

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE,  
KADAKKAL**

Present:- Sri.Amal S.R., Judicial First Class Magistrate

Wednesday, 21<sup>st</sup> day of January 2026/ 01<sup>st</sup> Magha, 1947

**CALENDAR CASE No.610/2022**

Complainant : State-represented by the Sub Inspector of Police,  
Chithara Police Station Crime No. 696/2022.

(By A.P.P., Kadakkal)

Accused : Athul Das, S/o Madhu Bhargavan, Charuvila Veedu Karara,  
Chithara Village.

(By Adv. Pranav R.S)

Offence : Under section 498A, 323 IPC and S.4 Dowry Prohibition Act.

Plea : Not guilty

Finding : Not guilty

Sentence or order : The accused is found not guilty of the offence punishable under sections 498A, 323 IPC and S.4 Dowry Prohibition Act and he is acquitted under section 271(1) of the BNSS, 2023. His bail bond stands cancelled, and he is set at liberty.

**Date of**

| Occurrence | Complaint | Apprehension | Release on bail | Commencement of trial | Commencement of evidence | Close of trial | Sentence or order | Period of detention undergone during investigation of trial for the purpose of Section 428 Cr.P.C |
|------------|-----------|--------------|-----------------|-----------------------|--------------------------|----------------|-------------------|---------------------------------------------------------------------------------------------------|
| 27.06.16   | 20.08.22  | 25.03.25     | 25.03.25        | 16.06.25              | 13.01.26                 | 13.01.26       | 21.01.26          |                                                                                                   |

This case having been finally heard today and the Court on the same day delivered the

following:-

### **JUDGMENT**

1. This case arose on the final report filed by the Sub Inspector of Police, Chithara Police Station Crime No. 696/2022. The offences alleged are punishable u/ss. 498A, 323 IPC and S.4 Dowry Prohibition Act.

2. The case of the prosecution is the following:- The accused and the defacto complainant (CW1) are husband and wife. Their marriage was solemnized on 27.06.16, While they were residing together the accused mentally and physically tortured her seeking more dowry and voluntarily caused hurt to her. Thus the accused had committed the offences punishable under sections 498A, 323 IPC and S.4 Dowry Prohibition Act.

3. Cognizance was taken for the offences u/s. 498A, 323 of Indian Penal Code, 1860 and S.4 Dowry Prohibition Act processes was issued to the accused . He entered appearance. He was granted bail and defended by a counsel of their own choice. The accused was served with copies of all the relevant prosecution records and the same were acknowledged to be in order in due compliance of Sec.207 Cr.P.C. Heard accused and the Learned Assistant Public Prosecutor on charge. Charges u/s.498A,323 of Indian Penal Code, 1860 and S.4 Dowry Prohibition Act were framed, read over and explained to him. The accused pleaded not guilty of the said charges and claimed to be tried.

4. From the side of prosecution, the defacto complainant was examined and FIS was marked as Ext. P1. As there were no incriminating circumstances in the evidence, examination of the accused U/s.313(1)(b) Cr.P.C was dispensed with. No evidence adduced from the side of defence.

5. Heard both sides.

6. The points that arise for determination are as follows:-

1. *Has the accused physically and mentally harassed PW1 on demand for more dowry and thereby committed offence punishable U/s. 498A Indian Penal Code, 1860 as alleged by the prosecution?*
2. *Has the accused voluntarily caused hurt to PW1 and thereby committed offence punishable u/s.323 of Indian Penal Code, 1860 as alleged by the prosecution?*
3. *Has the accused directly or indirectly demands dowry from the parents of CW1 and thereby committed offence punishable u/s. S.4 Dowry Prohibition Act as alleged by the prosecution?*
4. *What is the punishment if any to be awarded?*

7. **Point No. 1 to 3 :-** A perusal of the final report shows that the prosecution is relying on direct evidence of PW1 to prove the case. In order to prove its case prosecution examined PW1 and marked Ext.P1 complaint. PW1 admitted her signature in Ext. P1. She further deposed that the accused never committed cruelty towards her in demand for dowry and there exists some dispute between them which is common among the husband and wife. The learned APP sought permission to declare the witness hostile and to ask leading questions. During further examination she deposed that the entire dispute between the accused person was settled. PW1 deposed in contradiction with Ext. P1 and there exists no grounds to proceed further against the accused since the accused turned hostile to the prosecution. Hon'ble High Court of Kerala in ***Appukuttan Vs. State of Kerala 2018 Cr LJ 1959*** wherein the Hon'ble High Court of Kerala emphasised the principle held in ***Manjuram Kalita Vs. State of Assam (2009)13 SCC 336*** wherein it is held that “Cruelty for the purpose of Section 498 A IPC is to be established in the context of S.498 A IPC as it may be a different from other statutory provisions. It is to be determined/inferred by considering the conduct of the man, weighing the gravity or seriousness of his acts and to find out as to whether it is likely to drive the woman to commit suicide etc. It is to be established that the woman has been subjected to cruelty continuously or persistently or at least in close proximity of time of lodging of the complaint. Petty quarrels cannot be termed as cruelty to attract the provisions of Section 498A Indian Penal Code, 1860. Causing mental torture to the extent that it

*becomes unbearable may be termed as cruelty.”* Since the injured turned hostile, even if the other witnesses appeared and gave evidence, no purpose will be served as the prosecution cannot bring out any version other than presented by the witnesses already testified. Learned Assistant Public Prosecutor has therefore given up all the other witnesses. The prosecution had not adduced any evidence to bring home the guilt of the accused and therefore, this points are answered accordingly against the prosecution.

**8. Point No.4:-** In view of my findings, accused is found not guilty of the offence punishable under sections 498A, 323 IPC and S.4 Dowry Prohibition Act and he is acquitted under section 271(1) of the BNSS, 2023. His bail bond stands cancelled, and he is set at liberty.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me, in open court, on this the 21<sup>st</sup> day of January 2026.

Sd/

Judicial FirstClass Magistrate, Kadakkal.

### **APPENDIX**

#### **List of Prosecution/Defence/Court Witnesses**

##### **A. Prosecution Witnesses**

| Rank | Name        | Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness |
|------|-------------|-------------------------------------------------------------------------------------|
| PW1  | Reshma(CW1) | Injured Witness/ Complainant                                                        |

##### **B. Defence Witness**

| Rank | Name | Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness |
|------|------|-------------------------------------------------------------------------------------|
|      | NIL  |                                                                                     |

##### **C. Court Witnesses**

| Rank | Name | Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness |
|------|------|-------------------------------------------------------------------------------------|
|      | NIL  |                                                                                     |

#### **List of Prosecution/Defence/Court Exhibits**

##### **A. Prosecution Exhibits**

| Sl.No | Exhibit Number | Description                                |
|-------|----------------|--------------------------------------------|
| 1     | P1             | COMPLAINT marked through PW1 on 13.01.2026 |

**B. Defence Exhibits**

| Sl.No. | Exhibit Number | Description |
|--------|----------------|-------------|
|        | NIL            |             |

**C. Court Exhibits**

| Sl.No. | Exhibit Number | Description |
|--------|----------------|-------------|
|        | NIL            |             |

**D. Material Objects**

| Sl.No. | Exhibit Number | Description |
|--------|----------------|-------------|
|        | NIL            |             |

**Sd/-****Judicial First Class Magistrate, Kadakkal.****//True Copy//****Judicial First Class Magistrate, Kadakkal.**