

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.945 of 2008

JUDGMENT:

1. This revision is filed by the appellant-accused No.1 against the Judgment dated 13.6.2008 passed in CrI.A.No.27 of 2007 by the III Additional District & Sessions Judge, Medak.

2. The case of the prosecution is as follows:

The marriage of the de facto complainant-Smt. Tekmal Sujatha-P.W.1 was performed with A1 on 8.4.2001. At the time of marriage, net cash of Rs.61,000/-, ½ tula gold, clothes, black and white TV and household articles were presented to A1 as dowry. After marriage, P.W.1 joined the company of A1. For about three months, A1 looked after P.W.1 well and thereafter, A1, A2 to A5 started ill-treating P.W.1 by demanding additional dowry. Out of wedlock, P.W.1 gave birth to a male child. A1 to A5 subjected P.W.1 to cruelty for additional dowry and tried to kill her by pouring kerosene on her. On 16.2.2002, a panchayat was held and in that panchayat, A1 undertook to look after P.W.1 well. After that, A1 to A5 continued to ill-treat and harass P.W.1 for additional dowry. On the complaint lodged by P.W.1, a case was registered and investigated into. After completion of the investigation, charge sheet was filed.

3. The learned Judicial First Class Magistrate, Medak took the case on file as C.C.No.140 of 2004. The learned Magistrate framed charges under Section 498-A IPC and Section 3 of the Dowry Prohibition Act against the petitioner-accused No.1 and others, read over and explained to them, for which they pleaded not guilty and claimed to be tried.

4. During the course of trial, P.Ws.1 to 6 were examined and Exs.P1 to P7 were marked on behalf of the prosecution. No oral or documentary evidence was adduced on behalf of the accused.

5. On appreciation of oral and documentary evidence, the trial Court having found A1 to A3 guilty for the offence under Section 498-A IPC and Section 3 of the Dowry Prohibition Act, convicted and sentenced each of them to undergo rigorous imprisonment for a period of six months under each count, and to pay a fine of Rs.200/- each for the offence under Section 498-A IPC in default to suffer simple imprisonment for fifteen days each. It is directed that both the sentences shall run concurrently. Aggrieved by the said conviction and sentence, A1 to A3 filed appeal viz., Crl.A.No.27 of 2007 before the III Additional District & Sessions Judge (FTC), Medak. The learned Additional District & Sessions Judge confirmed the conviction and sentence imposed by the trial Court against the petitioner-A1 and set aside the conviction and sentence imposed by the trial Court against A2 and A3. Aggrieved by the conviction and sentence imposed by the lower appellate Court, A1 filed this revision.

6. Learned Counsel for the petitioner-A1 submitted that the petitioner never demanded dowry nor harassed P.W.1 and that Exs.P2-settlement deed and P5-letter written before the panchayat elders would not disclose any demand of dowry and that the material witnesses were not examined by the prosecution and that the panchayat elders belonged to the village of P.W.1 were only examined and that A1 and P.W.1 have been living separately since a long time and that the Courts below have not properly appreciated the evidence.

7. Learned Additional Public Prosecutor submitted that the conviction and sentence imposed by the Courts below against the petitioner-accused No.1 for the offence under Section 498-A IPC and Section 3 of the Dowry Prohibition Act do not warrant any interference by this Court.

8. According to the case of the prosecution that A1 harassed P.W.1-wife to bring additional dowry. The evidence of P.W.2 to 5 is in corroboration with that of P.W.1. After evaluating the evidence on record, both the Courts below gave concurrent findings with regard to the offence committed by the petitioner-A1 for the offence under Sections 498-A IPC and Section 3 of the Dowry Prohibition Act. After considering the findings recorded by the Courts below, this Court is of the view that the conviction and sentence imposed against the petitioner-A1 do not warrant any interference.

9. At this stage, the learned Counsel for the petitioner submitted that the petitioner was in prison for a considerable period and therefore, a lenient view may be taken.

10. In the result, the conviction recorded by the Courts below against the petitioner-accused No.1 for the offence under Sections 498-A IPC and Section 3 of the Dowry Prohibition Act is confirmed. However, the period of sentence of six months rigorous imprisonment imposed by the Courts below under each count is modified to that of the period, which the petitioner-A1 has already undergone, under each count, while confirming the sentence of fine imposed for the offence under Section 498-A IPC with default sentence. Both the sentences shall run concurrently.

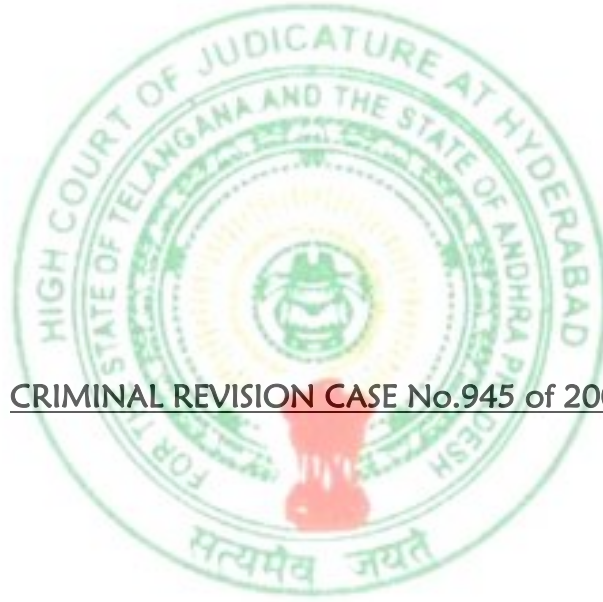
11. Accordingly, the Criminal Revision Case is partly allowed. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated:1st September, 2016

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1.9.2016

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