

IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE, KUNNAMKULAM

Present:- Sri. Jayanthan L., Judicial I Class Magistrate.

Saturday, the 21st day of March, 2026 / 30th day of Phalguna,1947.

C.C. 195 / 2023

Complainant : State of Kerala represented by the Sub Inspector of Police, Vadakkekkad PS in Cr.334/2011
(By Sri. P.Krishnakumar, Assistant Public Prosecutor, Gsenior Grade, Kunnamkulam)

Accused : N.K.Kabeer, 48 years, S/o.Kunjimon, Narannath House, Ollur Post Office, Vadakkekkad, Thrissur District.
(By Adv. Nithiya K.J. Kunnamkulam)

Offence : u/s. 498 A r/w 34 of IPC.

Plea : Not guilty

Finding : Not guilty

Sentenced : The accused is acquitted u/s.248(1) of Cr.P.C.

Description of accused

No	Name	Father's name	Occupation	Residence	Age
1	N.K.Kabeer	Kunjimon	Driver	Vadakkekkad	45

Date of :

Offence	Complaint	Appre-hension	Release on bail	Commence-ment of trial	Closure of trial	Sentence or order
6.11.1996	18.05.2011	9.3.2023	9.3.2023	20.2.2013	21.3.2026	21.3.2026

This case having been finally heard on 21.3.2026 and the Court on the same day delivered the following:-

JUDGMENT

In this case, final report has been filed by the Sub Inspector of Police, Vadakkekka Police Station Crime 334/2011 for the offence punishable under section 498 A r/w 34 of IPC.

2. The case of the prosecution is that the marriage between the accused and the defacto complainant is solemnized on 06.11.1996 at Muduvattur. At the time of marriage, Second and third witnesses gave 85 sovereigns of gold as a gift to the defacto complainant along with an amount of ₹ 2,00,000 is also given. The said gold ornament and the money were received by the accused. The accused had not returned the said gift when demanded. The accused also demanded more money and ornaments from the defacto complainant. It is alleged that the accused committed mental and physical harassment of the defacto complainant till the month of March. Therefore, the accused persons are said to have committed the offences alleged.

3. The case was taken on file as CC 592/2011 against the accused alleging the offence punishable under section 498 A of IPC. Thereafter, when the case was posted for examination of the accused under section 313 Cr.P.C he was absconded and as the prosecution failed to procure the presence of the accused in spite of repeated process, case against the accused was transferred to LP Register as LP 179/2019. On 10.3.2023 the accused was arrested and produced before the Court and hence the case was taken up from the Long Pending Register and refiled to this number. On issuance of summons accused persons appeared before the Court and copies of all relevant

prosecution records were furnished to him. The accused was granted bail. After hearing both sides, charge was framed u/s. 498 A r/w 34 of IPC and read over and explained to the accused to which he pleaded not guilty and claimed to be tried.

4. On the side of prosecution PW1 to PW7 were examined and Exts.P1 to P5 were marked. On closure of prosecution evidence, accused 1 to 3 were examined U/s.313 (1) (b) of Cr.P.C. The accused persons denied all the incriminating circumstances appearing in evidence against them. No evidence was adduced on the side of the accused.

5. Heard both sides.

6. Now the points that arise for determination are :-

1. Whether the accused has physically and mentally harassed the defacto complainant demanding more dowry as alleged?
2. Whether the accused is guilty of the offence alleged against hm? If found guilty, what should be the order as to sentence?

7. Point No.1 :- From the side of the prosecution PW1 to PW6 were examined and Exhibits P1 to P5 were marked. The prosecution witnesses were subjected to cross examination.

8. The accused was examined under section 313 (1)(b) of Cr.P.C and he denied all the incriminating circumstances appeared against him in the evidence. 9. The counsel for the accused argues that the accused is innocent of the allegations and contends that the prosecution failed to prove the offences against the accused beyond

reasonable doubt. Hence, he prayed for acquittal of the accused persons. On the other hand, the learned Asst. Public Prosecutor contends that the prosecution has succeeded in proving the offence alleged against the accused beyond reasonable doubt and hence he prayed to convict the accused.

10. The learned counsel for the accused argues that in this case the cognizance of the offence is taken after the expiry of the period of limitation as provided under Section 468 of Cr.P.C.

