sexual assault to a minor was revealed from Ext.P4, PW22 ought to have registered FIR on that basis. It is a defect on the part of PW22. It is important to note that there is no suppression of the first information received in this case as per Ext.P4. The information received as per Ext.P4 was also with respect to sexual assault accused to PW1. There was nothing in the deposition of PW1 before the court to discredit his testimony. For the above reasons the omission of PW22 to register first information report on the basis of Ext.P4 cannot be considered as a ground to reject the testimony of PW1.

**34.**On evaluating the entire evidence adduced by prosecution particularly the deposition of PW1 in the light of the various grounds of defence raised by accused, it can be concluded that PW1 unerringly deposed the actual offending act of the accused. Defence was not able to shake that part of the deposition of PW1 even though he was subjected to thorough cross examination. PW1 was very

consistent in deposing that accused made him to touch his penis. PW1 is found to be reliable and trustworthy. Hence it can be concluded from the deposition of PW1 that accused made PW1 to touch his penis.

**35.**The next aspect is to be considered is whether the act of the accused can be considered as having done with sexual intent. It is evident from the decisions in **Justin @ Renjith and Another v. Union of India and Others reported in 2020 (6) KHC 546** and **David v. State of Kerala reported in 2020(4) KHC 717**, that if the foundational facts that victim is a child, that the alleged incident had taken place and that accused has committed the offence are proved by the prosecution, the presumption under section 30 of the Protection of Children from Sexual Offences Act, 2012 will come into play and the court can presume culpable mental state of the accused in doing the said act. Prosecution succeeded in proving the foundational facts in this case. Hence it can be presumed from the nature of the acts committed by accused and with the aid of Section 30 of POCSO Act that accused made PW1 to touch his penis with sexual intent. The plea of false implication raised by the accused was found to be false. Hence it can be concluded that accused committed sexual assault to PW1 .

**36.**Prosecution succeeded in proving that PW1 was aged 11 years at the time of incident and PW1 suffers from disability and accused was the matron of the hostel of Government Deaf and

Dumb school where PW1 was studying at the time of incident. Prosecution succeeded in proving that accused was a public servant and having the actual charge and control of PW1 in his capacity as the matron of his hostel committed aggravated sexual assault to PW1 taking advantage of his disability. The act of the accused proved by the prosecution would attract the offences punishable under sections 8 read with 7, sections 10 read with 9(c), sections 10 read with 9(k) and sections 10 read with 9(m) of POCSO Act and section 75 of J.J. Act. Hence accused can be held liable for committing the offences punishable under sections 8 read with 7, sections 10 read with 9(c), sections 10 read with 9(k) and sections 10 read with 9(m) of POCSO Act and section 75 of J.J. Act. Points 1 to 5 found in favour of the prosecution.

**37. Point No.6.** In view of the finding on points 1 to 5 accused is found guilty of the offences punishable under sections 8 read with 7, sections 10 read with 9(c), sections 10 read with 9(k) and sections 10 read with 9(m) of Protection of Children from Sexual Offences Act and section 75 of J.J. Act. Hence accused is convicted under section 235(1) Criminal Procedure Code for the offences punishable under sections 8 read with 7, sections 10 read with 9(c), sections 10 read with 9(k) and sections 10 read with 9(m) of Protection of Children from Sexual Offences Act and section 75 of J.J. Act.

**38.Considering** the gravity of the offences committed by accused on PW1 who was only 11 years old and speech and hearing challenged, this court is satisfied that it is not expedient in the interest of justice to invoke the benevolent provision of Probation of Offenders Act.

**39.Accused** will be heard on the question of sentence.

Dictated to the Confidential Assistant transcribed and typed by her, corrected by me and pronounced in the Open Court **on the 23<sup>rd</sup> day of April, 2025.**

REKHA.R  
SPECIAL JUDGE.

**40.Accused** was heard on the question of sentence under section 235(2) of Cr.PC. Accused submitted that he did not commit the offences alleged. Accused submitted that he is aged 51 years and under suspension. Wife of accused is a teacher. Accused has two children. They are studying. Prosecution argued for maximum sentence. Plea of innocence raised by the accused is not a relevant consideration at this stage. The sentence should deter the criminal from achieving the avowed object to break the law and the endeavour should be to impose an appropriate sentence. It is the duty of the

court to see that appropriate sentence is imposed regard being had to the commission of the crime and its impact on the social order and that sentencing includes adequate punishment.

