

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO
CRIMINAL PETITION No.8077 of 2015

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ORDER :

Heard learned counsel for the petitioner/A.1 and also the 1st respondent-State represented by the Public Prosecutor, before admission and before notice to the 2nd respondent.

2. The petitioner/A.1 along with A.2 and A.3, who are no other than his mother and brother respectively, are facing the accusation in Crime No.102 of 2012 of S.N.Puram Police Station, Vijayawada, there from the police after investigation filed final report and the same was taken cognizance by the learned Magistrate and allotted P.R.C.No.26 of 2012 and committed to the Court of Sessions under Section 209 C.P.C. From which, the learned Sessions Judge has taken cognizance for the offences punishable under Sections 304-B, 498-A and 306 read with 34 IPC, under Section 193 Cr.P.C and after securing the presence of accused and after hearing the prosecution and the accused as contemplated under Section 226 to 228 Cr.P.C., framed the charges against the accused persons for the offences under Sections 498-A, 304-B IPC and 306 read with 34 IPC.

3. It is the contention of the learned counsel for the petitioners that there is no material for the learned Sessions Judge to frame a charge under Section 304-B

IPC. Leave about to the other statements and the investigation material, the very report of the de facto complainant, no other than the father of the deceased, clearly speaks from the date of marriage the unnatural death by committing suicide at her parents house by the victim (deceased) was on 04.03.2012 and it is other than the presumption under Section 113-B of the Evidence Act. What the wording of Section 304-B IPC is the deceased should have subjected to cruelty or harassment for additional dowry to meet the same since before her death the offence attracts even it is a suicide. The accused persons are husband and relatives of the deceased and the same is not in dispute. The only thing pointed out is two months after the deceased left her parents-in-law house, as the case may be, she committed suicide at her parents house. Whether the deceased was subject to cruelty or harassment at any time at her parents-in-law house soon before her death is to be ascertained during trial, thereby the trial Court committed no illegality in framing the charge for the offence under Section 304-B IPC. Needless to say, the third charge under Section 306 read with 34 IPC is at best an alternative in the event of non application of the charge under Section 304-B IPC, if not, so made clear it is made clear by virtue of this. Therefore, there are no grounds to interfere with the impugned charges referred supra.

4. Accordingly, the criminal petition is dismissed with

no prejudice to the defence of the accused during trial in any manner.

5. Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

26th August 2015.

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