



2026:KER:15653

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

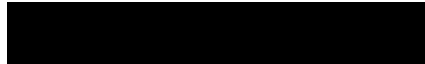
THE HONOURABLE MRS. JUSTICE M.B. SNEHALATHA

THURSDAY, THE 19TH DAY OF FEBRUARY 2026 / 30TH MAGHA, 1947

CRL.REV.PET NO. 573 OF 2018

AGAINST JUDGMENT DATED 15.02.2017 IN Cr1.A NO.521 OF 2014 OF ADDITIONAL SESSIONS COURT - VIII, ERNAKULAM ARISING OUT OF THE JUDGMENT DATED 21.10.2014 IN CC NO.116 OF 2010 OF JUDICIAL MAGISTRATE OF FIRST CLASS -I,KOCHI

REVISION PETITIONER/1ST APPELLANT/1ST ACCUSED:



S/O.LATE CHIDAMBARAN,VALLASERY HOUSE, RMD CHIRA AREA, MALIPURAM P.O., ELAMKUNNAPUZHA VILLAGE, KOCHI TALUK, PIN - 682511

BY SRI.VISHNU PREMKUMAR - AMICUS CURIAE

RESPONDENT/RESPONDENT/COMPLAINANT:

THE STATE OF KERALA
REPRESENTED BY SUB INSPECTOR OF POLICE,
NARAKKAL POLICE STATION, THROUGH THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, PIN - 682031

BY SMT.MAYA M N -PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR HEARING ON 5.2.2026, THE COURT ON 19.02.2026 DELIVERED THE FOLLOWING:

CR

M.B.SNEHALATHA, J

Crl.R.P. No.573 of 2018

Dated this the 19th February, 2026

JUDGMENT

The revision petitioner who is the 1st accused in C.C.No.116/2010 on the file of the Judicial First Class Magistrate Court I, Kochi and who is the 1st appellant in Crl.A No.521/2014 of Sessions Court, Ernakulam calls into the question the conviction and sentence against him for the offence punishable under Section 498A of the Indian Penal Code (for short, IPC).

2. The revision petitioner and his mother faced trial for the offence under Section 498A r/w Section 34 IPC on the allegation that he and his mother subjected his wife to cruelty, demanding dowry.

3. Pursuant to Ext.P1 complaint laid by PW1, Ext.P5 FIR was registered. After investigation, PW7 filed final report against the accused for the offence punishable under Section 498A r/w Section 34 IPC.

4. Accused abjured the guilt and faced trial.

5. To substantiate the prosecution case, prosecution examined PWs 1 to 10 and marked Exts.P1 to P8(a). No oral evidence was adduced on the side of the accused. Exts.D1 to D4 namely the portions

of first information statement and 161 Cr.P.C statements were marked on his side. MO1 wood stick was also marked.

6. After closing the prosecution evidence, accused was examined under Section 313(1)(b) Cr.P.C. He denied all the incriminating evidence against him and maintained that he is innocent.

7. On an appreciation of the evidence both oral and documentary, the learned Magistrate found the accused guilty under Section 498A r/w Section 34 of IPC and both the accused were convicted and sentenced and the revision petitioner/A1 was sentenced to undergo rigorous imprisonment for two years and to pay a fine of ₹10,000/-, in default of payment of fine to undergo simple imprisonment for a period of six months.

8. In the appeal preferred by both the accused, as Crl.A No.521/2014, A2 was acquitted. The conviction against A1 was confirmed in appeal. But the sentence against him was modified into simple imprisonment for a period of one year and to pay a fine of ₹5,000/-, in default of payment of fine to undergo simple imprisonment for a period of one month.

9. Challenging the conviction and sentence, the revision petitioner/A1 has preferred this revision, contending that the trial court and the appellate court went wrong in analysing the evidence in its correct perspective; that the trial court and the appellate court failed to appreciate the delay in lodging the complaint by PW1, which itself would

show that the case canvassed by PW1 is false; that the trial court and the appellate court failed to appreciate the inconsistencies in the versions of the prosecution witnesses regarding the alleged cruelty and therefore the conviction and sentence passed against the revision petitioner/A1 is unsustainable and it is to be set aside.

10. Per contra, the learned Public Prosecutor submitted that the trial court and the appellate court have analysed the evidence in its correct perspective and there are no reasons at all to interfere with the finding of conviction and sentence against the revision petitioner/A1.

11. When this revision petition came up for hearing, there was no representation for the revision petitioner and accordingly, this Court appointed Advocate Sri.Vishnu Premkumar as amicus curiae and both sides were heard.

12. The point for consideration in this Criminal Revision Petition is whether the impugned judgment of conviction and sentence against the revision petitioner/A1 for the offence under Section 498A IPC warrants any interference by this Court?

13. Before answering this point, we have to bear in mind that the revisional power of the court under Sections 397 and 401 of Cr.PC is not to be equated with that of an appeal. Unless the finding of the court, whose decision is sought to be revised, is shown to be perverse or untenable in law or is grossly erroneous or glaringly unreasonable or where the decision is based on no material or where the material facts

are wholly ignored or where the judicial discretion is exercised arbitrarily or capriciously, the courts may not interfere with the decision in exercise of their revisional jurisdiction.

