

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL REVISION CASE No.427 of 2015

ORDER:

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Aggrieved by the order dated 02-03-2015 passed in CrI.M.P.No.5422 of 2014 in C.C.No.185 of 2012 on the file of V Additional Judicial Magistrate of First Class, Rajahmundry, wherein an application filed by A-1 under Section 243 (2) Cr.P.C. to summon a constable of G.K.Veedhi Police Station of Visakhapatnam District as a defence witness, was rejected, the present revision is filed under Sections 397 and 401 of Cr.P.C.

The facts in brief are as under:

A charge sheet came to be filed against the petitioner and others for the offences punishable under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961, which on being taken on file came to be numbered as C.C.185 of 2012 on the file of the V Additional Judicial First Class Magistrate, Rajahmundry. In the said case the prosecution examined PW.1, who is the wife of accused No.1. Accused Nos.2 and 3 are parents of accused No.1, while accused No.4 is the younger sister of accused No.1. According to the prosecution, the marriage of accused No.1 with PW.1 was performed on 27.04.2012 at Nidadavolu as per their caste customs. At the time of marriage, the parents of PW.1 gave an amount of Rs.3,20,000/- towards dowry, 40 sovereigns of gold articles and Rs.20,000/- towards adapaduchu katnam. After marriage, accused No.1 set up a separate family at door No.23-7-4, Municipal Colony, Rajahmundry. Both of them lived happily for some time and out of wedlock they were blessed with three male children. It is stated that accused No.1 started harassing PW.1 physically and mentally for an additional dowry of Rs.5,00,000/-. It is stated that accused No.1 used beat the informant with belt in the presence of hostel students

and staff and he never took care of the children. The informant (PW.1) came to know that accused No.1 was having illicit intimacy with one Janaki of Nallajarla (V). Though the alleged acts of harassment were informed to accused Nos.2 and 3, they did not take any steps to settle the issue. It is stated that accused No.1 took away the salary of PW.1 and with the earnings of PW.1 he raised three-storied building in the site of accused No.2. Unable to bear the harassment of accused No.1, PW.1 approached one Deesetti Ghaniraju of Srirangapatnam village, took Rs.2,00,000/- from her as hand loan and gave it to accused No.1. Though the matter was placed before one Pratap Singh, there was no change in the attitude of accused No.1. As the efforts of the informant proved futile, the present report came to be lodged.

After completion of prosecution evidence, the petitioner herein filed an application under Section 243 (2) Cr.P.C. to summon one constable of G.K.Veedhi Police Station as defence witness. The said application was opposed by the learned Public Prosecutor on the ground that summoning of said constable has nothing to do with the case and that the application was filed only with a view to prolong the matter. After considering the rival submissions made, the learned Magistrate by his order dated 02.03.2015 rejected the said application. Challenging the same the present revision is filed.

It is the case of the petitioner that PW.1 and her brothers, who are doing ganja business are insisting the petitioner for financial support to do their business and when he refused to extend financial support, all of them are alleged to have beat him leading to lodging of a report against PW.1 and her brothers. It is contended that the present report has been filed as a counterblast to the report given by the petitioner. The petitioner herein brought on record Ex.D5 mediators report pertaining to Crime No.37 of 2008 of G.K.Veedhi Police Station, registered for the offences punishable under Section 384 read with 34 IPC and Section 20 (b) of the N.D.P.S.Act, against brother of the

informant in support of his plea.

Learned Public Prosecutor opposed the application contending that the said case has nothing to do with the case on hand as it was registered against PW.4, who is the brother of PW.1. According to him, even if it is accepted that PW.4 is an offender in the said crime, it will not in any way improve the case of the accused.

The short question that falls for consideration is whether it is just and necessary to summon a constable of G.K.Veedhi Police Station where Cr.No.37 of 2008 was registered as a defence witness.

A perusal of the material on record discloses that the brother of PW.1, who is an accused in Crime No.37 of 2008 of G.K.Veedhi Police Station, was examined as PW.4. When confronted about the registration of above crime for the offences punishable under Section 384 read with 34 IPC and Section 20 (b) of N.D.P.S.Act, he is alleged to have denied the same stating that he has not an accused in the said case. But the accused got the mediation report as Ex.D.5.

Even assuming for a moment that PW.4 is an accused in the said crime, the same will not in any way helpful to the petitioner to disprove the allegations alleged against him as the allegations in this case relate to harassment by accused No.1 along with his family members against PW.1 which lead to registered of the case for the offences punishable under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961. It is seen from the record that, a suggestion given to PW.1 that she filed a false case against accused No.1 and his family members when accused No.1 refused to give any financial support to PW.4 for his illegal business, was denied by her. Similarly, PW.4 denied a suggestion given to him that PW.1 filed a false case against the accused No.1 when he failed to provide financial assistance to PW.4. Therefore, even accepting that a case was registered against PW.4 for the offences punishable under Section 384 read with 34 IPC and Section 20 (b) of N.D.P.S.Act, that

by itself would not be of any help to the petitioner to show that the family members of PW.1 including PW.1 filed a false case as he failed to meet the financial requirements of PW.4. Hence, I do not see any reason to interfere with the order passed by the trial Court.

Accordingly, the Criminal Revision Case is dismissed. Miscellaneous petitions, if any, pending in this revision, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

20-04-2015
nvl

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL REVISION CASE No.2222 of 2014

21-11-2014

nvl

The present application is filed under Section 389(1) Cr.P.C. in this Criminal Revision Case which is directed against the order dated 31-10-2014 passed in CrI.M.P.No.2645 of 2014 on the file of Judicial Magistrate of First Class, Achampet, filed under Section 451 Cr.P.C. seeking return of three tractors bearing registration Nos TS 06EA 2889, AP 22D 7236 and AP 22 S 2100.