

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE -III KANNUR	
Present:- Smt. Jomy Anu Isaac, Judicial First Class Magistrate-III, Kannur	
Dated this the Thursday, the 19 <sup>th</sup> day of March, 2026 (28 <sup>th</sup> day of Phalguna, 1947 S.E)	
<b><u>CC. 709/2024</u></b>	
Complainant	: State rep. by Sub Inspector of Police, Kannapuram Police Station Cr. No. 897/20 (By Sri. Sujith Kumar K, APP Gr-II)
Accused	Prasad K, Aged. 45/19 : S/o Kunhambu, Sargalayam, Kotta Kalliassery amsom, Parakkadavu Colony Road.  (by Adv. B. P. Saseendran)
Offence	: u/s 498(A) of IPC.
Pleading	: Not Guilty.
Finding	: Not Guilty.
Sentence or Order	: The accused is found not guilty of the offence punishable u/s 498(A) of IPC and he is acquitted u/s 248 (1) of Cr.P.C. He is set at liberty and his bail bond stands cancelled.

<u>Description of Accused</u>					
Sl. No	Name	Father's Name	Occupation	Residence	Age
1.	Prasad K	Kunhambu	--	Kalliassery	45/19

Date of:-		
Offence	:	09.05.2009
Complaint	:	07.11.2019
Apprehension	:	05.01.2023
Release on bail	:	05.01.2023
Commencement of trial	:	06.02.2023
Close of trial	:	16.03.2026
Sentence/Order	:	19.03.2026
Service copy of judgment	:	.....

### **J U D G M E N T**

The accused was put on trial for the offence punishable under Sec. 498(A) of IPC, on the basis of Final Report filed in Cr. No. 534/19 by the Sub Inspector of Police, Kannapuram Police Station.

2. This case was originally taken on file as CC 897/ 20 on the file of Judicial First Class Magistrate Court-I, Kannur. Subsequently, the case was transferred to this court and the case was taken on file as above.

3. **Case of prosecution in brief is as follows:-** The marriage between CW1 and the accused was solemnized on 09.05.2009 as per the custom prevailing in their community. Thereafter when they were residing together as husband and wife at the residence of accused at Aroli at Pappinissery amsom and subsequently at rented house and house of CW1 and accused at Parakkadavu at Kalliassery amsom, the accused harassed her both

mentally and physically demanding more dowry. Therefore accused is alleged to have committed the offence u/s 498(A) of IPC.

4. The accused appeared before the Judicial First Class Magistrate Court-I, Kannur. He was enlarged on bail. Copies of relevant prosecution records were furnished to him. Charge was framed u/s 498(A) of IPC against the accused and read over to him, to which he pleaded not guilty and claimed to be tried. Thereafter the case was transferred to this Court.

5. On the side of the prosecution, CW1 was examined as PW1 and Exhibit P1 was marked. As PW1 turned hostile, the examination of other witnesses were only a futile exercise and misuse of public exchequer. So the examination of remaining witnesses were dispensed. Since there is no incriminating evidence against the accused, his examination u/s. 313(1)(b) of Cr.P.C is dispensed with. No evidence has been adduced from the side of the accused.

6. Both sides were heard.

7. Now the points that arise for consideration are:-

- 1) Whether the accused subjected PW1 to mental and physical cruelty as alleged ?
- 2) If the offences are proved, what is the order or sentence ?

8. **Point No.1:-** PW1, the de facto complainant deposed that she married the accused on 09.05.2009. She lodged a complaint which is marked as

Ext.P1. She turned hostile to the prosecution. She deposed that the accused had not subjected her to cruelty. She would say that she filed the complaint against the accused when there were difference of opinion in between accused and herself. She further deposed that the case has been settled with the accused and they dissolve the marriage. Nothing could be brought out to prove the guilt of accused. It has come out that the matter is settled and PW1 and accused were divorced. It is also come out that PW1 is not intending to proceed the case. So there is no evidence before this Court to bring home the guilt of accused. Therefore this point is answered against the prosecution.

9. **Point No.2**:- In view of finding on point No.1, accused is found not guilty of the offence punishable u/s. 498(A) of IPC. Hence this point does not arise for consideration.

**In the result**, the accused is acquitted u/s 248(1) of Cr.P.C for the offences punishable u/s 498(A) of IPC and he is set at liberty. His bail bond stands cancelled.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court, this the 19<sup>th</sup> day of March, 2026).

Sd/-  
Judicial First Class Magistrate-III  
Kannur

**APPENDIX****List of Prosecution/Defence/Court Witnesses****A. Prosecution Witnesses**

Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, Other witness
PW1	Jisha T	Eye witness

**B. Defence Witnesses**

Nil

**C. Court Witnesses**

Nil

**List of Prosecution/Defence/Court Exhibits****A. Prosecution Exhibits**

Sl.No.	Exhibit number	Description
1.	Ext.P1/PW1	FIS, dated. 07.11.2019

**B. Defence Exhibits**

Nil

**C. Court Exhibits**

Nil

**D. Material Objects**

Nil

Sd/-

Judicial First Class Magistrate-III  
Kannur

//True copy//

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Kannur