

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, PAYYANNUR

Present: Kum. Lakshmipriya. T. K.,
Judicial First Class Magistrate.

Tuesday, the 31st day of March, 2026/10th day of Chaithra, 1948

CALENDER CASE No.930/2025

Complainant : The SHO, Cherupuzha Police Station,
Crime No.388/2025

(By APP Grade – I, Payyannur)

Accused : Saravanan. K. P., S/o Padmanabhan,
Aged 40/25, Kalathil House, Vaikom Taluk,
Eravimangalam, Manoor Panchayath,
Kaduthuruthi.

(By Adv. Sri. M G Dinesh)

Offence : U/s 85 of BNS.

Plea : Not Guilty.

Finding : Not Guilty.

Sentence or Order : Accused is acquitted u/s 271(1) of BNSS.

DESCRIPTION OF ACCUSED

Sl. No.	Name of the P.S.& No. Cr. of offence	Name	Father's Name	Occupation	Residence	Age
1.	Cherupuzha, Cr.No.388/25,	Saravanan KP	Padmanabhan	Eravimangalam	40/25

Date of:

- | | |
|--------------------|------------------------|
| 1. Occurrence | : 01.01.12 to 07.05.25 |
| 2. Complaint | : 07.05.2025 |
| 3. Apprehension | : 19.03.2026 |
| 4. Release on bail | : 19.03.2026 |
| 5. Commitment | : ... |

6. Commencement of trial	: 19.03.2026
7. Commencement of evidence	: 26.03.2026
8. Close of trial	: 26.03.2026
9. Sentence or order	: 31.03.2026
10. Service copy of judgment	: Copy is ready
11. Explanation for delay	: No delay
12. Period of detention undergone during investigation, inquiry or trial for the purpose of section 428 CrPC	: ...

This case came up for consideration during today's proceedings and the court delivered the following:

J U D G M E N T

This is a case charge sheeted by Sub Inspector of police Cherupuzha Police Station in Cr. No. 388/2025 for the offence punishable u/s 85 of BNS.

2. **Prosecution case in brief is as follows:** The marriage with CW1 and the accused was solemnized on 05-10-2012 at Kaduthuruthi Registrar office, Kottayam dist and while they were living together as husband and wife, the accused subjected her mental and physical harassment. Thereby the accused said to have been committed the aforesaid offence.

3. On appearance of accused he is released on bail. Copies of all relevant prosecution records were furnished to him u/s 230 of BNSS. After hearing both sides, charge u/s 85 of BNS was framed and read over and explained to accused to which he pleaded not guilty and claimed to be tried.

4. In order to prove the prosecution case PW1 was examined and Ext.P1 was marked. PW1/defacto-complainant did not support the prosecution case. Since there is no material evidence, the Learned Asst. Public Prosecutor has

rightly given up the remaining witnesses and the prosecution evidence closed. Since there are no incriminating circumstances against the accused, the questioning of the accused u/s 351 (1)(b) of BNSS is dispensed with. No evidence was adduced from the side of defence.

5. Heard both sides.

6. **Points arise for consideration:**

1) Has the prosecution proved that the accused had harassed the PW1 mentally and physically by making unlawful demand for money and gold as alleged and thereby committed the offence under section 85 of BNS?

2) If so, what is the proper order or sentence?

7. **Point No.1:** - CW1 is the defacto-complainant and she is examined as PW1. She deposed that she is residing at Pulingome and the accused is her husband and their marriage was solemnized on 05-10-2012 and two children were born out in the said wedlock. She further deposed that some marital problems were happened in their life as they were living together as husband and wife and she has given a complaint which is marked as Ext.P1. She further deposed that she has no complaints against the accused as the matter has been settled between them. She further deposed that they are now living together as husband and wife. She turned hostile to the prosecution case and she is not interested to proceed with the case.

8. Hence the learned Asst. Public Prosecutor is permitted to put question as contemplated u/s 157 of Bharatiya Sakshya Adhiniyam 2023, but nothing

could be brought out in support of the prosecution case. Since PW1 turned hostile to the prosecution and there are no other material witnesses to be examined and the examination of other remaining witnesses will be considered as futile exercise the learned Asst. Public Prosecutor has rightly given up the remaining witnesses. The prosecution had not adduced any other evidence to bring home the guilt of the accused beyond reasonable doubt and therefore these points are answered against the prosecution.

9. **Point No.2:** In view of my finding on points No. 1 accused is found not guilty of the offences punishable u/s. 85 of BNS.

In the result,

Accused is found not guilty of the offence punishable u/s. 85 of BNS and accordingly he is acquitted of the offence u/s 271(1) of BNSS. His bail bond stands cancelled and he is set at liberty.

(Dictated to Confidential Assistant, transcribed and typed her, corrected and pronounced by me, in open court this on the 31st day of March, 2026)

Sd/-
Judicial First Class Magistrate,
Payyannur.

APPENDIX:
WITNESSES FOR THE PROSECUTION

PW1 Salmath A K Defacto complainant

EXHIBITS FOR THE PROSECUTION :

Ext.P1/PW1 FI Statement dtd. 07.05.25

MATERIAL OBJECTS MARKED : Nil.
WITNESSES FOR THE DEFENCE : Nil.
EXHIBITS FOR THE DEFENCE : Nil.
MATERIAL OBJECTS FOR THE DEFENCE : Nil.

Sd/-
Judicial First Class Magistrate
Payyannur.

//True copy//

Judicial First Class Magistrate
Payyannur.