

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.60 of 2007

JUDGMENT:

1. This revision is filed by the petitioner-accused against the Judgment dated 9.1.2007 passed by the IV Additional District & Sessions Judge (FTC), Ranga Reddy District, in CrI.A.No.1 of 2006.

2. The case of the petitioner is as follows:

On 5.11.2003 at 7 a.m., P.W.1 lodged a complaint stating that the marriage of his second daughter Nagasri-(for short, 'the deceased') was performed with the accused and she was blessed with one girl child. At the instance of P.W.1, a job was provided to the accused as legal advisor in Ramoji Film City. The accused developed illegal contacts with one lady, who is working in the said film city, and he used to abuse and harass the deceased physically and mentally. Due to such harassment, the deceased committed suicide by hanging. On the basis of the said complaint, a case was registered against the accused. After completion of the investigation, charge sheet was filed. The learned Judicial Magistrate of First Class, Hyderabad, East and North took cognizance of the case and committed the same to the Court of Sessions. The Court of Sessions registered the case as S.C.No.329 of 2004 and made over the same to the learned I Additional Assistant Sessions Judge, Ranga Reddy District, L.B. Nagar for disposal.

3. The trial Court framed charges for the offence under Sections 498-A and 306 IPC, read over and explained to him for which, he pleaded not guilty and claimed to be tried. The trial Court in modification of the above charges, framed a charge under Section 304-B IPC against the 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 12 were examined and Exs.P1 to P15 were marked on behalf of the prosecution. Ex.D1 was marked on behalf of the accused.

5. On appreciation of both oral and documentary evidence, the trial Court found the accused guilty for the offence under Sections 306 and 498-A IPC, convicted and sentenced him to undergo simple imprisonment for a period of four years and to pay a fine of Rs.1,000/- in default to suffer simple imprisonment for one month for the offence under Section 306 IPC; and to suffer simple imprisonment for a period of three years and to pay a fine of Rs.1,000/- in default to suffer simple imprisonment for one month for the offence under Section 498-A IPC. Aggrieved by the same, the petitioner-accused filed appeal i.e., Crl.A.No.1 of 2006. The lower appellate Court partly allowed the appeal setting aside the conviction and sentence imposed under Section 306 IPC while confirming the conviction and sentence imposed by the trial Court for the offence under Section 498-A IPC. Aggrieved by the conviction and sentence imposed by the Court below for the offence under Section 498-A IPC, the petitioner filed this revision.

6. Heard and perused the material available on record.

7. From the material on record and the judgment under revision, it is evident that that the petitioner subjected the deceased to harassment and the said harassment drove her to commit suicide. Both the Courts below have given concurrent findings with regard to the offence committed by the petitioner under Section 498-A IPC. In view of the same, this Court is

of the view that the conviction imposed by the Courts below against the petitioner-accused for the offence under Section 498-A IPC does not warrant any interference by this Court.

8. At this stage, the learned Counsel for the petitioner submitted that the daughter of the petitioner and the deceased is in the custody of the petitioner as per the orders of the competent Court and now, she is aged about 15 years and the petitioner has to take care of her and therefore, a lenient view may taken.

9. Considering the circumstances of the case and the submissions made by the learned Counsel for the petitioner, this Court is inclined to reduce the sentence of imprisonment.

10. In the result, the conviction recorded by both the Courts below against the petitioner-accused for the offence under Section 498-A IPC is confirmed. However, the period of sentence of three years simple imprisonment imposed for the said offence is modified to that of the period, which the petitioner-accused has already undergone, while maintaining the sentence of fine.

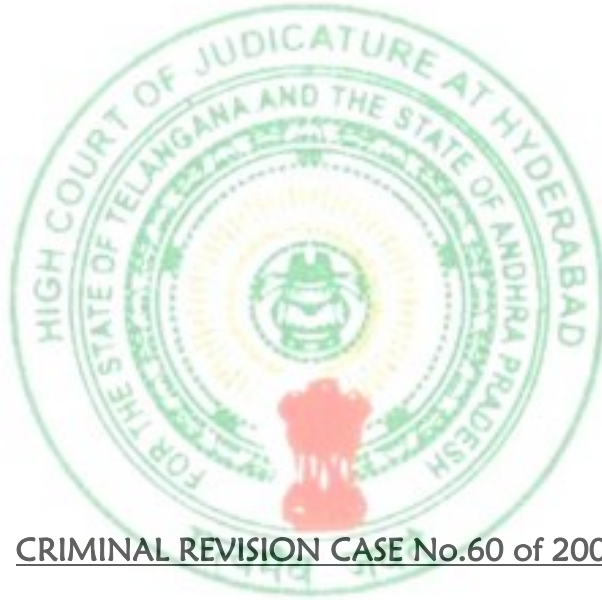
11. Accordingly, the Criminal Revision Case is partly allowed. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated:30th September, 2016

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30.9.2016

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