



**IN THE COURT OF PRINCIPAL JUDICIAL MAGISTRATE OF I CLASS ::
SRIKAKULAM.**

Present:- Sri K.Anurag,
Principal Judicial Magistrate of I Class, Srikakulam.

Monday, this the 25th day of May, 2026

Calendar Case No.59 of 2018

Between:

State represented by the Sub-Inspector of Police,
Women Police Station, Srikakulam.

Complainant.

And :

Yarlagadda Madansagar, S/o Yarlagadda Madansagar, S/o Anandaraju, 33 years, SC Madiga by caste, House No.6-158, Lolugu village, Ponduru Mandal, Srikakulam District, C/o J.D.Raju, Lolugu village, N/o Athili of West Godavari District, Resident of House No.61, Housing Board Colony, Bheemavaram town, West Godavari District, Cell Nos.8185004497, 9885770447, 8297926885, 814220223, Aadhar No.639592366620.

ACCUSED.

This case has come before me on 21.05.2026, for final hearing and disposal in the presence of Learned Assistant Public Prosecutor for the Complainant/State and Sri B.Syam Sundara Rao, Learned Counsel for accused and this matter having been stood-over for determination till this day, this Court delivered the following:

:: J U D G M E N T ::

01). The Station House Officer, Women Police Station filed charge sheet in Crime No. 44/17 under Section 498-A of the I.P.C., against the accused.

02). The facts that have emerged from the charge sheet are as follows:



LW.1, Yaralagadda Swaroopa Rani, lodged a report stating that her marriage with the accused was solemnized on 07.06.2006. At the time of marriage, on the demand of the accused, her parents gave cash of Rs.1,50,000/- and 1½ tulas of gold ornaments as dowry. After the marriage, LW.1 joined the accused at the matrimonial home, and out of the wedlock they were blessed with two children. The accused looked after LW.1 with love and affection for about five years. Thereafter, the accused worked in different private companies and became addicted to bad vices. On that ground, he was even removed from his job. Subsequently, he started harassing LW.1, assaulted her indiscriminately, failed to maintain LW.1 and the children, and left them to their fate. In the month of April, 2017, the accused left the house under the guise that he was going to Dubai for employment. As there was no one to support LW.1, she came to her parents' house and started residing there. Having no other option, LW.1 lodged the present report. Based on the report of LW.1, LW.10, Smt. V. Vanishree, ASI, registered the case as Crime No. 44 of 2017 for the offence punishable under Section 498A IPC against the accused. After completion of investigation, she filed the charge sheet against the accused.

03). This Court has taken cognizance of the offence punishable under Section 498-A of the Indian Penal Code against the sole accused. Upon his appearance before the Court, copies of the case records were furnished to him in compliance with Section 207 of the Code of Criminal Procedure.

04). The accused was examined under Section 239 Cr.P.C., and upon consideration of the material on record, a charge for the offence punishable under Section 498-A IPC was framed against him. The said charge was read over and explained to the accused in Telugu, to which he pleaded not guilty and claimed to be tried.

05). After closure of the prosecution evidence, the accused was examined under Section 313 Cr.P.C., with reference to the incriminating



material appearing in the prosecution evidence. The accused denied the same as false, pleaded innocence, and reported no defence evidence.

06). The Learned Assistant Public Prosecutor submitted that the prosecution has established its case by examining PWs.1 to PW.7 and marking Exhibits P1 to P4. It was contended that the accused subjected PW1 to physical cruelty by assaulting her and to mental harassment by developing an illicit relationship with a woman named Sunitha. It was further argued that all the prosecution witnesses supported the case of the prosecution except PW6, who, being the mother of the accused, cannot be expected to depose against him.

07). The Learned Assistant Public Prosecutor relied upon the judgment of the Hon'ble Supreme Court in *Surendra Singh v. State of Haryana* (AIR 2014 SC 817), wherein it was observed that in cases involving cruelty within the matrimonial home, independent witnesses are rarely available, as such incidents generally occur within the four walls of the house. Therefore, the testimony of family members and relatives of the victim assumes significance.

