



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

TUESDAY, THE 13TH DAY OF JANUARY 2026 / 23RD POUSHA, 1947

CRL.A NO. 2319 OF 2025

AGAINST THE ORDER DATED 10.11.2025 IN CRMP 901/2025
IN SC NO.1912 OF 2023 OF SPECIAL COURT- OFFENCES UNDER
SC/ST (POA) ACT, 1989, ERNAKULAM

APPELLANT(S)/ACCUSED:

RESHMI SASEENDRAN
AGED 43 YEARS,
W/O. SASEENDRAN, THANIKAPARAMBIL HOUSE,
KARIMUGAL, PUTHENCRIEZ VILLAGE, KAKKANAD,
ERNAKULAM, PIN - 682030

BY ADVS.
SRI.P.RAHUL
SHRI.ROOPKUMAR G.
SMT.ABHINA L.
SMT.NAMITHA NEETHU BALACHANDRAN

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT:

1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031

2 SHEEJA T.K
W/O. ARJUNAN, KELAYIMOOLAYIL HOUSE,
PERINGHALA P.O., KUNNATHUNAD VILLAGE,
ERNAKULAM, PIN - 683565

THIS CRIMINAL APPEAL HAVING COME UP FOR ADMISSION ON
13.01.2026, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

**“C.R.”****JUDGMENT**

Dated this the 13th day of January, 2026.

The sole accused in SC No.1912/2023 on the files of the Special Court for the trial of offences under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2018, (for short 'SC/ST (PoA) Act, 2018') has filed this criminal appeal challenging the order in Crl. M.P. No.901 of 2025 in SC No.1912 of 2023 dated 10.11.2025 aggrieved by the dismissal of the discharge petition filed by the appellant before the Special Court.

2. Heard the learned counsel for the appellant/accused and the learned Public Prosecutor appearing for the State of Kerala. Though notice has been served upon the second respondent, he did not appear.

3. The gist of the allegation is that, at 4:00 p.m. on 31/03/2023, during a meeting held in an open space in front of the Bharat Services Facility Management Office, situated on the ground floor of the Trans Asia Cyber Park building near Infopark Phase-2, Padathikkara, Puthencruze Village, the accused humiliated the defacto



complainant by calling her by her caste name in public view, thereby committed the offences punishable under Sections 3(1)(r) and 3(1)(s) of SC/ST (PoA) Act, 2018.

4. The appellant sought discharge before the Special Court from the said offences. But the learned Special Judge dismissed the plea of discharge finding *prima facie* case against the appellant/accused.

5. The learned counsel for the appellant assailed the order primarily relying on the statements of the defacto complainant as well as witness No.2 and argued that in the statement of witness No.2, no overt acts to fasten criminal culpability on the appellant have been stated, though in the statement of the defacto complainant such allegations are found.

6. On perusal of the statement of the defacto complainant produced as Annexure A1, there is specific allegation that at about 04:00 p.m. on 31/03/2023, the accused abused her by calling her caste name in the presence of the cleaning staffs of Bharath Services Facility Management Office. In this connection, it is apposite to refer the essential ingredients to constitute the offences under Sections 3(1)(r) and 3(1)(s) of the SC/ST (PoA) Act,



2018. In order to bring home an offence under Section 3(1)(r), there must be “an intentional insult or intimidation” by non-member of the Scheduled Caste or Scheduled Tribe against a member of a Scheduled Caste or Scheduled Tribe community, that too with intention to humiliate such member within public view. Analogously ‘abusing’ any member of a Scheduled Caste or a Scheduled Tribe community by his caste name within public view by a non-member of Scheduled Castes or Scheduled Tribe community would attract offence under Sections 3(1)(r) of SC/ST (PoA) Act, 2018. Infact, the above statement of the defacto complainant would show the above ingredients to attract the offences under Sections 3(1)(r) and 3(1)(s) of the SC/ST (PoA) Act 2018. According to the learned counsel for the appellant, in the statement of the second witness and other witnesses, no such discloses are available. However, that by itself would not be a ground to discharge the accused as law does not insist plenty of witnesses to prove an offence and the evidence of a solitary wholly reliable witness would suffice the purpose. The mere statement of the aggrieved person would *prima facie* disclose the ingredients for the offences under Section 3(1)



(r) and 3(1)(s) of the SC/ST (PoA) Act, 2018.

7. It is a well settled law that while considering plea of discharge, the duty of the Court is to verify the prosecution records to see whether *prima facie* the offence/offences is/are made out or atleast a strong suspicion to frame charge, though a mere suspicion would not suffice the requirement.

8. Keeping the above principle in mind, the order impugned is gone through, the same does not require any interference.

In the result, the Crl.Appeal is dismissed as above.

**Sd/-
A. BADHARUDEEN
JUDGE**

Jms



APPENDIX OF CRL.A NO. 2319 OF 2025

PETITIONER ANNEXURES

Annexure A1 CERTIFIED COPY OF THE FIR DATED 09.05.2023 ATTACHED WITH THE FIRST INFORMATION STATEMENT (FIS) OF INFOPARK POLICE STATION, ERNAKULAM CITY

Annexure A2 CERTIFIED COPY OF THE RELEVENT PAGES OF FINAL REPORT DATED 12.10.2023 SUBMITTED BY THE ASSISTANT COMMISSIONER OF POLICE, THRIKKKARA

Annexure A3 CERTIFIED COPY OF THE STATEMENTS OF WITNESSES RECORDED BY THE POLICE DURING THE INVESTIGATION AND FILED BEFORE THE TRIAL COURT

Annexure A4 TRUE COPY OF THE DISCHARGE PETITION DATED 14.05.2025 FILED BY THE PETITIONER NUMBERED AS CRL.M.P901/2025 IN S.C NO. 1912/2023