

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.475 of 2008

JUDGMENT:

1. This revision is filed by the de facto complainant against the Judgment dated 22.1.2008 passed by the V Additional Metropolitan Sessions Judge (Mahila Court), Hyderabad in CrI.A.No.500 of 2007.

2. The case of the petitioner is as follows:

The de facto complainant is the wife of the 1st respondent-accused and their marriage was performed on 19.6.1997 and they were blessed with two male children. At the time of marriage, the parents of the de facto complainant gave Rs.80,000/- cash, five tulas of gold, wrist watch, Rs.20,000/- for scooter, colour TV and Rs.40,000/- for employment and other important and daily used articles. The accused used to beat her daily with the things available and he used to threaten her by showing a knife to give divorce and also used to force her to give in writing. The accused has an extra marital affair with another lady viz., Anuradha. He neglected to maintain the petitioner and her children. He also used to demand more money from her parents. His mother used to support the accused and she used to instigate him to beat the petitioner and also to ask more dowry. On the complaint lodged by the petitioner, a case was registered and investigated into. After completion of the investigation, charge sheet was filed.

3. The learned XIII Additional Chief Metropolitan Magistrate (Mahila Court), Hyderabad took the case on file and numbered it as C.C.No.162 of 2003. The learned Magistrate framed a charge under Section 498-A 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 4 were examined and Exs.P1 to P8 were marked on behalf of the prosecution. The accused examined himself as D.W.1. No documents were marked on his behalf.

5. On appreciation of both oral and documentary evidence, the trial Court found the accused guilty for the offence under Section 498-A IPC, convicted and sentenced him to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.3,000/- in default to undergo simple imprisonment for three months. Aggrieved by the same, the accused filed appeal in Crl.A.No.500 of 2007 before the V Additional Metropolitan Sessions Judge, Mahila Court, Hyderabad. The learned Additional Metropolitan Sessions Judge dismissed the appeal. But the sentence imposed by the trial Court was set aside postponing the same for a period of three years. The benefit of probation of offenders Act was extended to the accused and the accused is directed to enter into a bond with two sureties for Rs.10,000/- each and in the meantime, to keep peace and good behavior. The complainant filed this revision being aggrieved by the judgment in the appeal.

6. Learned Counsel for the petitioner submitted that the behaviour of the accused amounts to cruelty within the meaning of Clause-A of Section 498-A IPC and that the Court below erred in giving benefit of probation of Offenders Act.

7. Learned Counsel appearing for the 1st respondent-accused submitted that there are no grounds to interfere with the judgment under revision.

8. From the material on record, it is evident that on appreciating the evidence on behalf of the prosecution, both the Courts below found the accused guilty for the offence under Section 498-A IPC. However, considering the fact that the de facto complainant filed OP for restitution of conjugal rights and that the sentence of imprisonment would cause prejudice to the marital life of the de facto complainant, the lower appellate Court extended the benefit of Probation of Offenders Act.

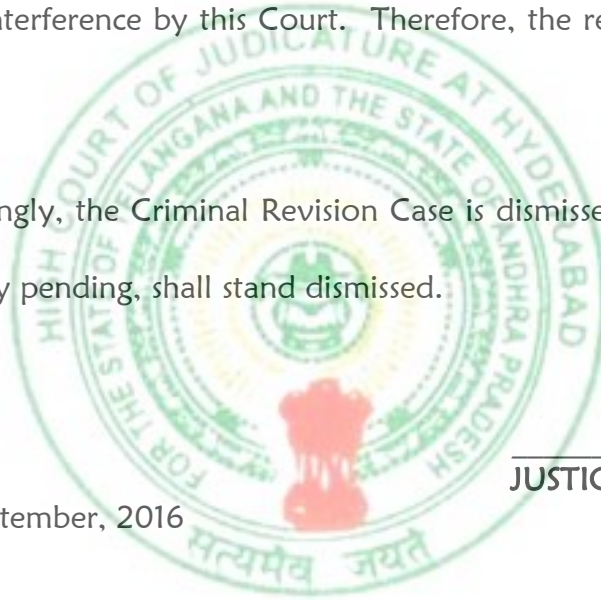
9. Having regard to the findings recorded by the lower appellate Court, this Court is of the view that the judgment under revision does not warrant any interference by this Court. Therefore, the revision is liable to be dismissed.

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

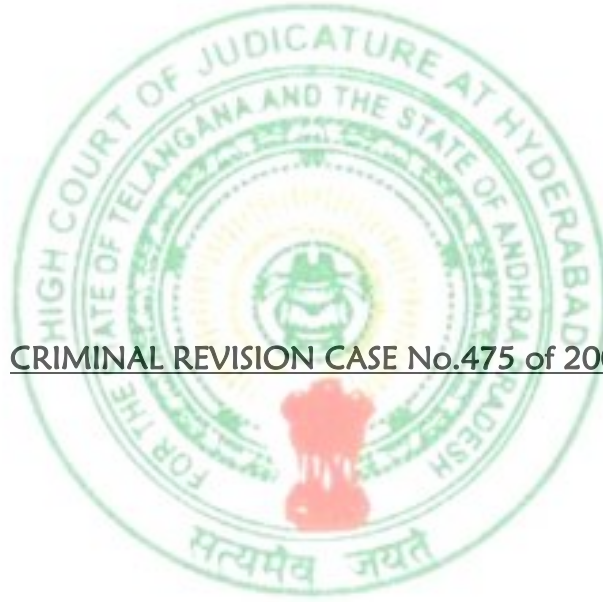
Dated: 23rd September, 2016

Nn

JUSTICE RAJA ELANGO



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23.9.2016

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