



2026:KER:27038

Crl.R.P No.1697/2018

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE G.GIRISH

FRIDAY, THE 27TH DAY OF MARCH 2026 / 6TH CHAITHRA, 1948

CRL.REV.PET NO. 1697 OF 2018

CRIME NO.331/2011 OF AROOR POLICE STATION, ALAPPUZHA

AGAINST THE ORDER DATED 11.12.2028 IN CRL.M.P.NO.7435/2018 IN

SC NO.366 OF 2012 OF DISTRICT & SESSIONS COURT, ALAPPUZHA

REVISION PETITIONER/ACCUSED NO.5:

RAJEESH,
AGED 48 YEARS
S/O.LAKSHMANAN,
KOZHAKKUNADU HOUSE,
KACHERITHAZHAM,
MOOVATTUPUZHA

BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.D.FEROZE

RESPONDENT/STATE:

- 1 STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.(CRIME
NO.331/2011 OF AROOR POLICE STATION,
ALAPPUZHA DISTRICT)
- 2 XXXX
XXX (ADDL.R2 IMPEADED VIDE ORDER DATED 19/8/25 IN
CRL.M.A.1/25)

SRI JAYAKRISHNAN U., PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY
HEARD ON 25.03.2026, THE COURT ON 27.03.2026 PASSED THE
FOLLOWING:



ORDER

The order dated 11.12.2018 in Crl.M.P No.7435/2018 in S.C No.366/2012 on the files of the Sessions Court, Alappuzha, disallowing the prayer of the 5th accused in that case for discharge, is under challenge in this revision petition. The offences alleged against him are under Sections 376 and 366A r/w Section 34 I.P.C, and Section 3(1)(xi) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The prosecution case relates to the serial rape perpetrated upon a girl aged below 16 years, belonging to the Scheduled Caste community, during the period from August, 2010 to October, 2010. Accused Nos.1 to 4 are alleged to have procured the above minor girl to various venues, and thereby facilitated sexual exploitation at the instance of accused Nos.5 to 8, who are alleged to have raped her, and accused No.9, who is alleged to have outraged her modesty. Accused No.10 is said to be the person who arranged a building on rent for facilitating accused No.6 to commit rape upon the victim, and accused No.9 to outrage her modesty. It is further alleged that the victim was



induced by accused Nos.1 to 4, and taken to various places, and seduced to illicit intercourse with accused Nos.5 to 8 for monetary gains.

3. The precise allegations against accused Nos.1 to 10 in connection with the offences alleged in this case, are as follows:

(i) In the first week of August, 2010, the accused Nos.1 to 3 took the victim girl from her home, where she was remaining under the lawful guardianship of her parents, to the house of the 7th accused at Kalamassery, and subjected her to rape by the 7th accused.

(ii) In the second week of August, 2010, the accused Nos.1 to 3 took the victim girl in the same manner to the house at Perumbavoor, where the 8th accused was residing on rent, and subjected her to rape at the instance of the 8th accused.

(iii) In the last week of August, 2010, the accused Nos.1 and 2 took the victim girl in the same manner in the car of the 5th accused, to a hotel room at Puthiyakavu in Thripunithura, and facilitated rape by the 5th accused.

(iv) By the end of September, 2010, the second accused took the victim girl in the same manner, to the house where accused Nos.4 and 10 are residing on rent, and subjected her to sexual exploitation by



the 9th accused, who outraged her modesty. It is stated that the 9th accused could not commit rape upon the victim at that time since she was said to be menstruating.

(v) During the early days of October, 2010, the second accused took the victim girl in the same manner, to the same house where accused Nos.4 and 10 were residing on rent, and subjected her to rape at the instance of the 6th accused.

(vi) The 10th accused facilitated the sexual exploitation of the minor girl at the instance of the 9th accused, who outraged her modesty, and the 6th accused who raped her at the house which the 10th accused had leased out and entrusted to the 4th accused for perpetrating the aforesaid heinous crime upon that minor girl belonging to the Scheduled Caste community.

4. In the petition filed before the learned Sessions Judge, the 5th accused contended that he has been falsely implicated in the case. It was further stated that the versions of the victim, insofar as it relates to the involvement of the petitioner/5th accused, were contradictory. According to the petitioner, there was no proper identification of him by the victim girl. Another contention raised by the petitioner is that he



was having no connection at all with accused Nos.3, 4 and 6 to 10, and hence he is not liable to be tried jointly with the other accused.

5. The learned Sessions Judge repelled all the above contentions of the petitioner and found that he is liable to face trial along with the other accused. It is the aforesaid finding of the learned Sessions Judge, which is under challenge in this revision petition.

6. Heard the learned counsel for the revision petitioner, and the learned Public Prosecutor representing the State of Kerala.

7. The prosecution records would reveal that there is specific allegation pertaining to the rape committed by the petitioner upon the victim girl at a hotel room in Puthiyakavu, Thripunithura in the last week of August, 2010. The accused Nos.1 and 2 are said to have induced and taken the victim girl from her home, where she was residing under the lawful guardianship of her parents, to the aforesaid hotel in the car of the petitioner/5th accused. Thereafter, the victim girl was closeted in Room No.102 of that hotel along with the 5th accused, who is alleged to have raped her at that time. The victim girl has given statement regarding the aforesaid sexual exploitation perpetrated by the petitioner/5th accused to the investigating officer as well as to the



learned Magistrate. It may be true that the aforesaid statement might contain some contradictions or inconsistencies. However, it is not possible to embark upon the probative value and acceptability of the aforesaid statement of the victim girl at the stage of framing charges. So also, the challenges raised by the petitioner against the sustainability of his identification by the victim is not a matter which could be dealt with at the stage of framing charges. This is because of the reason that the prosecution records including the statements of the victim, are prima facie capable of bringing out the offence of rape alleged against the petitioner. It is for the Trial Court to decide, after meticulously analysing the evidence on record, as to whether the prosecution could succeed in establishing the charge levelled against the petitioner. The premature termination of the prosecution at the stage of framing of charges is not at all warranted, in the facts and circumstances of this case. So also, the contention of the petitioner that he is not liable to be tried along with the other accused, is totally unsustainable in view of the provisions contained in Section 223(a) and (d) of the Code of Criminal Procedure, which provide for the joint trial of the persons accused of same offence and different offences committed in the course of the same transaction. As far as the present



case is concerned, the petitioner is alleged to have subjected the victim girl to rape in the last week of August, 2010, in the course of the same transaction, during the period from the beginning of August, 2010 to October, 2010, when she was sexually exploited by accused Nos.5 to 9, pursuant to their sinister motive to satiate their carnal desires, and accused Nos.1 to 4 and 10, to derive monetary profits by subjecting that girl below 16 years, belonging to the Scheduled Caste community to ravage. Therefore, there is absolutely nothing wrong in the order passed by the learned Sessions Judge, rejecting the request of the petitioner to discharge him from the criminal prosecution.

In the result, the revision petition is hereby dismissed.

Registry is directed to transmit the case records, along with a copy of this order, to the Trial Court for the immediate commencement of the trial.

(sd/-)

G. GIRISH, JUDGE