14. Keeping in mind the above well-settled principle, let us analyse the evidence on record.

15. PW1 is the wife of revision petitioner/A1 and she is the defacto complainant. Ext.P3 is the marriage certificate. According to PW1, after the marriage, while she was residing in the matrimonial home, the revision petitioner/A1 and his mother used to harass and manhandle her, demanding dowry. Her further version is that while she was in the first trimester of her pregnancy, the revision petitioner/A1 beat her with the frame of a tube light and caused injuries to her; and on that day in order to save herself from the further attack of the accused, she had to take refuge in the neighbouring house, namely in the house of PW2. On the next day morning, upon getting information about the incident, her mother took her to the hospital and she was admitted in the hospital. According to her, after discharge from the hospital, she had gone to her parental home. Thereafter in the 3rd trimester of her pregnancy, pursuant to a mediation talk, she returned to the matrimonial home. Her further version is that after the birth of the child also, A1 used to manhandle her and caused injuries and she had undergone treatment at General Hospital, Ernakulam. Subsequently, she laid complaint to the police and Ext.P1 is the first information statement given by her. She

has also testified that the accused misappropriated her two sovereigns of gold ornaments. Her specific version is that revision petitioner/A1 physically and mentally harassed her demanding dowry, which compelled her to lay Ext.P1 complaint to the police.

16. PW2, is a neighbour of the accused. The evidence of PW1 that on 13.4.2009 she was beaten up by the revision petitioner/A1 receives corroboration from the version of PW2. He too testified that on a day when the accused assaulted PW1, she took refuge in his house and thereafter her mother took her to the hospital. The version of PW2 is in tandem with the version of PW1 that one day when A1 manhandled her, she had to take refuge in the house of PW2.

17. PW3 is another neighbour of the accused. He has testified that on 13.4.2009, he had witnessed the incident of accused attacking PW1. PW3 has further testified that due to the assault of the accused, PW1 fell down; that he had intervened and took her to the house of PW2. Thus the evidence of PW1 to PW3 regarding the incident on 13.4.2009 corroborates each other.

18. Ext.P8(a) is the wound certificate issued by PW8 doctor after examining PW1 on 14.4.2009. In Ext.P8(a) wound certificate, the doctor has noted the following injuries:

- I) Abrasion on different parts of body of varying sizes.
- II) Muscle tenderness both thighs, both legs, both foot and right side face.

19. Ext.P8(a) wound certificate would show that PW1 was admitted in the hospital on 14.4.2009 at 8.30 pm with the injuries noted in Ext.P8(a) and she was discharged on 27.4.2009. According to PW1, it was after discharge from the hospital, she laid Ext.P1 first information statement to the police. Ext.P8(a) would also reveal that PW1 was referred to gynecologist as she was pregnant then. Ext.P8(a) wound certificate coupled with the evidence of PW8 doctor fortifies the version of PW1 that on 13.4.2009 she sustained injuries due to the assault of the accused.

20. The contention put forward by the accused that the delay in lodging Ext.P1 complaint is fatal to the prosecution case is untenable.

21. Matrimonial cruelty is a continuing offence, as the suffering of the victim does not end with a single isolated incident but continues so long as oppressive conduct persists. Harassment and cruelty within the marriage cannot be viewed in isolation, but must be assessed in the context of continuous conduct.

22. In *V.K.Mishra and another v. State of Uttarakhand and another* (2015) 9 SCC 588) the Apex Court observed that cruelty in a matrimonial relationship often consists of repeated acts and each such act contributes to a continuing offence.

23. In cases of matrimonial cruelty, several compelling reasons account for the delay in reporting. A woman may hope for reconciliation and the preservation of the marriage. Her family may pressurise her to

tolerate abuse for the sake of matrimonial harmony. The social stigma attached to approaching the police against one's husband may also be a reason for the delay. Yet another reason may be her economic dependence and her concern for her children. Another reason may be her emotional trauma from further victimisation. The reasons are not exhaustive. There may be other reasons also. For the above reasons, the victims often endure cruelty silently for long periods before approaching legal authorities. Therefore, the delay in reporting the matrimonial cruelty does not by itself necessarily erode the credibility of the complaint, provided the prosecution version is otherwise found to be believable.

24.The testimony of a victim of matrimonial cruelty must be appreciated with sensitivity, and realism and a hyper-technical approach in such matters would defeat the very object of Section 498A IPC.

25.The version of PW1 is natural, cogent and inspires confidence in the mind of court, and therefore, there is no reason to disbelieve her version that the revision petitioner/A1 subjected her to cruelty by demanding dowry. PW1 is a rustic village woman and therefore the slight discrepancies in her evidence, while narrating the dates of the incident, cannot be considered fatal to the prosecution case. There is no reason to disbelieve the prosecution case that the revision petitioner/A1, who is the husband of PW1 subjected PW1 to matrimonial cruelty, demanding dowry.

26. Assaulting the wife in connection with dowry demands is not a mere domestic dispute but a serious offence rooted in greed, coercion and gender based violence. When a woman is physically harmed because she or her family cannot meet the unlawful dowry demands, it reflects the deliberate and oppressive misuse of power within the matrimonial home.

27. Now let us see whether the sentence imposed against the revision petitioner/accused needs any interference by this Court.

28. The sentence awarded to accused as modified by the appellate court is simple imprisonment for a period of one year and to pay a fine of ₹5,000/-, in default of payment of fine to undergo simple imprisonment for a period of one month.

29. The learned amicus curiae requested this Court to show some leniency in the matter of sentence.

30. Having heard both sides, this Court is of the view that substantive sentence of simple imprisonment for one year can be reduced to six months.

31. Accordingly, the Criminal Revision Petition is allowed in part as follows, modifying the sentence alone:

- a) The conviction against the revision petitioner/accused for the offence under Section 498A IPC is confirmed.

b) The sentence against the accused is modified as follows:

Revision Petitioner/accused is sentenced to undergo simple imprisonment for a period of six months and to pay a fine of ₹5,000/-. In default of payment of fine, he shall undergo simple imprisonment for one month.

The trial court shall take steps to execute the sentence.

Registry shall transmit the records to the trial court forthwith.

Sd/-

M.B.SNEHALATHA
JUDGE

ab