

**IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE II,
SULTHAN BATHERY.**

Present:- Smt. Gale Joy Chettupuzha,
Judicial First Class Magistrate II
Sulthan Bathery.

Tuesday, 31st day of March, 2026
10th day of Chaitra, 1947

CC. 166/2022

Complainant : State represented by the Station House
Officer, Pulpally P.S in Cr. No.182/2022
(By Sri. Aneesh Joseph, APP Gr II)

Accused : 1. Abhilash, Aged 35/22, S/o. Balan
Nettikkattu House, Sasimala Post,
Padichira Amsom.
2. Aneesh, Aged 31/22, S/o. Balan,
Nettikkattu House, Sasimala Post,
Padichira Amsom.
3. Balan, Aged 64/22, S/o. Govindan,
Nettikkattu House, Sasimala Post,
Padichira Amsom.
4. Ambika, Aged 60/22, W/o. Balan
Nettikkattu House, Sasimala Post,
Padichira Amsom.
(By Adv. T P Ealias)

Charge : U/s 498(A) r/w 34 of the Indian Penal Code,
Plea : Not guilty.
Finding : Not guilty

Sentence or order : All the accused are found not guilty of the
offence punishable under Section 498A read
with Section 34 of the Indian Penal Code
and are acquitted under Section 248(1) of
the Code of Criminal Procedure.

Statement under rule 132 of Criminal Rules of Practice

Serial Number : CC. 166/2023
Complainant : The S.H.O, Pulpally in Cr. No. 182/22

DESCRIPTION OF ACCUSED

SL. No.	Name of Accused	Father's name	Occupation	Residence	Age

1	Abhilash	Balan	-	Sasimala	35/22
2	Aneesh	Balan	-	Sasimala	31/22
3	Balan	Govindan	-	Sasimala	64/22
4	Ambika	W/o Balan	-	Sasimala	60/22

Date of

Offence	Report or complaint	Apprehension of accused	Released on bail	Commencement of trial	Close of trial	Sentence or order	Explanation of delay and remarks
10.05.2017	07.05.2022	12.03.2022	12.03.2022	01.09.2022	26.03.2026	31.03.2026	No delay

J U D G M E N T

This case arose on the final report filed by the Sub Inspector of Police, Pulpally Police Station, in Crime No. 182/2022. The accused stand trial for the offence punishable under Section 498A read with Section 34 of the Indian Penal Code, 1860.

2. The prosecution case, in brief, is that the first accused married the first informant, Sreerekha, on 10.05.2017 as per Christian religious rites. While they were living as husband and wife in the house of the accused at Prabhathkavala in Padichira Amsom, the first accused and his relatives allegedly subjected her to cruelty, both physical and mental, in connection with demands for dowry. By committing the aforesaid acts, the accused are alleged to have committed the offence punishable under Section 498A read with Section 34 of the Indian Penal Code, 1860.

3. On issuance of process, all accused appeared before the Court. Copies of the relevant prosecution records were furnished to them in compliance with Section 207 of the Code of Criminal Procedure. After hearing both the

prosecution and the defence, a charge for the offence punishable under Section 498A read with Section 34 of the Indian Penal Code was framed, read over, and explained to the accused, to which they pleaded not guilty and claimed to be tried.

4. On the side of the prosecution, PW1 was examined and Ext. P1 was marked. The remaining witnesses were given up by the learned Assistant Public Prosecutor. As there were no incriminating materials against the accused, examination under Section 313(1)(b) of the Cr.P.C. was dispensed with. No evidence was adduced from the side of the defence.

5. Heard both sides and perused the records.

6. The points that arise for determination in this case are as follows:

- (I) Whether the accused persons, being the husband and relatives of the husband of PW1, in furtherance of their common intention, subjected PW1 to cruelty, both physical and mental, in connection with dowry demands, and thereby committed the offence punishable under Section 498A read with Section 34 of the Indian Penal Code, 1860?
- (ii) What is the appropriate order or punishment, if any, to be awarded?

7. Point No. (i): The prosecution case is that PW1 was subjected to continuous and intolerable cruelty by the accused in connection with dowry demands. The evidence in this case consists of the oral testimony of PW1 and Ext. P1 document. PW1 is the first informant (Sreerekha). She admitted that she had lodged a complaint before the police regarding the alleged incident. Though she admitted her signature in Ext. P1 First Information Statement, she denied the contents therein. She further stated that the first accused is her husband and

that no one had assaulted her or demanded dowry. PW1, who is the prime witness, admitted that she was not subjected to cruelty, either physical or mental, by the accused. The material witness examined by the prosecution has thus turned hostile and given a version destructive of the prosecution case. Therefore, there are absolutely no materials before this Court to conclude that the prosecution has succeeded in proving the guilt of the accused beyond reasonable doubt. Accordingly, this point is found against the prosecution.

8. Point No. (ii): In view of the finding on Point No. (i), this Court is of the opinion that the prosecution has failed to prove beyond reasonable doubt that the accused committed the offence alleged against them. Hence, the accused are found not guilty of the offence punishable under Section 498A read with Section 34 of the Indian Penal Code and are acquitted under Section 248(1) of the Code of Criminal Procedure. Their bail bonds stand cancelled, and they are set at liberty.

(Pronounced by me in open court this the 31st day of March, 2026)

JUDICIAL FIRST CLASS MAGISTRATE II

APPENDIX

Specimen chart for witness examined

<u>Prosecution witness No</u>	<u>Name of witness</u>	<u>Description</u>
1	Sreerekha	First informant

Specimen chart for Exhibited documents

<u>Exhibits No</u>	<u>Description of the Exhibit</u>	<u>Proved by/attested by</u>
1	First Information statement	PW1

Material Objects marked on the side of Prosecution : Nil

Witness examined on the side of Defence: Nil

Exhibits marked on the Side of defence:- Nil

Judicial First Class Magistrate-II

Form No.48 (CPC)

CALENDAR AND JUDGMENT

District of Wayanad Calendar of a cases tried by
the Judicial First Class Magistrate II of Sulthan Bathery

Date of

Offence	Report or complaint	Apprehension of accused	Released on bail	Commencement of trial	Close of trial	Sentence or order	Explanation of delay and remarks
10.05.2017	07.05.2022	12.03.2022	12.03.2022	01.09.2022	26.03.2026	31.03.2026	No delay

Judgment in Calendar Case No. **CC. 166/2022**

Complainant : S.H.O, Pulpally

SL. No.	Name of Accused	Father's name	Occupation	Residence	Age
1	Abhilash	Balan	-	Sasimala	35/22
2	Aneesh	Balan	-	Sasimala	31/22
3	Balan	Govindan	-	Sasimala	64/22
4	Ambika	W/o Balan	-	Sasimala	60/22

Offence

- U/s 498A r/w 34 of the IPC.

Finding

- Not guilty.

Sentence or order

- All accused are found not guilty of the offence punishable under Section 498A r/w 34 of the IPC. Hence, they are acquitted under Section 248 (1) of the Cr.P.C

Judicial First Class Magistrate-II
Sulthan Bathery

DOCKET

Date of Receipt.....

From

Remarks of the District

Judicial First Class Magistrate-II,
Sulthan Bathery

To

Date of Despatch

The District Magistrate
(Through the Sub Divisional Magistrate)
(of C.J.M, Kalpetta.)

Date of receipt

Reply of the.....Magistrate

Date of despatch

Case No **CC. 166/2022**

Remarks of the Sub divisional

Date of Judgement - 31.03.2026

Date of Despatch - 01.04.2026