

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.197 of 2008

JUDGMENT:

1. This revision is filed by the petitioner-complainant against the judgment dated 17.10.2007 passed by the V Additional Munsif Magistrate, Guntur, in C.C.No.126 of 2006.

2. Brief fact of the case are as follows:

The marriage of the petitioner was performed with the 1st respondent-accused on 23.10.1993. At the time of marriage, Rs.45,000/- was given as dowry besides some articles. The petitioner was working as nurse in a Primary Health Centre in Prakasam District and the accused was working in an Educational Institution in Prakasam District. The accused never used to work properly from the beginning. When the petitioner gave birth to a female child, the accused did not visit her. He used to harass the petitioner for not giving birth to a male child. He also started demanding the petitioner to bring amount for constructing a house. He also used to demand her to get her share in the property of her parents and he used to demand to sell away her plot and give money to him, for which she refused and then, the accused drove her away from the house. He threatened her to kill. She filed a private complaint and the same was referred to the police. On such reference, a case was registered and investigated into. After completion of the investigation, charge sheet was filed against the accused.

3. The learned V Additional Munsif Magistrate took the same on file as C.C.No.126 of 2006 for the offence under Section 498-A IPC against the accused. The learned Magistrate framed a charge against the accused for

the offence under Section 498-A IPC, read over and explained to him in Telugu, 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 P4 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 found the 1st respondent-accused not guilty for the offence under Section 498-A IPC, acquitted him. Aggrieved by the same, the complainant filed this revision.

6. Learned Counsel for the petitioner submitted that the trial Court acquitted the accused on surmises and conjectures and that the trial Court has not appreciated the evidence properly and that the prosecution has established its case by examining P.Ws.1 to 4.

7. It is the case of the petitioner-P.W.1 that the accused subjected her to cruelty and drove her away from the house along with her children. In a case of this nature, the evidence of the victim-wife plays a very important role.

8. It is the evidence of P.W.1 that the accused demanded an amount of Rs.10 lakhs for construction of a house. Further, she stated that the accused suspected the paternity of the children. Insofar as the demand of Rs.10 lakhs is concerned, she did not state the same either in her complaint or in her 161 Cr.P.C. statement. She clearly stated that the accused demanded some money for the purpose of construction of a house. After considering the evidence of P.W.1, the trial Court observed as follows:

“The learned defence counsel contended that the accused never harassed P.W.1 at any point of time and the disputes in between P.W.1 and the accused are minor which are naturally crept in any family in between the wife and husband and this case is filed by P.W.1 as a counter-blast to the case filed by her sister-in-law-Suneetha, which is registered as a case in Crime No.204 of 2005 of Pattabhipuram L & O Police Station, which is the subject matter of C.C.No.439 of 2005, which is pending.

The evidence of P.W.1 goes to show that P.W.1 admitted in her cross-examination that the above said Suneetha, who is her sister-in-law filed a case under Section 498-A IPC against her, her parents and family members and she was shown as second accused in the said case. P.W.1 deposed in her evidence that during the period while she was studying M.Sc nursing in Hyderabad, the accused was staying in her parents' house and used to attend his duty from Vemuru to Kocharlapadu, some disputes arose in between her sister-in-law and her parents at the instance of the accused and subsequently, while they were residing at Guntur, accused developed intimacy with the brothers of her sister-in-law and carry tales that P.W.1 is causing troubles to their family. So, it also goes to show that this case is filed subsequent to the case filed the above said Suneetha in order to raise that the accused is the person behind that, who made the above said Suneetha to file a case against P.W.1 and P.W.2 under Section 498-A IPC.

Moreover, the evidence on record goes to show that the accused also got transferred to the place where P.W.1 and his children reside at times even he quit his job and came along with his wife and children. So, the plea taken by the prosecution that the accused did not do any job some times and he used to demand P.W.1 for money cannot be given any weight as he quit his job in order to live with his family members and for the benefit of his family and that the question that the accused harass P.W.1 being idle and demanding money, does not arise.”

The trial Court came to the conclusion that the evidence adduced by P.W.1 is more inconsistent and unbelievable and that the other witnesses are hearsay in nature.

9. Considering the findings of the trial Court and the evidence of P.W.1, this Court is of the view that the trial Court has rightly appreciated the evidence on record. Therefore, the judgment of the trial Court does not warrant any interference.

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

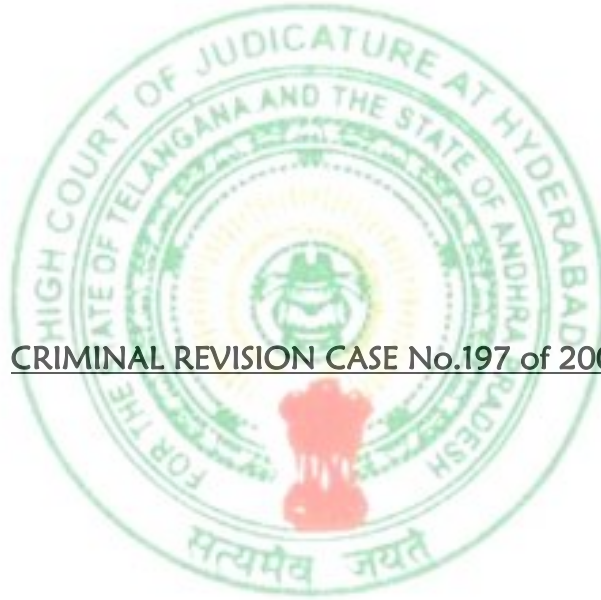
Dated:27th August, 2016

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JUSTICE RAJA ELANGO



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27.8.2016

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