

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-II

Present: Smt. Aminakutty. P.M, Judicial First Class Magistrate-II

Dated this the 31st day of March , 2026.

C C No. 566 of 2024

Complainant : State-represented by the Sub Inspector of Police
Muhamma Police station in crime 207/2024
(By A PP, Cherthala-II)

Accused : A1. Joji, aged.40/2024, S/o Appachan,
Muthunkal chira Veedu,
Ward-11, Thanneermukkom Panchayath.

A2. Appachan, aged.74/24, S/o Joseph,
Muthunkal chira Veedu,
Ward-11, Thanneermukkom Panchayath.

A3. Lillikutty, aged .64/24, W/o Appachan
Muthunkal chira Veedu,
Ward-11, Thanneermukkom Panchayath.
(By Adv Sri.Devasia Joseph)

offence : Punishable u/s. 498(A), 34 of IPC

Plea : Not guilty

Finding : Not found guilty

Sentence or order : Accused is acquitted u/s 248(1) Cr PC

DESCRIPTION OF THE ACCUSED

Sl.No	Name of Police Station & crime No.	Name	Father's name	Call ing	Residence	Age
1	Muhamma Cr. No. 207/24	Joji	Appachan	--	Muthunkal chira Veedu, Ward-11, Thanneermukkom Panchayath.	40/24
2	Do	Appachan	Joseph		Muthunkal chira Veedu, Ward-11, Thanneermukkom Panchayath.	74/24

2	Do	Lillikutty	Appachan		Muthunkal chira Veedu, Ward-11, Thanneermukkom Panchayath.	64/2 4
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Date of

Occurrence	Complaint	Appearance of accused	Released on bail	Commencement of trial
15.03.2024	24.06.2024	01.08.2025	01.08.2025	19.02.2026
15.03.2024	24.06.2024	01.08.2025	01.08.2025	19.02.2026
15.03.2024	24.06.2024	01.08.2025	01.08.2025	19.02.2026
Close of trial		Sentence or order		Explanation for delay
27.03.2026		31.03.2026		--

This case coming on for hearing on this day and the court on the same day passed the following:

JUDGMENT

1. This is a case charge sheeted by the Police Sub Inspector, Muhamma Police station in crime No. 207 of 2024 for the offence punishable u/s 498(A), 34 of Indian Penal Code, 1860 (hereinafter in short as IPC).

2. Prosecution case in brief is as follows:-The first accused married CW1 on 30.5.2011 as per religious rites and ceremonies and resided with her at a house situated at Mutthunkal Chira, within Thanmeer Mukkam Panchayath Ward No. 11, Varanam. After six months of marriage, the first accused physically assaulted and mentally harassed CW1, stating that she was not beautiful. On 15.03.2024 at about 08:00 p.m., the first accused quarreled with CW1, expressing suspicion regarding her phone calls. When CW1 informed CW4 over the phone, the first accused destroyed her mobile handset. As CW1 attempted to escape by entering her room, the first

accused pushed her upon opening the door, threatened to kill her, caught hold of her hair, and struck her on her neck. Thereafter, the second and third accused persons also physically assaulted CW1, thereby committed offences punishable under Sections 498(A), 34 of the Indian Penal Code.

3. On appearance of accused, copies of all relevant documents relied on by the prosecution were furnished to them U/s.207 Cr. P.C and they were released on bail. The accused were defended by counsel appointed by them. After hearing both sides, charge was framed for the offences punishable U/s . 498(A), 34 of IPC and read over and explained to the accused to which they pleaded not guilty.

4. In order to prove the prosecution case, PW1 was examined and Ext.P1 was marked. The remaining witnesses were given up by learned Assistant Public Prosecutor. As there were no incriminating circumstances appeared against the accused, questioning of the accused u/s 313(1) (b) of Cr P C was dispensed with. Thereafter, the accused were called upon to enter upon their defence and adduce evidence. No evidence was adduced by the accused.

5. Now the points that arise for consideration are:

1. Whether the first accused had married CW1 on 30.05.2011, and thereafter, on 15.03.2024 at about 08:00 p.m., physically and mentally harassed her by stating that she was not beautiful, destroyed her mobile phone, assaulted her, threatened to kill her, in furtherance

of the common intention of the accused persons and thereby committed the offences alleged?.

2. If so, what is the order or sentence to be passed?.

6. Heard both sides.

7. **Point No. 1** :- The prosecution relied on the oral evidence of PW1 and Ext.P1 to prove the prosecution case. PW1, the defacto complainant, deposed that the first accused is her husband, and the second and third accused are her in-laws. Following the incident in question, she gave a statement before the police, which was marked as Exhibit P1. She stated that she had given such a statement as she was assaulted. However, she denied the contents of the statement given before the police. She stated that she had given the statement under a mistaken belief. She added that the matter had since been settled. Consequently, she turned hostile to the prosecution.

8. In the present case, the material witness has turned hostile to the prosecution. Exhibit P1, FIS, does not constitute substantive evidence unless duly corroborated by the oral testimonies of competent witnesses. Since the material witness turned hostile to prosecution, the learned APP given up the remaining witnesses. Hence, on perusing the evidence on record, I am having the opinion that there is no evidence to prove the guilt of the accused and hence the accused is entitled to get acquittal. Accordingly these points are found against the prosecution.

9. **Point No. 2:** In view of my findings on point No.1 , the accused are found not guilty of the offences alleged against them and they are entitled to get an acquittal.

10. In the result, the accused are found not guilty for the offences punishable u/s 498 (A), 34 of IPC and they are acquitted under section 248(1) of the Code of Criminal Procedure. They are set at liberty and the bail bond executed by the accused are cancelled.

Directly dictated to Adalath AI, corrected and pronounced by me in the open court on this the 31st day of March, 2026.

Sd/-
Aminakutty P.M.
Judicial First Class Magistrate -II
Cherthala

APPENDIX:

Witnesses examined for prosecution:

PW1 - Linku

Exhibits marked for the prosecution :

P1 - FIS marked through PW1

Witnesses examined for the defence : Nil

Exhibits marked for the defence : Nil

Material Objects : Nil

Sd/-
Aminakutty P.M.
Judicial First Class Magistrate -II
Cherthala.

// True copy //

Judicial First Class Magistrate -II
Cherthala.