

THE HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE NO.344 OF 2018

ORDER:

Heard the learned counsel for the petitioners as well as the counsel for respondent No.3.

2. The present Criminal Revision Case is filed challenging the orders passed in CrI.M.P.No.4041 of 2017 in CC.No.2436 of 2015 dated 29.1.2018 on the file of the Court of the IV Additional Chief Metropolitan Magistrate-cum-Additional Mahila Magistrate, Vijayawada, dismissing the petition filed under Section 239 Cr.P.C. to discharge the petitioners for commission of the offence under Section 498-A IPC.

3. Brief facts of the case are that respondent No.3 herein filed a private complaint on 13.6.2013 on the file of the Court of the II Additional Chief Metropolitan Magistrate, Vijayawada stating that her marriage with the 1st accused was performed on 25.4.2012 at Lord Sri Venkateswara Swamy Temple at Vykuntapuram, Tenali, Guntur district according to the rites and customs prevalent in their community. After marriage, the 3rd respondent had a happy marital life for some time and thereafter, she was being harassed by all the accused including the petitioners herein for additional dowry. In fact, the petitioners herein who are accused 2 to 4 used to instigate the 1st accused, who used to come late in the night, to beat the complainant/3rd respondent herein. In fact, specific allegations are made with reference to the dates in the complaint stating that gas

was leaked in the kitchen and the 3rd respondent herein was asked to heat the milk by lighting the stove. On 6.4.2013, all the accused demanded extra dowry of Rs.5,00,000/- and when respondent No.3 expressed her inability, she was beaten black and blue. On the same day, the 1st accused beat respondent No.3 indiscriminately, took her to Guduru Railway Station and sent her to her parents house. The said complaint was referred to the concerned Police under Section 156 Cr.P.C. Pursuant to the same, a crime was registered vide FIR.No.572 of 2013 for the offence under Section 498-A IPC. After investigation, a charge sheet was laid. The Court below, took cognizance of the offence against all the accused and registered the same as CC.No.2436 of 2015. Pending the said Calendar Case, the petitioners herein filed a petition vide CrI.M.P.No.4041 of 2017 under Section 239 Cr.P.C. to discharge them for the charged offence. The 1st respondent State filed a counter denying the petition averments and opposed the petition. After hearing, the learned Magistrate, dismissed the petition by orders dated 29.1.2018. Aggrieved by the same, the present Criminal Revision Case is filed.

4. Learned counsel for the petitioners contended that no specific allegations are made against the petitioners. The petitioners never resided with 1st accused at Guduru. The respondent No.3 is working in Cognizant Technology Solutions India Private Limited and she never resided with the 1st accused. No prima facie case is made out against the petitioners and therefore, requested to allow the

Criminal Revision Case and discharge the petitioners for the charged offence.

5. Per contra, learned counsel for respondent No.3 contended that specific allegations are made with regard to the demand of additional dowry and respondent No.3 was beaten black and blue on many occasions. He also brought to the notice of the Court that 1st accused and the petitioners herein even tried to take away the life of respondent No.3. So, in these circumstances, the petitioners cannot be discharged for the charged offence.

6. Having heard both the counsel and a perusal of the material on record discloses that specific allegations are made with regard to the demand of additional dowry of Rs.5,00,000/- as well as respondent No.3, on many occasions, was beaten black and blue by the 1st accused. As per the complaint and charge sheet, in the first week of March, 2013, the petitioners even tried to kill respondent No.3 by leaking the gas in the kitchen.

7. In the above circumstances, this Court is of the opinion that prima facie case is made out for framing of charge against the petitioners for the offence under Section 498-A IPC. Therefore, they cannot be discharged. However, taking into consideration the submission made by the learned counsel for the petitioners that petitioner No.1 is suffering with knee problem and petitioner No.2 is a cardiac patient apart from diabetic and petitioner No.3 is working in a software company, this Court feels it appropriate to dispense

with the personal appearance of the petitioners in CC.No.2436 of 2015.

8. The Criminal Revision Case is accordingly, dismissed. However, the presence of the petitioners is dispensed with in CC.No.2436 of 2015 on the file of the Court of the IV Additional Chief Metropolitan Magistrate-cum-Additional Mahila Magistrate, Vijayawada, except when their presence is required.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

Date: 10.7.2018

KPM

P. KESHAHA RAO,J

