

IN THE COURT OF THE JUDICIAL I CLASS MAGISTRATE-I,
ATTINGAL

Present:-**Sri Jawhar H**
Judicial I Class Magistrate -I, Attingal

Dated this the 12th day of March, 2026.

CC. No. 593/2018

Complainant : State – represented by the Sub Inspector of Police,
Attingal Police Station in Crime No. 1640/2017

(By Assistant Public Prosecutor)

Accused : A1. Shilal, aged 33 years, S/o. Abdul Vahid, Shiji
Manzil, Mangattumoola, Oorupoika Desom,
Edakkode Village

A2. Abdul Vahid, aged 67/2017 years, S/o.
Muhammadali, Residing at do

(For A1 & A2 - By Adv. T Swapna)

Offences : u/Ss. 498A and 34 of IPC

Plea : Not guilty

Finding : Not guilty

Sentence/Order : The accused are found not guilty of the offences
punishable u/Ss. 498A and 34 of IPC and are
acquitted u/s.248(1) CrPC.

DESCRIPTION OF ACCUSED				
Rank & Name	Husband's Name/ Father's name	Occupation	Residence	Age
1. Shilal	Abdul Vahid	-	Shiji Manzil, Mangattumoola, Oorupoika Desom, Edakkode Village	33
2. Abdul Vahid	Muhammadali	-	Shiji Manzil, Mangattumoola, Oorupoika Desom, Edakkode Village	67/17
Date of				
Occurance	Complaint	Apprehension	Period of detention undergone during investigation, inquiry or trial for the purpose of S.428 CrPC	Release on bail

16/03/14 - 06/08/17	14/08/17	-	--	-
Commencement of trial	Commencement of evidence	Close of trial	Sentence/order	Reason for delay
A1 – 25/07/24 A2 - 26/07/24	27/02/26	27/02/26	12/03/26	No delay

This case coming upon for today's proceedings and the court delivered the following:-

JUDGMENT

This case is charge sheeted by the Sub Inspector of Police, Attingal Police Station in Crime No. 1640/2017 against accused for offences punishable under section 498A and 34 of the Indian Penal Code.

2. Prosecution case in brief is as follows: - On 16/03/2014, the first accused married PW1 as per religious rites and customs. From the very beginning of the marriage, the 1st accused continuously tortured PW1, mentally and physically demanding more dowry and gold ornaments, under the instigation of the 2nd accused. The accused misused 30 sovereign of gold out of the 40 sovereign of gold ornaments given to PW1 by her parents. On 06/08/2017 at about 07.30 pm, under the instructions of the first accused, the second accused deserted PW1 and her daughter at the family house of PW1 and abandoned them, and thereby the accused committed the offences punishable u/Ss.498A and 34 of the Indian Penal Code.

3. Accused were not arrested. After investigation police filed final report against the accused before this court.

4. Accused appeared before court on summons and were released on bail. Copies of the prosecution records were given to accused who appeared before court through a Counsel of their own choice. After hearing both sides charge was read over and explained to them in Malayalam vernacular to which they pleaded not guilty.

5. To prove its case, the prosecution examined witnesses PW1. After recording prosecution evidence, since there were no incriminating circumstances brought out against the accused, their examination u/s.313(1)(b) CrPC was dispensed

with.

6. Even though called upon, no defence evidence was adduced.
7. Heard both sides and considered the documents.
8. The points that arise for consideration in this case are: -
 1. Whether the accused subjected PW1 to cruelty as envisaged under S.498A IPC and thereby committed an offence punishable u/s.498A IPC as alleged?
 2. Whether the accused committed the above offence in furtherance of their common intention?
 3. Whether the accused are guilty of any of the offences alleged against them?
 4. If found guilty, what should be the order as to sentence?

9. **Point No. 1 and 2:** Prosecution was launched based on the FIS given by PW1 – Shanifa, before the Kadakkavoor Police station based on which Kadakkavoor Police station Crime No. 1040/2017 was registered, which was forwarded to Attingal Police station Crime No. 1640/2017 was registered. PW1 deposed that even though FIS was given by her, the incidents narrated therein did not happen and such a statement was given owing to the then mental state of PW1. She admitted that the matter is settled between her and the accused.

10. The other witnesses were given up by the prosecution.

11. The offences alleged, charge framed, evidence adduced and more importantly what the accused have defended are the offence u/Ss.498A and 34 of IPC. None of the prosecution witnesses supported the prosecution case and there is no material available before this court to the conclusion that PW1 was subjected to cruelty as alleged and that an occurrence as alleged by the prosecution had taken place and that the accused were the assailants. Compounding petition was filed, which was rejected as the offence alleged is non compoundable.

12. This court have examined in detail the evidence adduced on the side of the prosecution to prove its case and found that the prosecution has miserably failed

to prove beyond reasonable doubt the occurrence, identity of the accused and that the accused committed offences punishable u/Ss.498A and 34 of the Indian Penal Code. These points are thus found against the prosecution.

13. **Point no. 3 and 4:** In view of the findings on point no.1 and 2, this court find the accused not guilty of the offences punishable u/Ss. 498A and 34 of IPC and are acquitted u/s.248(1) CrPC. Their bail bonds stand cancelled and are set at liberty.

Dictated to the Confidential Assistant, transcribed and typed by her corrected and pronounced by me in open court on this the 12th day of March, 2026.

(Sd/-)

Judicial I Class Magistrate-I,
Attingal

Appendix

LIST OF PROSECUTION / DEFENCE/ COURT WITNESSES

A. Prosecution Witness:-

Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, Other witness.
PW1	Shanifa	Informant/ Eye witness

B. Defence Witness:- Nil

C. Court Witness:- Nil

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution Exhibits:- Nil

B. Defence Exhibits :- Nil

C. Court Exhibits :- Nil

D. Material Objects :- Nil

(Sd/-)
Judicial I Class Magistrate-I,
Attingal

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