

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.12.2015

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THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.No.1059 of 2012

Sandhiya

W/o.Gunasekaran

..Petitioner

vs.

1.Gunasekaran
S/o.Dhandapani

2.The Station House Officer,
All Women Police Station,
Panruti.
Crime No.2 of 2010

..Respondents

Criminal Revision filed under sections 397 and 401 of Criminal Procedure Code against the judgment of learned Sessions Judge, Cuddalore Division, Cuddalore, passed in C.A.No.20 of 2011 on 27.04.2012.

For Petitioner : Mr.N.Suresh

For Respondents: Mr.V.S.Sivasundaram [R1]

Mr.V.Arul,

Government Advocate [Crl.side][R2]

सत्यमेव जयते

O R D E R

This revision is preferred against the judgment of learned Sessions Judge, Cuddalore Division, Cuddalore, passed in C.A.No.20 of 2011 on 27.04.2012.

2. The prosecution case was that the petitioner and first respondent were married on 29.10.2001. At the time of marriage, the petitioner's parents had given gold jewels weighing 20 sovereigns to the petitioner as 'sridhana' and a gold chain weighing 2½ sovereigns to the first respondent. When the petitioner resided with the first respondent and his

parents, they made dowry demands, repeatedly beat and cruelly treated her. The accused chased her out of the matrimonial home. When the petitioner asked return of jewels and other belongings, the accused refused. On the complaint of petitioner, a case in Crime No.2 of 2010 on the file of the second respondent was registered. Upon completion of investigation and filing of charge sheet informing commission of offences u/s.498-A, 384 IPC, 4 of the Tamil Nadu Prohibition of Women Harassment Act, 2002 and 4, 6(2) of the Dowry Prohibition Act, the case was tried in C.C.No.123 of 2010 on the file of learned Judicial Magistrate, Panruti.

3. Before the trial Court, the prosecution examined eight witnesses and marked two exhibits. None were examined on behalf of the defence, however, four exhibits were marked. On appreciation of materials before it, the trial Court, under judgment dated 31.01.2011, acquitted A2 and A3 of all charges and A1 for offences u/s.4 of Tamil Nadu Prohibition of Women Harassment Act and 384 IPC. It, however, convicted the first respondent/A1 for offences u/s.498-A IPC and 4, 6(2) of Dowry Prohibition Act and sentenced him to 2 years R.I. and fine of Rs.1,000/- i/d. 3 months S.I. for offence u/s.498-A IPC and 6 months R.I. for each of the offences u/s.4, 6(2) of Dowry Prohibition Act. The trial Court directed that sentences run concurrently. Against his conviction, the first respondent/A1 moved C.A.No.20 of 2011 on the file of learned Sessions Judge, Cuddalore Division, Cuddalore, which came to be allowed under judgment dated 27.04.2012. There against, the present revision is filed.

4. Heard learned counsel for petitioner, learned counsel for first respondent and learned Government Advocate [Crl.side] for second respondent.

5. On perusal of the judgment under challenge, this Court finds that the appellate Court has reasoned that though it was the case of the petitioner/de facto complainant that the accused demanded dowry and she was subjected to cruelty, she has admitted in cross-examination that she did not complain regards the same to anybody till 01.02.2009, the date on which she was driven out of the matrimonial home. Therefore, the materials and evidence let in by the prosecution were found to be planted. Appellate Court, dealing with the issue of demand of dowry, found that none of the witnesses had spoken to the dates on which demand of dowry actually was made and the details mentioned in the testimonies of witnesses related only to occurrences that took place over the past seven years. This apart, the complaint preferred by petitioner/de facto complainant after a period of four months of separation was

found to be an after thought. Reasoning as above, the appellate Court acquitted the first respondent/A1. This Court, in revision, cannot interfere with the finding of the appellate Court unless this Court finds the same wholly erroneous and totally unacceptable. In this case, this Court is unable to arrive at such conclusion and therefore, would not interfere in exercise of revisional powers.

In the result, the Criminal Revision stands dismissed.

sd/-
Assistant Registrar (Cs-IV)

/TRUE COPY/

Sub-Assistant Registrar

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To

- 1.The Sessions Judge,
Cuddalore Division,
Cuddalore.
- 2.The Station House Officer,
All Women Police Station,
Panruti.
- 3.The Public Prosecutor,
High Court, Madras.

+1 CC to MR.N.Suresh Advocate. SR.NO.66552

+1 CC to MR.V.S.Sivasundaram Advocate. SR.NO. 66312

Cr1.R.C.No.1059 of 2012

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CO-PA
JD 18/01/2016