

**THE HON'BLE SRI JUSTICE RAJA ELANGO**

**CrI.R.C. No.1449 of 2007**

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**ORDER :**

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The petitioner preferred the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved by the judgment, dated 22-06-2007 passed in S.C.No.190 of 2006 by the VII Additional District Judge, Madanapalle, Chittoor District, wherein and whereby the learned District Judge found accused Nos.1 to 3 – Respondent Nos.2 to 4 herein not guilty for offence under Section 304(B) I.P.C. and Sections 3 and 4 of Dowry Prohibition Act and acquitted them under Section 235(1) of Cr.P.C.

The case of the prosecution is as follows :

The deceased was given in marriage to the accused No.1 and at the time of marriage, the parents of the deceased gave Rs.1,00,000/- and 20 thulas of gold ornaments as dowry to the accused. After the marriage, the couple lived happily for about six months. Thereafter, accused Nos.1 to 3 started to harass the deceased both physically and mentally, not being satisfied with the dowry given at the time of marriage. The parents of the deceased adjusted an amount of Rs.20,000/- to the accused through the deceased. Two months thereafter, accused Nos.1 to 3 asked the deceased to get money from her parents and they harassed her in that regard. The parents of the accused

again adjusted an amount of Rs.30,000/- and sent the same to the accused through the deceased. Three days prior to 16-02-2006, the deceased came to her parents' house and informed her parents that accused Nos.1 to 3 asked her to get Rs.50,000/- and if she fails to get the amount, they would neck her out from the house. The father of the deceased expressed his inability for the amount, consoled her and sent her to the house of accused. Thereafter, accused Nos.1 to 3 continued to harass the deceased and demanded her to get the amount from her parents. On 14-02-2006, at about 6.00 PM the body of the deceased was found hanging in pooja room of the house of accused to a hook of the roof with a nylon thread. On the basis of the complaint given by the father of the deceased, the case is registered against the accused.

In order to substantiate its case, the prosecution examined P.Ws.1 to 15 and got marked Exs.P1 to P12, besides M.Os.1 and 2. Exs.D1 and D2 were marked on behalf of the accused.

The learned trial Judge after appreciating the entire evidence adduced by the prosecution acquitted the accused on the following grounds :

The evidence of the P.W.1 is inconsistent in nature and the evidence of other witnesses is also contradictory and further, there is no evidence available on record with regard to the harassment by the accused to the deceased, more particularly in connection with demand of dowry and further more, the learned trial Judge is of the view that the ill-

health of the deceased child is not known to any of the witnesses, but it is the case of the accused that the deceased went into depression since because of the child is not in a position to speak or hear and the said child was treated at Bangalore. For the said reason, the possibility of commission of suicide by the deceased cannot be ruled out. Further, the learned trial Judge is of the view that to attract an offence under Section 304-B I.P.C. there should be nexus between death and the harassment in connection with demand of dowry. There is absolutely no evidence except some bald allegations by the witnesses, hence, the learned trial Judge acquitted the accused.

It is well settled principle that in the case of acquittal, the appellate Court normally interferes when the evidence adduced by the prosecution clinchingly points out the guilt of the accused. If from the evidence adduced by the prosecution two views are possible and one view which is in favour of the accused was considered by the trial Court, normally the appellate court will not interfere with the order of acquittal. This is one of the case in which the prosecution failed to establish the allegations against the respondents – accused by way of evidence before the trial Court. Hence, this Court is of the view that there is nothing to interfere with the order of acquittal.

Hence, the Criminal Revision Case fails and is dismissed.

Miscellaneous petitions filed in this revision, if any, shall stand closed.

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**JUSTICE RAJA ELANGO**

23<sup>rd</sup> August, 2016

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