

**IN THE COURT OF THE JUDICIAL FIRST-CLASS MAGISTRATE,
KADAKKAL**

Present: - Sri.Amal S.R., Judicial First-Class Magistrate

Monday, 23rd day of March, 2026/ 02nd Chaithra 1948

CALENDAR CASE No. 667/2022

- Complainant : State-represented by the Sub Inspector of Police,
Kadakkal Police Station Crime No. 921/2022.
(By A.P.P., Kadakkal)
- Accused : Animon, aged 54/2026, S/o.Abdul Rasaq, A.R.Manzil,
Manaluvattam, Thudayannoor P.O Ittiva Village.
(By Adv. T.R.Thankaraj)
- Offence : Under section 498A of the Indian Penal Code.
- Plea : Not guilty
- Finding : Not guilty
- Sentence or order : The accused is found not guilty of the offence punishable under sections 498A of the Indian Penal Code and he is acquitted under section 271(1) of the BNSS, 2023. His bail bond stands cancelled and he is set at liberty.

Date of

Occurrence	Complaint	Apprehension	Release on bail	Commencement of trial	Commencement of evidence	Close of trial	Sentence or order	Period of detention undergone during investigation of trial for the purpose of Section 428 Cr.P.C
24.03.96	29.09.22	23.05.23	23.05.23	06.12.25	12.03.26	12.03.26	23.03.26	-

This case having been finally heard on 23.03.26 and the Court on the same day delivered the following:-

JUDGMENT

This case arose on the final report filed by the Sub Inspector of Police, Kadakkal Police Station Crime No. 921/2021 of his Police Station. The offences alleged are punishable u/s. 498A of Indian Penal Code, 1860.

2. The case of the prosecution is the following:- The accused married the defacto complainant on 24.03.1996 in accordance with customary rites and since then they have been living together as husband and wife at their residence, at Manaluvattam A.R.Manzil. Thereafter, the accused, with the intention of harassing her, demanded additional dowry and mentally tortured her by stating that there were other women willing to provide more dowry. He also maintained relationships with other women and subjected the complaint to physical and mental cruelty. Further, the accused caused financial liability to the complainant by availing chits and loans in her name and failing to repay the same. Thus, the accused had committed the offence punishable under section 498A of the Indian Penal Code.
3. Cognizance was taken for the offences u/s. 498A of Indian Penal Code, 1860 and processes was issued to the accused. Accused entered appearance. He was granted bail and defended by a counsel of his own choice. The accused was served with copies of all the relevant prosecution records and the same were acknowledged to be in order in due compliance of Sec.207 Cr.P.C. Heard accused and the Learned Assistant Public Prosecutor on charge. Charges u/s, 498A of Indian Penal Code, 1860 was framed, read over and explained to accused. Accused pleaded not guilty of the said charges and claimed to be tried.
4. From the side of prosecution PW1 and PW2 were examined and Ext. P1 marked.

As the occurrence witness turned hostile to the prosecution case the learned APP gave up the remaining witnesses. As there were no incriminating circumstances in the evidence, examination of the accused U/s.313(1)(b) Cr.P.C was dispensed with. No evidence adduced from the side of defence.

5. Heard both sides.
6. The points that arise for determination are as follows: -
 - 1) *Has the accused, physically and mentally harassed PW1 on demand for more dowry and thereby committed offence punishable U/s. 498A Indian Penal Code, 1860 as alleged by the prosecution?*
 - 2) *What is the punishment if any to be awarded?*
2. **Point No. 1:-** A perusal of the final report shows that the prosecution is relying on direct evidence of PW1 to prove the case. No part of the prosecution case is based on circumstantial evidence. In order to prove its case prosecution examined PW1 and PW2 and marked Ext.P1 FIS. PW1 admitted her signature in Ext. P1 FIS. PW1 further deposed that the accused never committed cruelty towards her in demand for dowry and there exists some dispute between them which is common among the husband and wife. The learned APP sought permission to declare the witness hostile and to ask leading questions. During cross examination she deposed that the entire dispute between the accused was settled and she filed compounding petition. PW1 deposed in contradiction with Ext. P1 and there exists no grounds to proceed further against the accused since the accused turned hostile to the prosecution. Hon'ble High Court of Kerala in *Appukuttan Vs.State of Kerala 2018 Cr LJ 1959* wherein the Hon'ble High Court of Kerala emphasised the principle held in *Manjuram Kalita Vs. State of Assam (2009)13 SCC 336* wherein it is held that "Cruelty for the purpose of

Section 498 A IPC is to be established in the context of S.498 A IPC as it may be a different from other statutory provisions. It is to be determined/inferred by considering the conduct of the man, weighing the gravity or seriousness of his acts and to find out as to whether it is likely to drive the woman to commit suicide etc. It is to be established that the woman has been subjected to cruelty continuously or persistently or at least in close proximity of time of lodging of the complaint. Petty quarrels cannot be termed as cruelty to attract the provisions of Section 498 A Indian Penal Code, 1860. Causing mental torture to the extent that it becomes unbearable may be termed as cruelty.” The entire prosecution case is built on direct evidence, as evident from the final report. Since the injured turned hostile, even if the other witnesses appeared and gave evidence, no purpose will be served as the prosecution cannot bring out any version other than presented by the witnesses already testified.

3. PW2 did not support the prosecution case. Learned Assistant Public Prosecutor has therefore given up all the other witnesses. The prosecution had not adduced any evidence to bring home the guilt of the accused and therefore, these points are answered accordingly against the prosecution.
4. **Point No.2:-** In view of my findings, the accused is found not guilty of the offence punishable under sections 498A of the Indian Penal Code and he is acquitted under section 271(1) of the BNSS, 2023. His bail bond stands cancelled and he is set at liberty.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me, in open court, on this the 23rd day of March, 2026.

Sd/-

Judicial First Class Magistrate, Kadakkal.

APPENDIX

List of Prosecution/Defence/Court Witnesses

A. Prosecution Witnesses

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
PW1	Rajeena (CW1)	Complainant/Occurrence Witness
PW2	Amina (CW2)	Occurrence Witness

B. Defence Witness

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
	NIL	

C. Court Witnesses

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 marked through PW1 on 12.03.2026.

B. Defence Exhibits

Sl.No.	Exhibit Number	Description
	NIL	

C. Court Exhibits

Sl.No.	Exhibit Number	Description
--------	----------------	-------------

	NIL	
--	-----	--

D. Material Objects

Sl.No.	Exhibit Number	Description
	NIL	

Sd/-

Judicial First Class Magistrate, Kadakkal.**//True Copy//****Judicial First Class Magistrate, Kadakkal.**