

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS,
PATHANAPURAM**

Present :- Shri.Sajith.V, Judicial First Class Magistrate

Tuesday, 24th day of March, 2026/3rd day of Chaithra, 1948

CALENDAR CASE No. 498/2022

Complainant : State represented by the Sub Inspector of Police,
Kunnikode Police Station (Crime No. 466/22)

(By Sri.S.Salil Raj, APP Gr.I, Pathanapuram)

Description of Accused:

Sl.No	Name	Age	Father's Name	Religion	Residence
1	Rohith S.Nath	35	Surendranathan Pillai	---	Kalpaka, Pachila valavu, Kunnikode.
2	Usha Bhai	67	W/o Surendranathan Pillai	---	Kalpaka, Pachila valavu, Kunnikode.
3	Surendranathan Pillai (no more)	79	Kesava Pillai	---	Kalpaka, Pachila valavu, Kunnikode.

(By Adv. Sri. K.S.Manoj)

Offence : under sections 498(A) r/w 34 of the Indian Penal Code

Plea : Not Guilty

Finding : Not Guilty

Sentence or Order : Accused numbers 1 and 2 are found not guilty of the offence punishable under sections 498(A) r/w 34 of the Indian Penal Code and they are acquitted of the said charge under section 248(1) of Criminal Procedure Code. Charge against accused number 3 stands abated.

DATES OF

Offence	Complain nt	Apprehensi on or appearance	Release on bail	Commen -cement of trial	Commen cement of evidence	Period of detention undergone during investigati on, Inquiry of trial for the purpose of S.428 Cr.P.C.	Close of trial	Sentence or order
01/01/15 to 28/05/20	11/07/22	18/03/26	18/03/26	18/03/26	18/03/26	---	18/03/26	24/03/26

This case coming on for today's proceedings, the Court delivered the following;

JUDGMENT

1. This is a case charge sheeted by the Sub Inspector of Police, Kunnikode Police station against the accused alleging commission of offence punishable U/s. 498(A) r/w 34 of the Indian Penal Code.

2. **The prosecution case is as follows:** The marriage between the first accused and CW1 was solemnized on 11/09/2014 at Empson Auditorium, Ezhamkulam, in accordance with Hindu religious rites and ceremonies. At the time of marriage, CW1 was given 100 sovereigns of gold ornaments and an amount of ₹1,00,000/- by her parents. After the marriage, the first accused and CW1 resided together as husband and wife in the house of the first accused. From January 2015 onwards, accused Nos. 1 to 3 subjected CW1 to both mental and physical cruelty in connection with unlawful demands for additional dowry. In particular, the first and second accused demanded that a three-storey building owned by the father of CW1 be transferred in the name of CW1. It is further alleged that the accused misappropriated an amount of ₹1,00,000/- given to CW1 at the time of marriage.

On 14/01/2019, accused Nos. 1 and 2 compelled CW1 to raise money by selling her gold ornaments and handing over the proceeds to them. Subsequently, on 12/05/2020, accused Nos. 1 to 3 again subjected CW1 to harassment for more dowry. Thus, accused Nos. 1 to 3, in furtherance of their common intention, are alleged to have committed the offence punishable under Section 498A read with Section 34 of the Indian Penal Code.

3. On filing of the final report, the case was taken on file and summons were issued to the accused. Accused numbers 1 and 2 turned upon summons and were enlarged on bail. Copies of prosecution records were served to them u/s. 207 of Cr.PC. After hearing both sides and perusing the case records, charges were framed for offences punishable under sections 498(A) r/w 34 of Indian Penal Code, which was read over and explained to the accused, to which they pleaded not guilty and claimed to be tried. Accused number 3 is reported to be no more.

4. Thereafter the case was posted for prosecution evidence. On behalf of the prosecution, three witnesses were examined as PW1 to PW3 and Ext.P1 was marked. CW4 could not be examined, as she was abroad. The learned APP has given up CW5 to CW9 as the material witness turned hostile. The examination of the accused persons u/s 313 (1) (b) of Cr.P.C is dispensed with, as there were no incriminating circumstances found against them in the evidence.

5. Heard both sides.

6. The points that arise for consideration are as follows:

1. Whether the accused numbers 1 to 3 subjected PW1 to mental and physical harassment, demanding more dowry and thereby committed the offence punishable under section 498 A of the Indian Penal Code?
2. Whether the accused numbers 1 to 3 committed the above act in furtherance of their common intention?
3. Sentence or order?

Point numbers 1 and 2:

7. For the sake of convenience and brevity, all the above points are taken up and discussed together. The defacto complainant was examined as PW1. She deposed before the court that the marriage between her and the first accused was solemnized on 11/09/2017 at Empson Auditorium, Ezhamkulam. She further deposed that she gave an FIS before the Kunnikode police. However, PW1 further deposed that the accused numbers 1 to 3 did not subject her to physical or mental cruelty for more dowry and that the person arrayed as accused in this case had not committed any offence. As PW1 resiled from her earlier statement given to the police, she was declared hostile at the request of the learned APP.

8. CW2 and CW3 are the occurrence witnesses, and they were examined as PW1 and PW3. They deposed that they did not know the alleged incident and did not give a statement before the police in the said incident. Hence, they were declared hostile at the request of the learned APP, as they retracted their previous statement.

9. Even though the learned APP put forth the questions under section 154 of the Indian Evidence Act to PW1 to PW3, nothing was elicited from those witnesses in favour of the prosecution case. On considering the available evidence before the court, there is nothing on record to connect the accused with the alleged offence. The material witnesses turned against the prosecution case, and hence, the prosecution failed to prove the guilt of the accused. Hence, the point numbers 1 and 2 are found against the prosecution.

Point number 3:

10. In view of the finding on Points No. 1 and 2, Point No. 3 is also found against prosecution. In the result, the accused numbers 1 and 2 are found not guilty of offences punishable under sections 498(A) r/w 34 of the Indian Penal Code, and they were acquitted u/s. 248(1) of Cr.P.C. The bail bonds of the accused are stands

cancelled and the sureties are discharged. The accused numbers 1 and 2 are set at liberty. Charge against accused number 3 stands abated.

No material objects produced.

(Dictated to the Confidential Asst., transcribed and typed by her, corrected and pronounced by me in open court on this the 24th day of March, 2026)

Sd/-
Judicial First Class Magistrate
Pathanapuram

APPENDIX

A. Witnesses for the Prosecution :

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, Other Witness
PW1	Dhanya Mohan	Occurrence Witness
PW2	Jayamohan Pillai	Occurrence Witness
PW3	Radhamaniamma	Occurrence Witness

B. Defence Witness:

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

C. Court Witness:

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

List of prosecution/Defence/Court Exhibits

A. Prosecution Exhibits:

Sl.No.	Exhibit Number	Description
1	P1	First Information Statement dated 31/03/22 proved by PW1 on 18/03/26

B. Defence Exhibits:

Sl.No.	Exhibit Number	Description
Nil	Nil	Nil

C. Court Exhibits:

Sl.No.	Exhibit Number	Description
Nil	Nil	Nil

D. Material Objects:

Sl.No.	Exhibit Number	Description
Nil	Nil	Nil

Sd/-
Judicial First Class Magistrate
Pathanapuram

//True copy//

Judicial First Class Magistrate,
Pathanapuram