**41.Considering** the gravity of the offence committed on PW1 by accused who was the matron of the hostel where PW1 was staying and the age and disability of PW1, submissions of the accused cannot be considered as mitigating factors while imposing sentence. In view of the repulsive and serious nature of the offence committed by accused on PW1 who was not able to speak and hear, this court is of the opinion that adequate punishment should be imposed on accused to sub-serve justice and to deter the potential offenders and to prevent recurrence of similar offences.

**42.In view** of section 71 of Indian Penal Code no separate punishment is to be imposed for the offences under sections 8 read with 7 of POCSO Act and section 75 of J.J. Act.

**43. In the result,**

Accused is sentenced to undergo **rigorous imprisonment for a period of 6 years** and to pay fine of **Rs.10,000/-** (Rupees Ten Thousand) and in default of payment of fine to undergo **rigorous imprisonment** for a further period of **2 months** for the offence punishable under sections 10 read with 9(c) of Protection of Children from Sexual Offences Act and sentenced to undergo **rigorous imprisonment for a period of 6 years** and to pay fine of **Rs.10,000/-**

(Rupees Ten Thousand) and in default of payment of fine to undergo **rigorous imprisonment** for a further period of **2 months** for the offence punishable under sections 10 read with 9(k) of Protection of Children from Sexual Offences Act and sentenced to undergo **rigorous imprisonment for a period of 6 years** and to pay fine of **Rs.10,000/-** (Rupees Ten Thousand) and in default of payment of fine to undergo **rigorous imprisonment** for a further period of **2 months** for the offence punishable under sections 10 read with 9(m) of Protection of Children from Sexual Offences Act. Substantive sentences shall run concurrently.

**44.The fine** amount if remitted by the accused or if realized from the accused shall be paid to PW1 as compensation under section 357(1) (b) of Criminal Procedure Code.

**45.Accused** has been in judicial custody for the period from **25/09/2019 till 02/11/2019**. Accused is entitled to get set off for **39 days** against the substantive term of imprisonment.

**46.Invoking** the power under section 357- A of the Code of Criminal Procedure Code, 1973 and section 33(8) of Protection of Children from sexual Offences Act, this court hereby makes recommendation to the District Legal Services Authority, Thiruvananthapuram for adequate compensation to PW1.

**47. MO1** being an old cloth and valueless is ordered to be destroyed after the appeal period or after the disposal of the appeal, if appeal is filed.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in the Open Court on this the **23<sup>rd</sup> day of April, 2025.**

REKHA.R  
SPECIAL JUDGE.

### Appendix

#### Prosecution witnesses

PW1. 12/01/2023	Victim
PW2. 12/01/2023	Teacher in Deaf and Dumb School.
PW3. 13/02/2023	Teacher, Govt. HSS for Deaf & Dumb School.
PW4. 28/02/2023	HM in-charge of Govt, Deaf and Dumb School.
PW5. 28/02/2023	Headmistress of Govt. VHSS for Deaf and Dumb School.
PW6. 16/03/2023	Teacher, Govt. Deaf and Dumb School.
PW7. 16/03/2023	Teacher, Govt. Deaf and Dumb School.
PW8. 03/04/2023	Father of victim
PW9. 03/04/2023	Mother of victim
PW10. 17/04/2023	Class Teacher of PW1, Govt. VHSS for the Deaf and Dumb School.

PW11. 17/04/2023	Principal, VHSS for Deaf and Dumb school.
PW12. 17/04/2023	Matron, Deaf and Dumb School.
PW13. 27/04/2023	Dr.Joan Pious, Medical witness
PW14. 11/05/2023	Student of Deaf and Dumb School.
PW15. 22/05/2023	Vinod Kumar.S, Village Officer, Thycaud.
PW16. 22/06/2023	Dr.Rekha Thampi, Medical witness
PW17. 22/06/2023	Lakshmi.S, Revenue Officer Thiruvananthapuram Corporation.
PW18. 22/06/2023	Dr.A. Sasikumar, Registrar of Birth, Death & Marriage, Thiruvananthapuram Corporation.
PW19. 24/06/2023	Shaji.G, Police witness
PW20. 24/06/2023	Kala Kairaly.S.R, Police witness
PW21. 15/07/2023	Maneesha.K.Bhadran, Judicial Officer
PW22. 27/07/2023	Harilal.P, Police witness
PW23. 27/07/2023	Syamraj.J.Nair, Police witness
PW24. 13/09/2023	Jinukumar, Police witness
PW25. 26/10/2023	K.Mohan Das, Superintendent, Medical College Hospital Thiruvananthapuram/ Chairman of the Medical Board, Medical College Hospital, Thiruvananthapuram.

