

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS- II,
SOUTH PARAVUR, KOLLAM**

**Present :- Smt. Chithralekha N S,
Judicial Magistrate of the First Class.**

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

Calendar Case No. 444/2017

- Complainant : State - Represented by the Sub Inspector of Police,
Chathannur Police Station in Crime No. 1688/2011.
(Represented by Assistant Public Prosecutor, Paravur)
- Accused : Kunjumon, Aged 56, S/o. Ummankunjukunju,
Kurakkode Vadakkekara Veedu, Near Gas Godown,
Idanadu, Meenadu Village.
(Represented by Adv. B S Roshan)
- Charge : Under section 498A of IPC.
- Plea : Not Guilty
- Finding : Not Guilty
- Sentence/Order : The accused is acquitted u/s. 271(1) BNSS for the offence
punishable under section 498A of IPC. Bail bond
executed by the accused stands cancelled and he is set at
liberty.

DESCRIPTION OF THE ACCUSED

Sl. No.	Name	Father's Name	Age	Residence	Taluk
1.	Kunjumon	Ummankunjukunju	56	Kurakkode Vadakkekara Veedu, Near Gas Godown, Idanadu, Meenadu Village.	Kollam

DATE OF

Occurrence	Complaint	Apprehension / appearance	Release on bail	Commencement of trial	Close of trial	Sentence or Order	Explanation for delay
12.01.1998	21.11.2014	09.02.2019	28.02.2019	17.07.2025	24.03.2026	24.03.2026	No delay

This case having been finally heard on 24.03.2026 and the Court on the said day, delivered the following:-

J U D G M E N T

This case was taken cognizance upon a final report filed by the Sub Inspector of Police in Crime No. 1688/2011 of Chathannur Police Station alleging the commission of offence punishable under section 498A r/w 34 of the Indian Penal Code, 1860 (for short – 'IPC').

2. The prosecution case in brief is as follows:- The accused and PW1 having married on 12.01.1998 resided together. Meanwhile the accused misutilized the gold and cash gifted by her parents and the accused subjected PW1 to physical and mental harassment, following which PW1 sustained fracture to right index finger. Hence the accused is alleged to have committed the offence punishable under section 498A of IPC.

3. Upon receipt of the final report, this court took cognizance of the offence and issued process against the accused. The accused was arrested, produced before court and remanded to judicial custody. The accused was enlarged on bail and he was represented by a lawyer of his choice. Charge for the offence punishable u/s. 498A of IPC was framed, read over and explained to the accused. He pleaded not guilty and claimed to be tried.

4. As per final report, altogether eight witnesses were proposed from the side of prosecution including the victim and the occurrence witnesses.

CW1 was examined as PW1 and Ext. P1 was marked from the side of prosecution. As PW1 turned hostile to the prosecution case the rest of the witnesses were given up by the learned Assistant Public Prosecutor as no purpose will be served and will only end in waste of valuable time of court. Since no incriminating materials came up before this court, examination of the accused u/s. 351 BNSS was dispensed with. No defence evidence was adduced.

5. The matter was considered for final decision after hearing the learned Assistant Public Prosecutor and the learned counsel who appeared for the accused. Perused the relevant records.

6. The points which arose for consideration are:

1. Whether the accused subjected PW1 to cruelty as contemplated in Clause (a) or Clause (b) to explanation of Section 498A of Indian Penal Code ?
2. If found guilty, what order as to sentence?

7. As to Point No. 1 :-

PW1 would submit that she lodged Ext. P1 First Information Statement following the incident. She added that the accused did not harm her seeking dowry. There happened only a verbal altercation and no instance of cruelty has happened. It also forms part of her testimony that the matters

pertaining to the case were settled between her and the accused. She was hence declared hostile to prosecution.

8. The victim herself has no case that the accused subjected her to any physical or mental harassment. The element of cruelty is thereby not established through evidence of PW1. The vital ingredient to form the offence u/s. 498A IPC itself is not proved. Therefore the guilt of the accused stands not established.

Hence, point no. 1 stands not proved.

9. **As to Point No. 2:-** In view of the discussions on point no. 1, the accused is found not guilty to the offence punishable under section 498A of IPC. Hence, he is only to be acquitted for the said offence.

In the result:-

The accused is acquitted u/s. 271(1) BNSS for the offence punishable under section 498A of IPC. Bail bond executed by the accused stands cancelled and he is set at liberty.

Dictated to the Confidential Assistant directly, corrected and pronounced by me, in open court, on this the 24th day of March, 2026.

SD/-

**Judicial Magistrate of the First Class- II,
Paravur**

APPENDIX**Witnesses for prosecution :-**

Prosecution witness no.	Name of Witness	Description
PW1	Mrs. Rosamma (CW1)	Defacto complainant

Exhibit for prosecution:

Exhibit No.	Description of the Exhibit	Proved by /Attested by
P1	Complaint	PW1

Witnesses for Defence :-

Prosecution witness no.	Name of Witness	Description
Nil		

Exhibit for Defence:

Exhibit No.	Description of the Exhibit	Proved by /Attested by
Nil		

Material Objects :-

Material Object No.	Description of the Exhibit	Proved by/Attested by
Nil		

Sd/-

**Judicial Magistrate of the First Class-II,
Paravur**