

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE,  
MATTANNUR

Present:- Smt.Shahina.N.V,

Judicial First Class Magistrate

Dated this the 01<sup>st</sup> day of April 2026 / 11<sup>th</sup> day of Chaithra 1948

**CC.No.5863/2016**

Complainant : State, Sub Inspector of Police,  
Mattannur Police Station (Crime No.132/2016)  
  
(Represented by Assistant Public Prosecutor,  
Mattannur)

Accused : A1. Prakashan.P, S/o.Aandy,  
Puthiyaveedu, P.O.Kayani,  
Pazhassi Amsom, Perincheri Desom.

A2. Pramod.P, S/o.Aandy, Vengalott-  
Puthiyapurayil, Karaperavoor. P.O,  
Perincheri Desom (**No more**).  
: (Represented by Adv.C.Prakashan)

Offence : Punishable under Section 498A of IPC.

Pleading : Not guilty

Finding : Not guilty

Sentence or Order : Accused No.1 is acquitted under Section 248(1)  
Cr.PC for the offence punishable under Section  
498A of IPC. The charge against Accused No.2  
stands abated.

| Sl.<br>No. | Name of Police<br>station and<br>Crime No. of<br>the offence | <b>Description of accused.</b> |               |            |            |       |
|------------|--------------------------------------------------------------|--------------------------------|---------------|------------|------------|-------|
|            |                                                              | Name                           | Father's name | Occupation | Residence  | Age   |
| 1.         | Mattannur                                                    | Prakashan.P                    | Aandy         | Coolie     | Perincheri | 37/16 |
| 2.         | Cr.No.132/16                                                 | Pramod.P                       | Aandy         | - -        | Perincheri | 32/16 |

| <b><i>Date of:</i></b>   |                                                                                                               |                |                      |                                                            |
|--------------------------|---------------------------------------------------------------------------------------------------------------|----------------|----------------------|------------------------------------------------------------|
| Occurrence               | Complaint                                                                                                     | Apprehension   | Release on bail      | Commitment                                                 |
| January 2012<br>onwards  | 15-11-2016                                                                                                    | 07-10-2016     | 07-10-2016           | - -                                                        |
| Commencement<br>of trial | Commencement<br>of evidence                                                                                   | Close of trial | Sentence or<br>order | Service of copy<br>of judgment or<br>finding on<br>accused |
| 04-04-2019               | 31-03-2026                                                                                                    | 31-03-2026     | 01-04-2026           | - -                                                        |
| Explanation of<br>delay  | Period of detention undergone during investigation, inquiry or trial<br>for the purpose of Section 428 Cr.PC. |                |                      |                                                            |
| No delay                 | - -                                                                                                           |                |                      |                                                            |

This case having been finally heard on this, the 31<sup>st</sup> day of March 2026, the court on 01<sup>st</sup> day of April 2026 delivered the following.

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

1. This is a case charge sheeted by the Sub Inspector of Police, Mattannur Police Station, against the accused in crime No.132/2016, alleging commission of the offences punishable under Sections 354, 451 and 498A r/w 34 of the Indian Penal Code (Hereinafter referred to in short as 'IPC').

2. Prosecution case in brief is as follows: PW1 is the wife of Accused No.1, and Accused No.2 is the brother of Accused No.1. While PW1 and Accused No.1 were residing together as husband and wife, Accused No.1 subjected PW1 to physical and mental cruelty by demanding more dowry. It is further alleged

that Accused No.2 trespassed into the residence of PW1 and attempted to outrage the modesty of PW1. Hence, the accused are alleged to have committed offences punishable under Sections 354, 451 and 498A read with Section 34 of the Indian Penal Code.

