

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1868 of 2006

JUDGMENT:

1. This revision case is filed by the petitioner-de facto complainant- against the judgment dated 21.9.2006 passed in C.C.No.538 of 2005 by the II Additional Judicial First Class Magistrate, Kothagudem, Khammam District.

2. The case of the prosecution is as follows:

The 1st-respondent accused married the petitioner in the year 1980 and they were blessed with five daughters. Since two years prior to the complaint, the accused developed illicit intimacy with his maid servant- Achamma alias Bhukya Padma and started ill-treating the petitioner for some reason or the other. The 1st respondent put up separate family, neglected his wife and children and he used to quarrel with the petitioner and beat her. It is further alleged that the 1st respondent pressurized the petitioner to sign on some white papers, assaulted and beat her indiscriminately. On the complaint lodged by the petitioner, a case was registered and investigated into. After completion of the investigation charge sheet was filed against the 1st respondent. The learned II Additional Judicial First Class Magistrate, Kothagudem took the case on file for the offence under Section 498-A IPC against the 1st respondent.

3. The learned Magistrate framed a charge under Section 498-A IPC against the 1st respondent-accused, read over and explained to him, for which he pleaded not guilty and claimed to be tried.

4. During the course of trial, P.Ws.1 to 11 were examined and Ex.P1 was marked. Exs.D1 to D3 were marked on behalf of the accused.

5. On appreciation of both oral and documentary evidence, the trial

Court acquitted the accused for the offence under Section 498-A IPC.

6. Heard and perused the material available on record.

7. From the material available on record, the petitioner was examined as P.W.2 before the trial Court. P.W.2 except stating that the 1st respondent subjected her to harassment, she did not state any specific instances of such harassment. After perusing the evidence on record, the trial Court observed as follows:

“P.W.2 simply stated in her chief-examination that the accused developed extra marital affairs with one Achamma and beat P.W.2. She further stated that a panchayat was convened to settle the matter but the accused did not bother to take the panchayat seriously. Except stating that the accused beat her after development of intimacy with Achamma, P.W.2 did not specify any instances of harassment. P.W.2 did not mention any specific overt acts as to whether alleged harassment was mental or physical and what kind of harassment it was and when such harassment was caused. Except making an assertion that once the accused beat her, P.W.2 did not refer to any instances of harassment leave alone other acts of cruelty. In the cross-examination of P.W.2, it is elicited that she did not state before the police the fact that the accused developed illegal intimacy with a woman.”

The entire evidence of the prosecution witnesses more particularly, the evidence of P.W.2 would not attract the ingredients of Section 498-A IPC. The above observations made by the trial Court are in accordance with law.

8. Further, it is well settled that in a revision against acquittal, the Court can interfere only when there is possibility of one view, which is pointing towards the guilt of the accused. When there is possibility of two views and one view, which is in favour of the accused, is taken into account and the accused is acquitted by the competent Court, there is no need to interfere with the same.

9. Considering the observations made by the trial Court, this Court is of the view that the judgment of the trial Court does not suffer from any illegality or irregularity warranting interference by this Court.

10. Accordingly, the Criminal Revision Case is dismissed. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

RAJA ELANGO, J

5th August, 2016

Nn

THE HON'BLE SRI JUSTICE RAJA ELANGO

-
-
-
-
-

-
-
-
-

CRIMINAL REVISION CASE No.1868 of 2006

5.08.2016

Nn