

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.528 of 2006

ORDER:

The present Criminal Revision Case is preferred by the *de facto* complainant questioning the order of acquittal recorded by the IX Metropolitan Magistrate, Cyberabad at Kukatpally, by the judgment dated 23.01.2006 in C.C.No.656 of 2005, acquitting the respondents 1 to 4 under Section 248 (1) of the Code of Criminal Procedure, 1973 (for short, 'the Code') for the charges under Sections 498-A and 506 IPC and Sections 4 and 6 of the Dowry Prohibition Act.

Heard Sri Kowthuru Vinaya Kumar, learned counsel for the revision petitioner – *de facto* complainant. He would submit that the court below failed to record cogent reasons for acquitting the respondents 1 to 4 – accused and the evidence of PWs.1 to 4 ought to have been properly analysed, more particularly, the evidence of PW.4, who is an independent witness, and improper appreciation of evidence resulted in acquitting the respondents 1 to 4 and, therefore, sought to set aside the judgment passed by the trial Court.

Perused the judgment under challenge and the material on record. The prosecution case is that the marriage between the *de facto* complainant and accused No.1 had taken place on 10.12.1997 and a sum of Rs.50,000/- was given as dowry, besides five tolas of gold and 30 tolas of silver articles, to the respondents 1 to 4 and, after the marriage, the *de facto* complainant and respondent No.1 lived at

Parsigutta for few months and later, respondent No.1 joining with his parents started demanding additional dowry of Rs.60,000/- and a house property, whereupon the parents of the *de facto* complainant sold away their property and purchased a house worth Rs.1,40,000/- at Cherukupally Colony of Chinthal and got the same registered in the name of respondent No.1 and, even then the harassment alleged to have continued and went to the extent of the *de facto* complainant, who is examined as PW.1, entertaining an apprehension that the respondents 1 to 4 even would try to kill her by pouring kerosene. That has been the substance of the complaint.

When the learned Magistrate, having observed due formalities, examined the respondents 1 to 4, they pleaded not guilty for the charges leveled against them and thereafter, trial was held and PWs.1 to 5 were examined, besides marking Exs.P1 and P2, on behalf of the prosecution, and respondent No.1 – accused No.1 examined himself as DW.1 and marked Exs.D1 to D4, which are the registered sale deed, sale receipt, sale agreement and the transfer proceedings of the property under Ex.D1, respectively, on his behalf.

The learned Magistrate, on appraisal of evidence, found that the parents of PW.1 are not affluent and the evidence of PW.2, who is the father of PW.1, would show that he was getting Rs.600/- per month towards salary and when he retires, probably he would not be getting anything, and he has got three sons and a daughter. These circumstances made the learned Magistrate to record that the

allegation as to payment of dowry of Rs.50,000/- was difficult to accept and, thereby, did not believe the dowry harassment said to have caused by respondents 1 to 4.

Concerning the apprehension entertained by PW.1 that respondents 1 to 4 were trying to set her ablaze by pouring kerosene, the learned Magistrate found that the evidence placed before him would not give inescapable inference so as to view that the apprehension entertained by PW.1 was true, besides observing that there is no corroborative piece of evidence. The learned Magistrate also observed that there was no immediate action on the part of PW.1 when such an attempt was made and, therefore, the evidence of PW.1 was disbelieved on that aspect of the case. Basing on the evidence of PWs. 1 and 2 and Exs.D1 and D2, the learned Magistrate arrived at the conclusion that the demand for payment of additional dowry and the purchase of house property covered under Ex.D1 by the parents of PW.1 are unbelievable and, therefore, recorded acquittal. In the light of the evidence of the witnesses, the learned Magistrate found that it is difficult to accept the story put forth by PW.1 and her parents.

There appears to be no independent witness, such as, elders intervening at any point of time nor any complaint is made to the elders. Therefore, there is absolutely no legal infirmity in the findings recorded by the learned Magistrate in acquitting the respondents 1 to 4. There is no merit in the present revision.

The present Criminal Revision Case is, accordingly, dismissed confirming the judgment passed by the trial below.

As a sequel thereto, miscellaneous petitions, if any pending in the present revision, stand closed.

JUSTICE SHANKAR NARAYANA

27.11.2017

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