11. Now it is pertinent to address the contention in relation to the aspect of limitation. This case is instituted through filing of a private complaint dated 12.05.2011. According to the learned counsel for the accused, as per the version of the petitioner, the last date of harassment alleged is during the month of March of 2008. Therefore, it is contented that the private complaint which is filed on 12.05.2011 is barred by limitation as per Section 468 of Cr.P.C.

12. Perused the Exhibit P1 private complaint filed by the complainant under Section 498A of IPC against the accused. In the private complaint, the last cause of action is alleged during the month of March 2008. It is narrated that the accused during the month of March 2008, after drinking liquor, demanded the defacto complainant to bring an amount of ₹ 50,000 from her house. Upon being questioned by the defacto complainant about the extra marital affair with a lady, the accused beat the defacto complainant. Thereafter, it is alleged that due to the harassment, the defacto complainant left the house of the accused after taking the children along with her. Thereafter, no allegation is raised as to the harassment of the

accused. Hence, it can be concluded that the last cause of action for the offence under Section 498A IPC happened during the month of March 2008 according to the version of the defacto complainant herself.

13. Section 468 of Cr.P.C. contains an express prohibition against taking cognizance of the offence of the category specified in the section after the prescribed period of limitation. Under sub-section (2) (a) of Section 468, the period of limitation shall be six months, if the offence is punishable with fine only. Under sub-section (2)(b), the period of limitation shall be one year, if the offence is punishable with imprisonment for a term not exceeding one year and under sub-section (2)(c), it is three years if the offence is punishable with imprisonment for term exceeding one year, but not exceeding three years. If the maximum imprisonment exceeds three years, there is no limitation. Sub-section (3) provides that if multifarious offences triable together are alleged against the accused falling within sub-section (2), then the period of limitation shall be determined with reference to the offence punishable with most severe punishment. Section 469 specifically provides that the period of limitation in relation to an offence commences on the date of the offence. Section 470 recognizes rules of exclusion of time in computing the period of limitation viz., (1) exclusion of time of proceeding bonafide in a Court without jurisdiction; (2) exclusion of time in cases when there is an order of a Court for stay or injunction; (3) period covered by notice, and the time taken in obtaining sanction or consent statutorily required; and (4) period of absence from India. A specific provision has been made for extension of time. Section 473 has invested the Court with a judicial power and discretion to take cognizance of an offence even after the expiry of the period of limitation, if

sufficient cause is shown for the delay, or if the interests or demands of justice make it necessary to be so.

14. The date of the last alleged harassment being the month of March, 2008. The period of limitation under Section 468(C) for filing the complaint expired on the month of March of 2011. Therefore, the private complaint filed is barred by limitation. Admittedly the power under Section 473 of Cr.P.C. to condone the delay was not exercised. Therefore, the cognizance taken upon the private complainant is unsustainable. Therefore, the prosecution against the accused is unsustainable. Hence, the accused is entitled to be acquitted.

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

(Dictated to the Confidential Assistant, transcribed by her, corrected by me and pronounced in open court on this the 21st day of March, 2026)

Judicial First Class Magistrate - Kunnamkulam.

APPENDIX

Witnesses examined for the prosecution:-

PW1	Rasheeda / CW1	Defacto complainant and victim
PW2	Muhammedkutty / CW4	Prosecution witness
PW3	Hamsa /CW2	Prosecution witness
PW4	Suhara / CW3	Prosecution witness
PW5	Joshy / CW6	Prosecution witness/Seizure mahazar witness

		7
PW6	Sajin Sasi / CW7	Investigating Officer
PW7	Raji/CW5	Prosecution witness/Seizure mahazar witness

Exhibits marked from the side of prosecution:-

1	Ext.P1/ PW1	Signature in the private complaint given by PW1 dated 12.5.2011
2	Ext.P2 / PW1	Marriage Certificate issued by Vazhappully Juma Masjid dated 27.5.2011
3	Ext.P3/ PW1	Marriage photograph – one number
4	Ext.P3(a)4/PW1	Marriage photographs – two numbers
5	Ext.P4/PW5	Seizure Mahazar dated 27.5.2011
6	Ext.P5/PW5	FIR in crime 334/2011 of Vadakkekad PS dated 18.05.2011

Material Objects marked:- Nil

Witness examined for the defence :- Nil

Exhibits marked for the defence :- Nil

Judicial First Class Magistrate, Kunnankulam.