**Prosecution Exhibits :-**

P1.24/09/2019	First Information Statement proved by PW1 on 12/01/2023.
P2. 25/09/2019	164 statement of victim proved by PW1 on 12/01/2023.
P3. Nil	Copy of admission register of PW1 proved by PW4 on 28/02/2023.
P4. 24/09/2019	Complaint proved by PW5 on 28/02/2023.
P5. 04/11/2019	Duty Certificate of accused proved by PW5 on 28/02/2023.
P6. 20/01/2020	Copy of attendance register of September, 2019 proved by PW6 on 17/04/2023.

P7. 20/01/2020	Copy of attendance register September, 2019 proved by PW7 on 17/04/2023.
P8. 25/09/2019	Scene mahazer proved by PW12 on 17/04/2023.
P9. 25/09/2019	Recovery mahazer (dress of accused) proved by PW12 on 17/04/2023.
P10.25/09/2019	Medical examination report of PW1 proved by PW13 on 27/04/2023.
P11. 07/11/2019	164 statement of PW14 proved on 11/05/2023.
P12. 23/12/2019	Scene plan proved by PW15 on 22/05/2023.
P13. 25/09/2019	Potency certificate of accused proved by PW16 on 22/06/2023.
P14.16/10/2019	Birth certificate of PW1 proved by PW18 on 22/06/2023.
P15. 20/04/2020	Mahazer (complaint) proved by PW19 on 24/06/2023.
P16. 20/12/2012	Copy of disability certificate of PW1 proved by PW25 on 26/10/2023.
P17. 24/09/2019	First Information Report proved by PW22 on 27/07/2023.
P18. 25/09/2019	Arrest memo proved by PW22 on 27/07/2023.
P19. 25/09/2019	Inspection memo proved by PW22 on 27/07/2023.
P20. 25/09/2019	Arrest intimation proved by PW22 on 27/07/2023.
P21. 25/09/2021	Address report of accused proved by PW22 on 27/07/2023.
P22. 24/12/2019	Ownership certificate proved by PW23 on 27/07/2023.
P23. 24/09/2019	Form 15 (complaint) proved by PW23 on 27/07/2023.
P24. 23/11/2015	Copy of Final report in SC.1806/15 in crime No.1061/2015 proved by PW23 on 27/07/2023.

- P25. 12/05/2020 Form 15 (charge sheet in crime No.1806/2015) proved by PW23 on 27/07/2023.
- P26. 26/06/2015 First Information Report in crime No.777/2015 of Museum Police Station proved by PW23 on 27/07/2023.
- P27. 19/02/2016 Address report proved by PW23 on 27/07/2023.
- P28. 18/02/2016 Final report in crime No.886/15 of Museum Police Station proved by PW23 on 27/07/2023.

Defence witnesses:-

- DW1. 28/06/2024 Warden of Deaf and Dumb School
- DW2. 28/06/2024 Teacher of Deaf and Dumb School.
- DW3. 28/06/2024 Teacher of Deaf and Dumb School.

Defence Exhibits:

- D1. Nil Portion of 161 statement of PW7 proved on 16/03/2023.
- D2. 10/10/2019 Copy of Order in HRMP No.912/11/12/2019 proved by DW1 on 28/06/2024.
- D3. 08/03/2019 Copy of complaint proved by DW1 on 28/06/2024.
- D4. 26/02/2019 Copy of complaint proved by DW1 on 28/06/2024.

Material Object :-

- MO1 - Dhoti of accused

REKHA.R  
SPECIAL JUDGE.

Judgment in SC.573/2021  
Dated: 23/04/2025.