

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.84 of 2017

Kumar

S/o.Somasundara Gounder

.. Petitioner/Accused

Vs.

State represented by

Deputy Superintendent of Police,

Vedaranyam,

Thalaignayar Police Station.

Crime No.540 of 2004

.. Respondent

Criminal Revision Case filed under Section 397 and 401 Cr.P.C. against the judgment of learned District and Sessions Judge, Nagapattinam, passed in C.A.No.145 of 2006 on 22.01.2011 modifying the judgment learned Assistant Sessions Judge cum Chief Judicial Magistrate, Nagapattinam, passed in S.C.No.90 of 2006 on 16.12.2006.

For Petitioner : Mr.G.Jeremiah

For Respondent : Mr.M.Mohammed Riyaz

Government Advocate [Crl.side]

O R D E R

This revision arises against the judgment of learned District and Sessions Judge, Nagapattinam, passed in C.A.No.145 of 2006 on 22.01.2011.

2. Petitioner/A1 along with two others faced trial in S.C.No.90 of 2006 on the file of learned Additional Assistant Sessions Judge cum Chief Judicial Magistrate, Nagapattinam, for offences u/s.3 and 4 of the Dowry Prohibition Act, 304-B and 498-A IPC. Prosecution case is that the marriage between petitioner and deceased was solemnized in the year 2004. The accusation is that accused demanded dowry from the deceased as also cruelly treated her, owing to which the deceased committed suicide. A case was registered in Crime No.540 of 2004 on the file of respondent.

3. Before trial Court, prosecution examined 14 witnesses and marked 9 exhibits and 7 material objects. On the side of defence, 1 witness was examined and 1 exhibit was marked. On appreciation of materials before it, trial Court, under judgment

dated 16.12.2006, convicted accused 1 to 3 and sentenced them as follows:

Accused	Offence	Sentence
A1 to A3	4 of Dowry Prohibition Act	1 year R.I. and fine of Rs.1,000/- i/d 3 months R.I.
	498-A IPC	2 years R.I. and fine of Rs.2,000/- i/d 6 months R.I.
A1	304-B IPC	7 years R.I.

Trial Court directed that sentences run concurrently. There against, accused 1 to 3 preferred C.A.No.145 of 2006 on the file of learned Sessions Judge, Nagapattinam. Appellate Court, under judgment dated 22.01.2011, while acquitting accused 2 and 3 of all charges, confirmed the finding of conviction and sentence as against petitioner/A1. Hence, this revision.

4. Heard learned counsel for petitioner and learned Government Advocate [Crl.side].

5. Appellate Court has found that the evidence of PWs.1 to 5 clearly revealed that after marriage there was a demand by A1, particularly, a sum of Rs.1,50,000/-. The evidence of PW-10, Revenue Divisional Officer, was to the effect that the statement of witnesses during inquest also revealed that accused 1 and 2 demanded a sum of Rs.1,50,000/- from the deceased towards sending first accused to abroad. Though PW-1 has deposed that all accused demanded money, no specific instances or particulars, date on which such demand was made has been spoken to by PW-1. However, the evidence of PWs.1 to 5 clearly revealed that only first accused demanded money. PW-3, an independent witness, has also deposed that deceased never complained about accused 2 and 3. Though there were minor discrepancies in the statements of PWs.1, 2, 4 and 5 before PW-10, Revenue Divisional Officer, that would not affect the prosecution case. On the above finding, Appellate Court has found that the finding of conviction arrived at by trial Court insofar as first accused is concerned did not call for any interference. Appellate Court has acquitted accused 2 and 3 on the reasoning that only general allegations have been levelled against them and there was no specific allegation established against them. This Court finds no error in the judgment under challenge.

The Criminal Revision Case shall stand dismissed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The District and Sessions Judge,
Nagapattinam.

2.The Deputy Superintendent of Police,
Vedaranyam,
Thalaignayar Police Station.

3.The Public Prosecutor,
High Court, Madras.

4. The Additional Assistant Sessions Judge-cum-
Chief Judicial Magistrate
Nagapattinam

+1 cc to Mr.G.Jeremiah Advocate sr 5830

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