

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.11815 of 2016

ORDER:

The petitioner, who is A2, in Crime No.328 of 2016 of Jadcherla Police Station, Mahaboobnagar District, filed the present application under Section 438 of the Code of the Criminal Procedure (Cr.P.C.), seeking release in the event of her arrest in connection with the above crime. Initially, the case was registered for the offences punishable under Sections 323, 498-A of IPC and Sections 3 and 4 of Dowry Prohibition Act, subsequently the section of law was altered to Sections 304-B and 302 of IPC.

The remand case dairy, part-I, which has been placed before the Court, would show that the marriage between A1 and the deceased took place nine months prior to the date of incident. At the time of marriage, the parents of the deceased gave cash of Rs.1,30,000/-, 3 tulas gold and house hold articles as dowry. Both of them lived happily for a period of four months. Subsequently, A1 along with A2, started harassing the deceased physically and mentally demanding additional dowry. In spite of several attempts made by the deceased to change the attitude of the accused, they never changed. A perusal of the averments in remand case dairy would further disclose that on 04.07.2016, A1 and A2 picked up a quarrel with the deceased, beat her with hands, kicked her with legs indiscriminately knowing that the deceased was six months pregnant and then both the accused necked her out from their house. Thereafter, the deceased started weeping and vomiting in front of the house which was witnessed by LWs.8 and 9. Immediately, she was shifted to the hospital with the assistance of LWs.5, 8 and 9. Basing on the above said allegations, the present case came to be registered.

Learned counsel for the petitioner submits that even accepting the allegations in the remand case dairy to be true, no offence is made out against the petitioner, who is mother-in-law of the deceased. It is his case

that except demanding additional dowry, there is no specific allegation connecting her with the present crime. The same is strenuously opposed by the learned public prosecutor.

The material collected by the police during the course of investigation clearly discloses that the accused started harassing the deceased demanding her to get additional dowry of Rs.50,000/-. Apart from that, on 04.07.2016, the accused picked up quarrel with the deceased knowing that she is a pregnant and beat her due to which she succumbed to injuries and died on 15.07.2016 while undergoing treatment.

Having regard to the above facts and circumstances and since the petitioner is attributed with a role in the offence, her request cannot be considered.

Accordingly, the criminal petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

16.08.2016
vnb