

HON'BLE SMT JUSTICE ANIS
CRIMINAL REVISION CASE No.1460 OF 2007

ORDER:

This Criminal Revision Case under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C') is filed by the revision petitioner herein challenging the judgment dated 11-07-2007 passed by the IV Additional District & Sessions Judge (Fast Track Court), Siddipet in S.C.No.229 of 2006, whereunder and whereby the accused were acquitted for the offence punishable under Sections 118, 119, 120 (B), 364, 365, 302, 201 r/w. Section 149 of the Indian Penal Code (for short, 'I.P.C')

2. The revision petitioner herein is father of the deceased Srikanth Goud, whereas and respondents 1 to 8 are the accused in S.C.No.229 of 2006 before the trial Court. Respondent No.9 herein is the State. For the sake of convenience, the parties hereinafter will be referred to as they are arrayed in the Sessions Case before the trial Court.

3. The case of the petitioner who is PW.34 in S.C.No.229 of 2006 is that A-1 is the resident of Hyderabad, A-2 to A-8 are close friends and A-6 is the driver of A-1. The deceased Srikanth Goud is the co-brother's son of A-1. He was residing with family members of A-1 to prosecute his studies since 2001. During that period Srikanth Goud developed love affair with the daughter of A-1 namely Sandhya. In the absence of A-1 and his family members, he forcibly married his daughter in Arya Samaj in Sultan Bazaar. Thereafter, he took her to Bangalore and kept her in Surathkal village. On coming to know about this fact, A-1 along with his brother searched for Sandhya and traced her in Surathkal village and brought her back to home and did not allow the deceased to meet his daughter. Thereafter, the deceased filed case before this Court against the family members of Sandhya and the same was dismissed. Thereafter, he filed a case

before the Family Court, Hyderabad, where also he did not succeed. At that juncture the deceased Srikanth started threatening A-1 and his family members by making telephone calls. Then A-1 approached the elders and decided to convene a panchayath, but the deceased Srikanth and his parents did not attend the panchayath. Thereafter, A-1 took the help of the other accused and conspired to kill Srikanth Goud. On 15-06-2004 A-1 to A-6 abducted the deceased Srikanth Goud from his house. Thereafter, a case was registered in Cr.No.74 of 2004 under Section 364, 365 IPC by the Siddipet-I Town police and on 16-02-2004 issued First Information Report (FIR). During the course of investigation, A-6 was caught with the Suomo under suspicious circumstances and when he was interrogated, he admitted the guilt. Thereafter, the Investigating Officer along with the mediators visited the place, where the dead body of Srikanth Goud was found. After receiving the Post Mortem examination report (P.M.E) the section of law was altered. Police secured the presence of parents and relatives of the deceased and recorded their statements. After receiving the F.S.L. and P.M.E. reports and other relevant certificates and after completing investigation, the police filed charge sheet into the Court and the same was registered as P.R.C.No.9 of 2005 against the respondents herein. During the course of trial, 41 witnesses were examined and seventy nine documents were marked. Eight material objects were also marked along with Exs X-1 and X-2. The trial Court after considering the evidence on record acquitted the accused who are the respondents herein. Aggrieved by the acquittal order passed by the IV Additional District & Sessions Judge (Fast Track Court) at Siddipet, the father of the deceased who was examined as PW.34 filed the Revision petition on the ground that the trial Court failed to consider the evidence properly.

4. Learned counsel for the petitioner fairly admitted that all the

material witnesses turned hostile in S.C.No.229 of 2006 and the evidence of petitioner is only hearsay.

5. On the other hand, learned counsel for the respondents contended that basing on the evidence of PW.34, the present revision cannot be maintained so also under Section 401(3) Cr.P.C. and prayed the Court dismiss the Revision.

6. Section 401 (3) of Cr.P.C. reads as under:

“ Nothing in this section shall be deemed to authorise a High Court to convert a finding of acquittal into one of conviction.”

7. Admittedly S.C.No.229 of 2006 ended in acquittal as the main witnesses turned hostile. The petitioner is not an eye-witness and his evidence is hear-say evidence and the petitioner cannot challenge the judgment in S.C.No.229 of 2006 dated 11-07-2007 on the ground that the trial Court has not considered the evidence of the witnesses and also not considered that there is strong motive for A-1 to conspire with the other accused to kill his son. Under these circumstances of the case, the petition is not maintainable and the Criminal Revision Case is liable to be dismissed.

8. Accordingly, the Criminal Revision Case is dismissed confirming the judgment dated 11-07-2007 passed by the IV Additional District & Sessions Judge (Fast Track Court), Siddipet in S.C.No.229 of 2006.

13. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

ANIS, J

18-02-2015
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