08). Further reliance was placed on *Surendran v. State of Kerala* (Criminal Appeal No.1080 of 2019), wherein the Hon'ble Supreme Court held that the evidence of related or interested witnesses cannot be discarded solely on that ground, provided it withstands careful scrutiny. Reliance was also placed on *Bumanish @ Lalo v. State of Gujarat* (decided on 09.04.2021), wherein the Hon'ble Supreme Court discussed the principles relating to appreciation of evidence in matrimonial offences, though the said case pertained to Section 306 IPC and the presumption under Section 113A of the Evidence Act.

09). The Learned Assistant Public Prosecutor further submitted that, in offences under Section 498-A IPC, independent witnesses are seldom forthcoming due to social constraints and the reluctance of neighbours to



involve themselves in matrimonial disputes. Hence, the prosecution is justified in relying upon the testimony of the victim and her relatives, which cannot be discarded merely on the ground of relationship. Accordingly, it was prayed that the accused be convicted and punished under Section 498A IPC.

10). On the other hand, the learned counsel for the accused contended that the evidence of PWs.1 to 7 is insufficient to establish the ingredients of the offence alleged. It was argued that there are material omissions and contradictions in the prosecution evidence which go to the root of the case. The learned counsel further submitted that the prosecution witnesses mainly emphasized that the accused had developed illicit intimacy with a woman named Sunitha; however, her name does not find mention either in Exhibit P1 report or in the statements recorded under Section 161 Cr.P.C., thereby indicating that the allegation is an afterthought. It was further contended that no medical evidence has been produced by the prosecution to substantiate the allegations of physical assault. No medical records or treatment documents were filed to show that PW1 sustained any injuries or underwent treatment pursuant to the alleged assaults. The allegations, according to the defence, are general, vague, and omnibus in nature. Therefore, it was submitted that the prosecution has failed to prove the guilt of the accused beyond reasonable doubt, and the accused is entitled to acquittal.

11). Now the Point for determination is

Whether Prosecution has established the guilt of the accused for the charged offence under section 498-A Indian Penal Code beyond the reasonable doubt or not?

POINT :-

12). In order to prove its case, the prosecution examined PWs.1 to PW.7 and marked Exhibits P1 to P4 towards documentary evidence. PW.1 is the defacto complainant, PW.2 is mother of PW.1, PW.3 is brother, PW.4 and



PW.5 are relatives of PW.1, PW.6 is the mother-in-law of PW.1 and PW.7 is the Investigating Officer.

13). Section 498-A of the Indian Penal Code provides that whoever, being the husband or relative of the husband of a woman, subjects such woman to cruelty shall be punished as prescribed. The explanation appended to the section defines “cruelty” as:

(a) wilful conduct of such a grave nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb, or health, whether mental or physical; or

(b) harassment with a view to coercing the woman or her relatives to meet any unlawful demand for property or valuable security.

14). Upon careful appreciation of the oral and documentary evidence, this Court finds that the prosecution has failed to establish the ingredients of Section 498-A IPC beyond reasonable doubt.

15). PW1 deposed that her marriage with the accused was solemnized on 07.06.2006 and that, at the time of marriage, her parents presented cash and gold ornaments as dowry. According to her, they lived happily for about five years, after which the accused allegedly lost interest in her and the children and subjected her to physical and mental harassment. She further stated that the accused informed her that he was leaving for Dubai, but later she came to know that he had developed illicit intimacy with a woman named Sunita. She also stated that, despite informing the parents of the accused about his conduct, they did not intervene, and consequently she returned to her parental house and lodged the present report.

16). However, during cross-examination, PW1 admitted that neither in Exhibit P1 report nor in her statement under Section 161 Cr.P.C. had she mentioned the name of Sunita or the alleged illicit relationship. She further admitted that she had not produced any medical record, prescription, or



treatment document to substantiate the allegation that the accused physically assaulted her and caused injuries. She also admitted that she resided in the matrimonial home for nearly ten years and that her daughter is presently residing with the accused.

