

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Crl.R.C.No.641 of 2006

ORDER

Aggrieved over the judgment dated 26.10.2005 passed in C.C.No.211 of 2003 by the learned Judicial Magistrate of First Class, Sulthanabad, recording acquittal of the accused under Section 255(1) Cr.P.C., for the charges under Sections 506 and 509 IPC, the de-facto complainant, Kalvala Mahesh, filed the present criminal revision case under Sections 397 and 401 of Cr.P.C.

2. The Calendar Case relates to the year 2003 and the judgment was pronounced on 26.10.2005. The present criminal revision case was filed in 2006. Though, the present criminal revision case was admitted on 20.04.2006, it appears, no notice was sent to the 1st respondent-accused. Besides that, when the matter was posted on 04.12.2017, there was no representation for the revision petitioner. To afford an opportunity of being heard to the revision petitioner, the Registry was directed to list the matter on 06.12.2017, under the caption 'for orders'. Again, when it was called on 06.12.2017, there was no representation for the revision petitioner. Therefore, the case was passed over till 3.15 PM., and when it was called at 3.30 PM., still, there was no representation for the revision petitioner. Hence, the Registry was directed to list the matter under the same caption to this date. Today also, there is no representation for the revision petitioner.

3. Heard learned Special Public Prosecutor for the State of Telangana and perused the judgment passed by the learned Magistrate.

4. Before the learned Magistrate, the prosecution examined P.Ws.1 to 6 and marked Exs.P1 and P2. The contradiction in 161 Cr.P.C., statement of P.W.4 was marked as Ex.D1.

5. A few facts, which are necessary for adjudication of the present revision case, require advertence. The prosecution case is that the marriage between P.Ws.1 and 2 had taken place 11 months prior to the incident. It is alleged that the accused, Vadluri Srinivas, developed lust towards P.W.2 and went to the house of P.W.1 and instigated her to leave P.W.1. Admittedly, the accused was also got distant relationship with P.W.2. He threatened P.W.2 with dire consequences. But, however, she did not leave the company of P.W.1. In fact, the accused had also written a letter mentioning that "I love you" etc., and thus, it shows that the accused insulted her modesty. There appears to be some sort of mediation by the elders, who advised the parents of the accused to see that he behaves properly and this has been the substratum of the case of the prosecution.

6. The learned Magistrate having thoroughly scanned the evidence on record found the evidence of P.Ws.1 to 5 as inconsistent and did not believe the evidence of P.W.5 mainly on the ground that the letters said to have been written by the

accused were not seized nor produced by the investigating agency and also the evidence of P.W.5, who is a mediator, is not to the effect as spoken to by P.Ws.1 and 3 and held that the evidence of P.Ws.1 to 5 is not convincing nor does it inspire to hold that the prosecution could prove the offences punishable under Sections 506 and 509 IPC beyond all reasonable doubt. It is true that on scrutiny of the evidence of P.Ws.1 to 5, what all findings recorded by the learned Magistrate cannot be over turned. The findings recorded by the learned Magistrate are based on proper appreciation of evidence in accordance with the evidentiary value. Therefore, there is no patent illegality in the findings recorded and the conclusion arrived at by the learned Magistrate and there is no merit in the criminal revision case.

7. Hence, the Criminal Revision Case is dismissed.

8. As a sequel thereto, miscellaneous petitions, if any, pending in this revision shall stand dismissed.

A. SHANKAR NARAYANA, J

7th December, 2017

sj