

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.1444 OF 2006

JUDGMENT:

The present Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, (for short 'Code') is preferred by the *de facto* complainant viz., Wathadi Jyothirlakshmi Kumari (PW.1) questioning the order of acquittal recorded, under Section 248(1) of the Code by the learned V Additional Munsif Magistrate, Guntur, by the judgment dated 07.03.2006, in C.C. No.71 of 2005 for the charge under Section 498-A of Indian Penal Code, 1860 (for short 'IPC') against respondent Nos.2 to 6 herein - accused Nos.2 to 6.

2. At the outset, it is to state that it is not clear from the grounds of revision that whether the husband (accused No.1) of the revision petitioner, who is not a party to the present revision, has preferred any appeal. However, husband of the revision petitioner would have challenged the conviction recorded and the sentence of rigorous imprisonment inflicted for a period of one year and the fine of Rs.500/- imposed on him with default sentence, for the offence punishable under Section 498-A IPC by the trial Court.

3. On the complaint lodged by PW.1, the Station House Officer, Arundalpet Law and Order Police Station, Guntur, having registered a case in Crime No.408 of 2005 for the offence punishable under Section 498-A IPC against six accused who are husband,

parents-in-law, brother-in-law and sisters-in-law of PW.1 and on completion of investigation, laid charge sheet. Initially, it appears that crime was registered for the offences punishable under Sections 498-A and 420 IPC and later at the time of filing charge sheet, only the offence punishable under Section 498-A IPC was charged deleting the offence punishable under Section 420 IPC.

4. Since the accused persons pleaded not guilty, the prosecution examined PWs.1 to 5 and marked Exs.P-1 and P-2. On behalf of the defence, no witness was examined.

5. Amongst the witnesses, PW.1 is the complainant herself, PW.2 is father of PW.1, PW.3 is a friend of PW.2, PW.4 is brother-in-law of PW.2, and PW.5 is the Investigating Officer.

6. The learned Magistrate having formulated the point for consideration, deliberated on the evidence of PWs.1 to 4. The case projected by PW.1 in her chief-examination has been that her marriage with accused No.1 was performed on 19.05.1996 at their native place, Kothapalem and a sum of Rs.3,00,000/- was paid to the accused by her father and another Rs.1,00,000/- towards '*adapaduchulanchanalu*' and new clothes and after the marriage, she joined accused No.1. Even her parents-in-law resided in the same house. From the third day after the marriage, accused Nos.1 to 3, and her husband used to comment that she was not looking beautiful, appears older than accused No.1, and even accused No.1 already married and

blessed with children and only to get the marriage of sister of accused No.1, out of dowry, that would be paid by her, he got married PW.1. According to her, she studied M.B.B.S. and House-Surgeon was due and one month after their marriage, she was posted to do House Surgeon in Medical College, Guntur. At the time of their marriage, accused Nos.1 to 3 promised her parents that they will see that she is posted in Visakhapatnam itself as House Surgeon, but only for the purpose of getting stipend, she was sent to Guntur Medical College, to lead the marital life. But, her grievance was that her husband did not meet her, but she alone used to meet him once in a month staying in the quarters provided in Guntur General Hospital. Accused No.1 used to visit and take away the stipend from her and she became pregnant and delivered a still born baby, later he did not come to her and take her. But, her parents came and took her to Gajuwaka, during which time, her husband did not even talk to her parents, did not provide food and only once in a week, he used to visit, but never purchased any provisions. She informed the same to her parents over phone, then her parents sent an amount of Rs.500/- to her. Accused Nos.2 and 3 also used to visit Gajuwaka and whenever she gets money, somehow, she found that the money was missing in the house and on occasions neighbours used to provide food to her since accused No.1 was not providing food to her and accused No.1 even objected her to apply for a post of doctor in a private hospital and also to attend an interview which was received by her from CDR Hospital. Thus, she went on deposing various day today affairs, but consistently, accused

Nos.2 and 3 used to say that she was not good looking and accused No.1 was not visiting her house. She was unable to tolerate inconvenience in the hands of accused No.1 and his parents, and, therefore, she was taken from Gajuwaka to Guntur and lodged the complaint.

7. The evidence of PW.2 is also against accused No.1 but nothing concrete has been deposed by him so far as any acts constituting either ill-treatment or harassment meted out to PW.1 as having been told directly by PW.1 to him. At one stage, he says that accused No.1 demanded PW.1 to bring Rs.1,00,000/- from them to meet the dowry to perform the marriage of accused No.5 and he paid Rs.50,000/- and he expressed his inability to pay the remaining amount. PW.3 is admittedly friend of PW.2 and PW.4 is brother-in-law of PW.2. It appears, all the efforts made by them were not fruitful in making PW.1 and accused No.1 join together and lead life.

8. The learned Judge relying on the decisions of the Hon'ble Supreme Court in **Mohammed Yousuf v. State of A.P.** [2005 (1) ALD (Crl.) 15], **Ravindra Pyarelal Bidlan v. State of Maharashtra** [1993 CrL.L.J. 2019] and **Smt. Sarla Prabhakar Waghmare v. State of Maharashtra** [1990 CrL.L.J. 407], relied on by the learned counsel for the accused found that the demand made by accused No.1 and harassment meted out to PW.1 by accused No.1 was proved by the prosecution, but, however, so far as accused Nos.2 to 6, the revision petitioners herein, are concerned, the learned Magistrate arrived at the

conclusion that the prosecution failed to prove the offence against them beyond all reasonable doubt and thereby acquitted all of them.

9. The evidence of PWs.1 to 4, on an independent analysis, would not convince that there have been concrete acts of cruelty and the harassment meted out to PW.1 by the revision petitioners herein - accused Nos.2 to 6. The mere allegation that accused Nos.2 and 3 commented at PW.1 that she was not looking beautiful is no ground to hold that it constitutes harassment, though, it may account for insulting her.

10. Therefore, the findings recorded by the learned Magistrate acquitting the revision petitioners - accused Nos.2 to 6 do not warrant interference as no legal infirmity is to be found in the findings. Thus, there is no merit in the present revision case.

11. Therefore, the Criminal Revision Case is dismissed confirming the judgment under challenge.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present revision case stand dismissed.

A. SHANKAR NARAYANA, J

December 11, 2017.

PV