17). The evidence of PW.1 is vague and bereft of material particulars. She did not specify any particular incident, date, time, or manner in which the accused allegedly subjected her to cruelty. Except making a general allegation regarding the accused's alleged intimacy with another woman, no specific overt acts constituting cruelty within the meaning of Section 498-A IPC have been spoken to by her. Mere marital discord or allegations of extra-marital intimacy, in the absence of cogent evidence of cruelty as contemplated under Section 498-A IPC, would not suffice to bring home the guilt of the accused.

18). PW.2, the mother of PW1, deposed on similar lines regarding the marriage and alleged harassment. However, she introduced several new allegations by stating that the accused used to come home in a drunken condition, assault PW1 indiscriminately, and that village panchayats were convened on three occasions. She also stated that the accused neglected PW1 and the children after developing intimacy with Sunita. These material facts were neither spoken to by PW1 nor do they find place in the statement of PW2 recorded under Section 161 Cr.P.C

19). Similarly, PW3, the brother of PW1, also deposed about alleged assaults, drunken behaviour of the accused, and panchayats held between the parties. However, in cross-examination, omissions in his previous statement were confronted to him. Like PW2, he also failed to mention any specific incident, date, or circumstance constituting cruelty.

20). PW4, who is a relative of PW1, further improved the prosecution case by introducing allegations of demand for additional dowry, a fact not spoken to by PWs.1 to 3. She also stated that the accused used to assault



PW1 after consuming alcohol. Such material improvements create serious doubt regarding the veracity of the prosecution version.

21). PW5, another relative of PW1, deposed regarding the alleged illicit relationship of the accused and stated that panchayats were held during the years 2011 and 2012. However, he admitted that he had never personally seen Sunita. Significantly, though the alleged disputes arose in 2011–2012, the report came to be lodged only in the year 2018, for which no satisfactory explanation has been offered by the prosecution.

22). PW6, the mother of the accused, did not support the prosecution case. She stated that PW1 left the matrimonial home on her own accord. Even after cross-examination by the prosecution, nothing material could be elicited in support of the prosecution case excepting marking her statement as in Ex.P2.

23). PW7, the Investigating Officer, admitted during cross-examination that PW1 had not stated the name of the woman with whom the accused allegedly developed illicit intimacy. He further admitted that the witnesses had not stated several facts before him during investigation, though they deposed about them before the Court. He also admitted that no investigation was conducted to ascertain the identity of Sunita or to verify the allegation of illicit intimacy. Further, no neighbours were examined to ascertain the nature of the matrimonial disputes between PW1 and the accused.

24). With due respect to the principles laid down in *Surendra Singh v. State of Haryana* and *Surendran v. State of Kerala*, this Court is of the considered opinion that the said judgments are not applicable to the facts of the present case. There can be no dispute with the proposition that, in matrimonial offences, independent witnesses are seldom available and that the evidence of related witnesses cannot be discarded merely on the ground of relationship. However, the settled principle is equally that such evidence must be consistent, trustworthy, and capable of withstanding careful scrutiny.



25). In the present case, the testimony of PWs.1 to 5 suffers from material omissions, contradictions, and substantial improvements touching the very substratum of the prosecution case. Several allegations, such as the accused coming home in a drunken state, assaulting PW1, convening of panchayats, and demand for additional dowry, were introduced for the first time before the Court and do not find place either in Exhibit P1 report or in the statements recorded under Section 161 Cr.P.C. Further, the prosecution case mainly revolves around the allegation that the accused developed illicit intimacy with one Sunita; however, admittedly, her name was never mentioned by PW1 in the complaint or during investigation. Even the Investigating Officer admitted that no investigation was conducted to ascertain the truth of the said allegation. Moreover, despite allegations of physical assault, no medical evidence or treatment record was produced by the prosecution. No independent witnesses or neighbours were examined to corroborate the allegations or to establish the nature of the matrimonial discord between PW1 and the accused. The evidence on record remains vague and omnibus in nature, without reference to any specific incident constituting cruelty within the meaning of Section 498-A IPC.

