

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL APPEAL No.1248 OF 2016

JUDGMENT:

1. This Criminal Appeal, under Section 372 of Cr.P.C., is filed by the *de facto* complainant aggrieved by the acquittal of the accused-respondent No.2 herein vide judgment dated 24.09.2014 in Sessions Case No.502 of 2012 on the file of the Assistant Sessions Judge at Bhongir, Nalgonda District (for short, 'the trial Court'), for the offences under Sections 497 and 306 I.P.C.

2. Heard the learned counsel for the appellant-*de facto* complainant, the learned Additional Public Prosecutor appearing for the 1st respondent-State, and perused the material available on record.

3. Learned counsel for the appellant-*de facto* complainant would submit that there are direct witnesses to the alleged offence; the trial Court erred in acquitting the accused for the offences under Sections 497 and 306 I.P.C.

4. As per the impugned judgment dated 24.09.2014 passed in Sessions Case No.502 of 2012 by the trial Court, there is no mention of dying declaration of the deceased. P.W.1, P.W.2 and P.W.3 supported the case of the prosecution. The evidence of P.W.1 and P.W.2 is that the deceased-Parijatha eloped with the accused and committed suicide one month thereafter. The husband of the deceased stated that the accused is responsible for the death of his wife, who consumed poison and died on 08.08.2011. P.W.2-mother of the deceased supported the same. P.W.3 corroborated the evidence of P.W.2. No other witnesses supported the prosecution. The charges framed against the accused are for the offences under Sections 497 and 306 I.P.C. There is no direct witness to

the alleged offences. P.W.9-investigating officer conducted scene of offence panchanama in Ex.P.8 at the agricultural fields of one Gorige Somaiah, nearer to Ramannapet Railway Station. The alleged illegal intimacy and the abetment to the death in this case has not been proved by the prosecution. Therefore, there are no justifiable grounds to entertain the appeal.

5. In the result, this Criminal Appeal is dismissed.

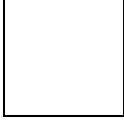
6. As a sequel, miscellaneous petitions, if any, pending in this Criminal Appeal shall also stand dismissed.

Date: 03-11-2017.
siva

Dr. SHAMEEM AKTHER, J



HON'BLE Dr. JUSTICE SHAMEEM AKTHER



Crl.A. No. 1248 OF 2016

Date. 03-11-2017

siva