

IN THE COURT OF THE JUDICIAL I CLASS MAGISTRATE - I, PUNALUR.

Present: Smt. Asha Mariam Mathews, Judicial First Class Magistrate.

Wednesday, the 22nd day of April 2026/ 2nd day of Vaishakha 1948

CC No. 680/2024

Complainant : State of Kerala represented by Sub Inspector of Police,
Kulathupuzha police station in Crime No. 384/2024
(By Sri. Sibdas T., APP-I, Punalur)

Accused : Ansar, Age 46/24, S/o Muhammed Shareef,
Pallikizhakkathil Veedu, Chandanakavu,
Thinkalkarikkam P.O., Thinkalkarikkam Village.
(By Adv. B. Somasekharan Nair)

Offence : U/ss. 498-A and 323 of the IPC.

Plea : Not guilty.

Finding : Not guilty.

Sentence or Order : Accused is found not guilty to offence punishable
u/ss. 498-A and 323 of the IPC and therefore he
is acquitted U/s. 271(1) of BNSS

DATE OF

Date of offence	Date of Complaint	Date of apprehension	Release on bail	Date of Commencement of trial	Date of commencement of evidence	Period of detention undergone during investigation, inquiry or trial for the purpose of Section 428 Cr.PC	Date of Close of trial	Date of Sentence or Order	Service of copy judgment or finding on accused	Explanation of delay
05.11.23	06.09.24	19.01.26	19.01.26	19.01.26	21.02.26	--	20.04.26	22.04.26	22.04.26	No delay

The case was finally heard on 20.04.26 and the court passed the following today.

JUDGMENT

This case is instituted on a final report filed by the Sub Inspector of Police, in Kulathupuzha Police Station Crime No. 384/2024 against the accused alleging the offences punishable u/s 498-A and 323 of IPC.

2. The prosecution case is that: The accused and PW1 married as per religious custom and rites on 08.01.2006 and they resided together as husband and wife at the house of

accused by name Pallikizhakkathil Veedu situated at Chandanakavu. That the accused harassed PW1 demanding more dowry and on 05.11.2023 accused voluntarily caused hurt to PW1. It is alleged that the accused subjected PW1 to mental and physical harassment and misappropriated the gold and cash given to PW1 at the time of marriage. Thus, accused is alleged to have committed the offences punishable u/s 498-A and 323 of IPC.

3. The court took cognizance of the offences and issued process against the accused. On appearance of accused, copies of all the relevant prosecution records were served to him. Charge u/s. 498-A and 323 of IPC was framed, read over and explained to him, to which he pleaded not guilty and claimed to be tried.
4. On appearance of CW1 and CW3 were examined as PW1 and PW2 and Ext. P1 was marked from the side of prosecution. Since the material witnesses turned hostile, the examination of the remaining witnesses were given up by the learned APP. In the absence of incriminating evidence against the accused, his examination u/s. 351 of BNSS was dispensed with.
5. Heard both sides.
6. The following points arose for consideration: -
 1. Whether the accused, physically and mentally harass PW1 demanding more dowry and thereby commit the offence punishable u/s. 498-A of IPC?
 2. Whether accused, on 05.11.2023 voluntarily cause hurt to PW1 and thereby commit the offence punishable u/s. 323 of IPC?
 3. If so, what is the proper order or sentence?
7. **Points No: 1 and 2:-** As the points to be considered are interconnected, for convenience of discussion and to avoid repetition, the points are discussed together. To prove the case, prosecution examined CW1 and CW3 as PW1 and PW2. PW1, the complainant, deposed that the accused is her husband. She stated that she lodged the case owing to family issues. PW1 denied that the accused assaulted her. PW1 identified her statement given to police and the same was marked as Ext P1. She

further stated that the case is settled. Since the complainant turned hostile to prosecution, APP was granted permission to ask questions put in cross examination. PW1 deposed that the case is settled and she does not intend to proceed with the case. PW2, the occurrence witness denied to have direct knowledge that PW1 was subjected to cruelty by the accused and thereby turned hostile to prosecution.

8. From analysing the adduced evidence, it can be seen that, the PW1 and PW2 did not support the prosecution case and they were declared hostile to the prosecution. Since the material witnesses turned hostile to the prosecution case, examination of the remaining witnesses were given up by the Learned APP. It is clear that the matter has been settled, and therefore, the witnesses have not adduced any incriminating evidence against the accused persons. Absolutely there is no evidence against the accused to connect him with the offence alleged, thus it can be concluded that the prosecution failed to establish that the accused had committed the offence punishable u/s. 498-A and 323 of IPC and therefore Points No.1 and 2 are found against the prosecution.
9. **Point No. 3:** - In the result, Accused is found not guilty of offence punishable u/s. 498-A and 323 of IPC and therefore he is acquitted u/s. 271(1) of BNSS and he is set at liberty forthwith and the bail bond executed by him stands cancelled.

Dictated to the Confidential Asst., transcribed and typed by her, corrected and pronounced by me, in open court, on this the 22nd day of April 2026.

Sd/-
Judicial 1st Class Magistrate – I, Punalur

APPENDIX

List of Prosecution/Defence/Court Witness

A. Prosecution Witnesses:

Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, Other witness
PW1	Aseelamol (CW1)	Occurrence Witness/ Complainant
PW2	Sabeer Hamsa (CW3)	Occurrence Witness

B. Defence Witness:

Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, Other witness
	Nil	

C. Court Witness:

Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, Other witness
	Nil	

List of Prosecution/Defence/Court Exhibits

A. Prosecution Exhibits:

Sl. No.	Exhibit Number	Description
1	P1	FIS proved by PW1 on 21.02.26

B. Defence Exhibits:

Sl. No.	Exhibit Number	Description
	Nil	

C. Court Exhibits:

Sl. No.	Exhibit Number	Description
	Nil	

D. Material Objects:

Sl. No.	Material Objects	Description
	Nil	

Sd/-

Judicial 1st Class Magistrate – I, Punalur

/True Copy//

Judicial 1st Class Magistrate – I, Punalur