

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, KADAKKAL**Present:- Sri.Amal S. R., Judicial First Class Magistrate**Friday, 5th day of June, 2026/ 15th Jyaishta, 1948**CALENDAR CASE No.674/2024**

Complainant : State-represented by the Sub Inspector of Police,
Kadakkal Police Station Crime No.726/2024.
(By A.P.P., Kadakkal)

Accused : Muhammad Ajmal, aged 28/2024, S/o Saifudeen,
Shifana Manzil, Kadavilakam, Pallinada,
Chittathumukku.P.O., Kadinamkulam.
(By Adv. A. Nissam Kaniyapuram)

Offence : U/s.498A of the Indian Penal Code

Plea : Not guilty

Finding : Not guilty

Sentence or order : Accused is found not guilty of the offence punishable under
section 498A of the Indian Penal Code and he is acquitted under
section 271(1) of 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 468 of BNSS
14.01.24	23.10.24	20.02.25	20.02.25	20.02.25	28.04.26	05.06.26	05.06.26	-

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

JUDGMENT

The accused put on trial upon a final report filed by the Sub Inspector of Police, Kadakkal Police Station Crime No.726/2024 alleging commission of offence punishable under section 498A of the Indian Penal Code.

2. ***Prosecution case in brief is as follows:*** - The accused and the defacto complainant got married on 14.01.2024 in accordance with their customary rites and thereafter lived together as husband and wife. During the subsistence of the marriage, while residing in the upstairs bedroom of Shifana Manzil, the accused subjected the defacto complainant to cruelty by repeatedly alleging that the dowry brought by her was insufficient and by appropriating approximately 54 sovereigns of gold ornaments received by her as marriage gifts. It is further alleged that the accused harassed and ill-treated the defacto complainant on various occasions, including when they had gone to a hotel at Kovalam, and falsely accused her of chatting with other men. The accused is also alleged to have summoned his relatives and, in their presence, humiliated and insulted the defacto complainant. By such conduct, the accused is alleged to have subjected the defacto complainant to both mental and physical cruelty and thereby committed the offence punishable under Section 498A of the Indian Penal Code.
3. My predecessor in office took cognizance of the offences and issued process against the accused. On appearance of the accused, he was enlarged on bail. The copies of all relevant prosecution records were furnished to him. After hearing both parties, charge u/s. 498A of the Indian Penal Code were framed, read over and explained to the accused to which he pleaded not guilty and claimed to be tried.
4. On the side of the prosecution, PW1 and PW2 were examined and Ext.P1 was marked. As the material witnesses failed to support the prosecution case, the learned Assistant Public Prosecutor gave up remaining witnesses. In the absence of any incriminating evidence against the accused, questioning him under section 351(1)(b) of BNSS was dispensed with.
5. Heard both sides.

6. Points that arose for consideration are :-

- 1) Has the accused, had subjected PW1 to cruelty to meet their unlawful demand for dowry and thereby committed the offence under section 498 A of IPC?
- 2) If the accused is found guilty, what is the order as to sentence?

2. **Points 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 marked Ext.P1. PW1 admitted her signature in Ext. P1. PW1 and PW2 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 ***Manjaram 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. 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, this points are answered accordingly against the prosecution.

3. **Point No. 2**:- In view of the finding in Point No.1, the accused is found not guilty of the offence punishable under section 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 5th day of June, 2026.

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	Alfiya (CW1)	De facto complainant
PW2	Sofiya (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	First Information Statement dated 03.06.2024 marked through PW1 on 28.04.2026.

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	

Judicial First-Class Magistrate, Kadakkal.