3. Accused No.1 was enlarged on bail and was furnished with copies of all relevant prosecution records. It is reported that Accused No.2 is no more, and a copy of the death certificate of Accused No.2 has been produced. Hence, the charge against Accused No.2 stands abated. After hearing both sides and perusing the records, this Court framed charge against Accused No.1 for the offence punishable under Section 498A of the Indian Penal Code. The charge was read over and explained to Accused No.1, to which he pleaded not guilty and claimed to be tried.

4. From the side of prosecution, PW1 to PW3 were examined and Exbt.P1 was marked. As there was no incriminating evidence against the accused, examination of the accused under Section 313(1)(b) of Cr.PC was dispensed with.

5. The defence did not adduce any evidence.

6. Heard both sides and perused the records.

7. The points that arise for consideration are: -

*(1) Whether Accused No.1, being the husband of PW1, subjected PW1 to cruelty in connection with the demand for dowry, thereby committing an offence punishable under Section 498A of the Indian Penal Code?*

*(2) Sentence or order?*

8. **Point No.1:** To prove the prosecution case, twelve witnesses were cited, out of whom CW1 to CW3 were examined as PW1 to PW3.

9. PW1 is the de facto complainant. PW1 deposed that Accused No.1 is her husband and that Accused No.2 is the brother of her husband, who is no more. She further deposed that her marriage with Accused No.1 was solemnized on 22.05.2008. She stated that she had filed a complaint before the court against the accused, and the said complaint was marked as Exhibit P1 (CMP No.370/2016). She further deposed that the complaint was filed due to a misunderstanding and that the disputes between the parties have now been settled.

10. PW2 and PW3, who are relatives of PW1 and were cited as witnesses to the alleged incident in this case, deposed that they had not witnessed the incident in question.

11. On an analysis of the evidence of PW1 to PW3, it is evident that they turned hostile to the prosecution and deposed against the prosecution case. As

PW1 to PW3 turned hostile, the remaining witnesses were given up by the learned Assistant Public Prosecutor. In the said circumstances, this Court is satisfied that examining the remaining witnesses would not improve the prosecution case.

12. Considering the above discussion and upon perusal of the entire case records, this Court does not find any reliable evidence to connect the accused No.1 with the alleged incident. Therefore, it cannot be held that the accused committed the offences alleged against him. Thus, the prosecution has failed to prove the case against the accused No.1 beyond reasonable doubt. Accordingly, Point No.1 is answered against the prosecution.

13. **Point No.2:** In view of the finding on Point No.1, Accused No.1 is found not guilty of the offence punishable under Section 498A of the Indian Penal Code. Hence, Accused No.1 is acquitted of the said offence under Section 248(1) Cr.P.C. The bail bond executed by him stands cancelled, and he is set at liberty. The charge against Accused No.2 stands abated.

(Dictated to the Confidential Assistant, transcribed and typed by him, corrected and pronounced by me in open court, this the 01<sup>st</sup> day of April 2026)

Sd/-  
Judicial First Class Magistrate,  
Mattannur.

APPENDIX

## PROSECUTION WITNESSES:

| <i>Rank</i> | <i>Name</i> | <i>Whether Eyewitness, Police witness, Expert witness, Medical witness, Other witness</i> |
|-------------|-------------|-------------------------------------------------------------------------------------------|
| PW1         | Vijitha     | De facto complainant                                                                      |
| PW2         | Anitha      | Eyewitness                                                                                |
| PW3         | Madhavi     | Eyewitness                                                                                |

DEFENCE WITNESSES: Nil

COURT WITNESSES: Nil

## PROSECUTION EXHIBITS :

| <i>Sl.No.</i> | <i>Exhibit Number</i> | <i>Description</i> |
|---------------|-----------------------|--------------------|
| 1.            | Exhibit P1 / PW1      | Complaint          |

DEFENCE EXHIBITS : Nil

COURT EXHIBITS : Nil

MATERIAL OBJECTS : Nil

Sd/-

Judicial First Class Magistrate,  
Mattannur

-/True copy/-

Judicial First Class Magistrate,  
Mattannur

/vt