

HONOURABLE SRI JUSTICE RAJA ELANGO

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CRIMINAL APPEAL No.476 OF 2015

JUDGMENT:

This criminal appeal is preferred by the appellant – Accused by invoking the provision under Section 374 (2) of the Code of Criminal Procedure being aggrieved by the judgment, dated 28.06.2013, rendered in S.C. No.417 of 2012, by the Assistant Session Judge, Sangareddy, whereby and whereunder the appellant - accused was found guilty of the offences punishable under Sections 498-A and 307 IPC and was sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000/-, in default to suffer simple imprisonment for a period of three months for the offence punishable under Section 498-A IPC and also sentenced to undergo rigorous imprisonment for a period of five years and to pay a fine of Rs.1,000/-, in default to suffer simple imprisonment for a period of three months for the offence punishable under Section 307 IPC.

2. The brief facts of the case are that the marriage between the accused and the victim N. Lavanya @ Tulasi was performed about eight years back from the date of occurrence and they were blessed with a male child. Thereafter, they went to Sadashivpet and started living there in a rented house. Subsequently, the accused was addicted to bad vices and started ill-treating the victim and harassing her for additional dowry and used to suspect her fidelity. While so, on 01.05.2012, at about 10.30 p.m., the accused poured kerosene on the victim and set her ablaze. Upon hearing the cries of the victim, their neighbours came and rescued her and informed about the incident to the father of the victim. Then, the de facto complainant proceeded to the house of the accused and shifted the victim to the Government Hospital, Sadashivpet for treatment and she was referred to Government Hospital, Sangareddy for better treatment. On 04.05.2012, at 1.30 p.m., the father of the victim lodged a complaint against the accused, which was registered as Crime No.99 of 2012 for

the offences punishable under Sections 307 and 498-A IPC. After completion of investigation, the police filed charge sheet.

3. The learned Judicial Magistrate of First Class, Special Mobile Court, Sangareddy, took the case on file against the accused for the offences punishable under Sections 498-A and 307 IPC. As the offence is exclusively triable by the Court of Sessions, the case was committed to the Court of Sessions, Medak, Sangareddy, and thereafter the case was numbered as SC No.417 of 2012 and made over to the trial Court for disposal in accordance with law. On appearance of the accused before the trial Court, the charges were read over and explained to him in Telugu, for which, he pleaded not guilty and claimed for trial.

4. To substantiate its case, the prosecution got examined P.Ws.1 to 8 and marked Exs.P-1 to P-7 and MOs.1 and 2. No oral or documentary evidence was adduced on behalf of the defence.

5. After evaluating the oral and documentary evidence adduced by the prosecution witnesses, the trial Court found the accused guilty of the above offences and convicted and sentenced him as stated above. Aggrieved by the same, the appellant – accused preferred the present criminal appeal.

6. Heard the learned counsel for the appellant – accused and the learned Public Prosecutor and perused the material available on record.

7. After an elaborate consideration of the evidence adduced by the prosecution witnesses, the learned trial Judge, convicted the accused as stated above. PW.1, who is the father of the victim, deposed that he performed the marriage of his daughter with the accused about eight to ten years back from the date of incident and after they lived together amicably for one year, they were blessed with one male child and that thereafter, the accused was addicted to bad

vices and became alcoholic and used to harass his daughter and that on the date of incident the accused poured kerosene and set her ablaze and he came to know about the incident through PW.3. Nothing could be elicited from the cross-examination of PW.1.

8. PW.2, who is the victim, deposed that her husband i.e. accused used to take away the money earned by her by working in spinning mill and used to quarrel with her to bring additional dowry and instigated her to die since his parents intend to perform another marriage to him and on the date of incident, he came in a drunken condition and poured kerosene from the lamp and set her ablaze. PWs.3 and 4, who are the neighbours of PW.2 and the accused, are the eye witness to the incident. PW.3 deposed that she know the accused and PW.2 and the accused used to ill-treat PW.2 by demanding additional dowry and on the date of incident, she noticed the accused pouring kerosene on PW.2 and when she came to the spot, the accused escaped by lighting fire to PW.2. PW.4 also stated that PW.2 stated that the accused poured kerosene on her and lit fire and that they both shifted PW.2 to the hospital. These two witnesses are independent witnesses. The testimony of PWs.3 and 4 found to be consistent with the testimony of PWs.1 and 2. PW.7 is the medical officer, who treated PW.2, and gave Ex.P6 medical report. He deposed that while giving treatment, PW.2 informed him that the burn injuries were caused by her husband. Therefore, the evidence on record clearly established the offence committed by the accused and that the trial Court has rightly convicted the accused. Therefore, this Court is of the view that there are no valid reasons to interfere with the Judgment of the trial Court in convicting and sentencing the appellant-accused for the offences under Sections 307 and 498-A IPC.

When this Court pointed out that there are no merits in the appeal, learned counsel for the appellant-accused confined his arguments to the quantum of sentence, and prayed that as the accused was in prison for the past 1095 days i.e. nearly three years, a lenient

view may be taken while imposing sentence.

12. Considering the above submission, this Court is inclined to reduce the sentence of imprisonment imposed by the trial Court against the appellant-accused.

13. In the result, the conviction imposed against the appellant-accused by the Assistant Sessions Judge, Sangareddy, in S.C.No.417 of 2012 for the offences punishable under Sections 498-A and 307 IPC, is confirmed, and the sentence of one year imprisonment for the offence punishable under Section 498-A IPC and also the sentence of five years imprisonment for the offence punishable under Section 307 IPC, imposed against him is hereby modified to that of the period, which the appellant-accused has already undergone. The fine amount of Rs.2,000/- imposed against the appellant-accused for the above said offences is hereby set aside.

The appellant-accused shall be released forthwith, if he is not required in any other crime.

The Criminal Appeal is accordingly disposed of. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

June 08, 2016.
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