

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2017

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Cr1.R.C.No.892 of 2013

Banumathy
W/o.Purushothaman

... Petitioner

vs

1.State represented by
The Sub-Inspector of Police,
All Women Police Station,
Cuddalore.
Crime No.18 of 1999

2.Mahalakshmi
W/o.Govindasamy

3.Janarthanan
S/o.Govindasamy

4.Chengalvarayan
S/o.Govindasamy

... Respondents

Criminal Revision filed under section 397 r/w 401 of the Code of Criminal Procedure, against the judgment of learned Judicial Magistrate I, Cuddalore, passed in C.C.No.222 of 2000 on 12.12.2005.

For Petitioner : Mr.N.Damodaran

For Respondents: Mr.V.Arul

Additional Public Prosecutor [R1]

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O R D E R

This revision arises against the judgment of learned Judicial Magistrate I, Cuddalore, passed in C.C.No.222 of 2000 on 12.12.2005.

2. Prosecution case is that respondents 2 to 4/accused 3 to 5 are mother and brothers of first accused/husband of

petitioner/complainant. The accusation is that A1, under the pretext of marrying the petitioner, had sexual intercourse and thereafter, demanded dowry for marrying her. Later, the marriage was performed by Panchayatdars. After marriage also, accused demanded dowry from petitioner. Hence, petitioner/complainant preferred a complaint and a case in Crime No.18 of 1999 was registered on the file of first respondent. Upon completion of investigation, a charge sheet was filed informing commission of offences u/s.417 IPC against A1 and 4 of Dowry Prohibition Act against A2 to A5. The case against A1 was split up. The case against A2 to A5 was tried in C.C.No.222 of 2000 on the file of learned Judicial Magistrate I, Cuddalore. A2 died pending trial.

3. Before trial Court, prosecution examined 12 witnesses and marked 4 exhibits. None were examined on behalf of defence nor were any exhibits marked. On appreciation of materials before it, trial Court, under judgment dated 12.12.2005, acquitted respondents 2 to 4/A3 to A5. There against, the present revision has been filed.

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

5. In acquitting respondents 2 to 4/accused 3 to 5, trial Court has found that there were contradictions between the evidence of PWs.1, 2 and 3. The evidence of PWs.1, 2, 3, 5, 7 and 8 revealed that a panchayat was conducted regards rape committed by A1 on petitioner. Except PWs.1, 2 and 3 and PWs.7 and 10, interested witnesses, none spoke about allegation of demand of dowry. While PWs.7 and 10 deposed of A1 not having been present in the panchayat, it was the evidence of another interested witness that A1 was later brought to panchayat. Given such position, it was doubtful whether PWs.7 and 10 participated in the panchayat. PW-5, Doctor, who treated PW-1, deposed that PW-1 was not pregnant at the time of taking treatment, that she has not informed anything about her pregnancy and abortion. Though it was the case of prosecution that PW-1 was beaten by accused 2 to 5, who demanded dowry and sent her out of the house, no witness from near the accused's residence has been examined to establish the same. PW-6, a nearby resident, deposed that he has no knowledge of the occurrence and hence, was treated hostile. Further, PW-1 has not chosen to prefer a complaint either during alleged pregnancy or after alleged abortion but has preferred the complaint at a later point of time and hence, the complaint itself was doubtful. For the aforesaid reasons and for other reasons, the

trial Court found that the prosecution has failed to prove its case beyond all reasonable doubt and accordingly, acquitted respondents 2 to 4. This Courts finds no error in the judgment under challenge.

The Criminal Revision Case shall stand dismissed.

sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

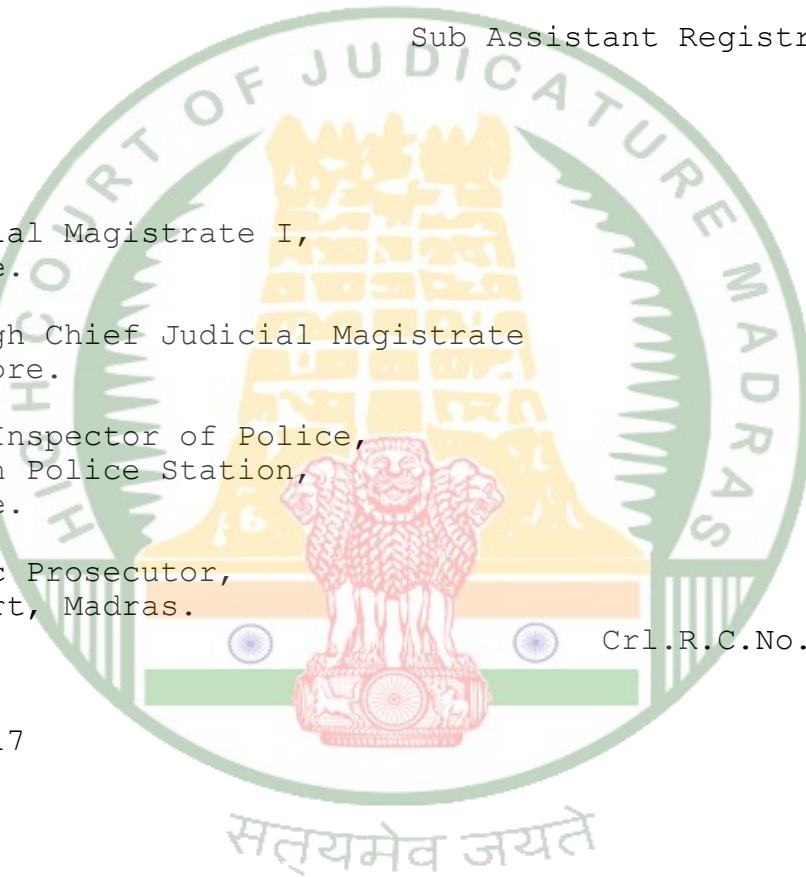
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To

- 1.The Judicial Magistrate I,
Cuddalore.
2. Do through Chief Judicial Magistrate
Cuddalore.
3. The Sub-Inspector of Police,
All Women Police Station,
Cuddalore.
- 4.The Public Prosecutor,
High Court, Madras.

Crl.R.C.No.892 of 2013

MC[CO]
RR 27/11/2017



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