26). Therefore, while the legal principles laid down in the judgments relied upon by the learned Assistant Public Prosecutor are well settled, the prosecution has failed to place reliable and cogent evidence to attract the application of those principles to the present facts. The cumulative effect of the omissions, contradictions, lack of corroboration, and defective investigation creates a serious doubt regarding the prosecution case, and such doubt must necessarily enure to the benefit of the accused.

27). In the result, the accused is found not guilty of the charge under Section 498-A of the Indian Penal Code and he is accordingly acquitted under Section 248(1) of the Code of Criminal Procedure. The bail bonds of the accused shall remain in force for a period of six months, as contemplated



under Section 437-A of the Code of Criminal Procedure. There is no case property to be disposed of.

Typed to my dictation, by the Typist, corrected, signed and pronounced by me in open Court, on this the 25th day of May, 2026.

Sd/- Sri K.Anurag,

**Prl. Judicial Magistrate of I Class,
Srikakulam.**

APPENDIX OF EVIDENCE
Witnesses Examined

For Prosecution:

PW-1 Y.Swarooparani
PW-2 L.Sarojini
PW-3 L.Vidyasagar
PW-4 Ch.Santoshi Kumari
PW-5 L.Giri Raju
PW-6 Y.Varalaxmi
PW-7 P.V.Ramana, Retd., S.I.

For Defence:-

Nil

Exhibits marked

For Prosecution:

Ex.P.1 Report of PW.1, dated 06.09.2017.
Ex.P.2 Section 161 Cr.P.C., statement of PW.6.
Ex.P.3 Original First Information Report.
Ex.P.4 Rough Sketh.

For Defence: Nil

Material objects

-Nil-

Sd/- Sri. K.Anurag,

**Prl. Judicial Magistrate of I Class,
Srikakulam.**



Calendar and Judgment

Calendar Cases tried by the Principal Judicial Magistrate of I Class,
Srikakulam.

CALENDAR CASE No.59/2018

Date of offence	06.09.2017
Date of Complaint or Report	06.09.2017
Apprehension of the accused	31.10.2017 (Sec.41-A Cr.P.C.Notice)
Remand of the accused	-
Release on bail of accused	Served 41-A Cr.P.C. notice
Taken on file	10.01.2018
Commencement of trial	03.11.2025
Close of trial	21.05.2026
Sentence of Order	25.05.2026

Explanation for the delay : Due to non-production of witnesses by the prosecution.

Name of the complainant: State represented by the Sub-Inspector of Police,
Women Police Station, Srikakulam.

Name of the Accused: Yarlagadda Madansagar, S/o Yarlagadda Madansagar, S/o Anandaraju, 33 years, SC Madiga by caste, House No.6-158, Lolugu village, Ponduru Mandal, Srikakulam District, C/o J.D.Raju, Lolugu village, N/o Athili of West Godavari District, Resident of House No.61, Housing Board Colony, Bheemavaram town, West Godavari District, Cell Nos.8185004497, 9885770447, 8297926885, 814220223, Aadhar No.639592366620.

Crime No. : 44/2017

Offence : Section 498-A of the Indian Penal Code.



Sentence or order:-

In the result, the accused is found not guilty of the charge under Section 498-A of the Indian Penal Code and he is accordingly acquitted under Section 248(1) of the Code of Criminal Procedure. The bail bonds of the accused shall remain in force for a period of six months, as contemplated under Section 437-A of the Code of Criminal Procedure. There is no case property to be disposed of.

Sd/- Sri. K.Anurag,
Prl. Judicial Magistrate of I Class,
Srikakulam.

Copy submitted to the Hon'ble I Addl. District Judge, Srikakulam.