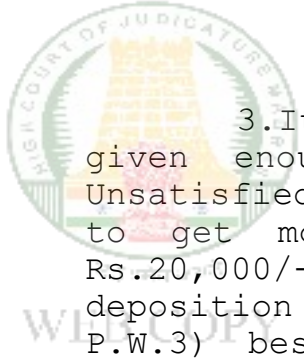




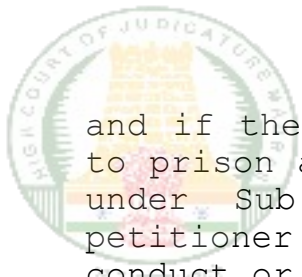
3. It is contended by Ramalakshmi/P.W.1 that her parents have given enough sridhana articles during the time of marriage. Unsatisfied with that, her husband and his sisters pressurised her to get more dowry, particularly a two wheeler and cash of Rs.20,000/- on or before Pongal festival. Considering the deposition of the de facto complainant and her parents (P.W.2 and P.W.3) besides the evidence of P.W.4 to P.W.7 who are either relatives or persons known to the complainant's family, the trial Court has found that the prosecution has proved that A-1 had harassed P.W.1 demanding two wheeler and Rs.20,000/- during the month of January 2006 and therefore, he is guilty of offence under Section 498-A IPC. The trial Court doubted the case of the prosecution against A-2 and A-3, hence acquitted them. As far as the charge of mis-appropriation all were acquitted.

4. Aggrieved by that, the revision petitioner/first accused has preferred the appeal in C.A.No.79 of 2010 on the file of the learned Additional Sessions Judge (Fast Track Court No.2), Tuticorin. The lower appellate Court partly allowed the appeal by modifying the period of sentence and reduced it to one month simple imprisonment instead of one year simple imprisonment for the offence under Section 498(A) IPC while confirming the fine of Rs.1,000/-.

5. The learned counsel for the revision petitioner would contend that the discrepancy in the statement of P.W.1 and embellishment in her deposition, which are not found in her complaint or in her previous statement, ought to have been taken note by the trial Court and acquitted A-1 also from all the charges along with A-2 and A-3. While the trial Court has rightly acquitted A-2 and A-3 of all the charges, failed to extend the same benefit to A-1 and had erroneously convicted A-1 for the offence under Section 498(A) IPC.

6. Per contra, the learned Government Advocate (Crl.Side) appearing for the State would submit that P.W.1, who is the victim lady of harassment besides her parents. She was asked to get a two wheeler and cash from her parents. She has cogently and convincingly deposed about the harassment meted out by them at the hands of the accused which is corroborated by her parents P.W.2 and P.W.3. The revision petitioner being an Assistant in the Office of District Superintendent of Police, was consistently pestering the de facto complainant for dowry, ever since the marriage which held on 11.12.2005. This has forced P.W.1 to give the complaint to the police on 24.04.2007. The investigation leading to collection of materials to prove the complaint has culminated in final report and also conviction. Therefore, the revision petition is unsustainable.

7. Considering the rival submissions and perusal of the documents, this Court has found that no error, irregularity or illegality in the findings of the Courts below. When this was pointed out to the learned counsel for the revision petitioner, he would submit that the revision petitioner is a Government employee



and if the trial Court judgment is confirmed, he will be committed to prison and he will lose the job. Therefore, invoking the power under Sub Section (4) of Section 360 Cr.P.C., the revision petitioner may be ordered to be released on probation of good conduct or after admonition, instead of sentencing him at once.

WEB COPY

8. This Court after giving anxious consideration of the above said plea regarding the sentence and the circumstances leading to the crime and also taking note of the present age of the revision petitioner and position, considers that it is a fit case to exercise the power of this Court under Sub Section (4) of Section 360 Cr.P.C. Accordingly, the criminal revision case is partly allowed with the following conditions:

(i) Release the accused/revision petitioner, who is found guilty of offence under Section 498(A) IPC under Section 360 (1) Cr.P.C. for the offence committed.

(ii) Instead of sentencing him at once, he is directed to be released on entering into a bond with two sureties for the period of 3 years that he will keep good conduct and not repeat the offence henceforth.

(iii) He will appear and receive the sentence when called upon during such period as the trial Court be directed.

(iv) The revision petitioner/A.1 shall execute the bond before the trial Court within a period of 30 days from the date of receipt of a copy of this order, failing which, the Trial Court shall secure the revision petitioner and commit him to prison forthwith to undergo the period of sentence as modified by the lower appellate Court in C.A.No.79 of 2010 on the file of the learned Additional Sessions Judge (Fast Track Court No.II), Tuticorin.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Additional Sessions Judge,
Fast Track Court No.2,
Tuticorin.

2. The Judicial Magistrate No.I,
Kovilpatti.

3. The Inspector of Police,
All Women Police Station,
Kovilpatti, Tuticorin District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,



5.The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai. **(2 Copies)**

+1CC to Mr.S.Pon Senthilkumaran, Advocate, SR.No.91538

Cr1.R.C (MD) No.147 of 2013
23.10.2018

CP
ES/RP/SAR 4/12.11.2018/4P/8C