

THE HON'BLE SRI JUSTICE P. KESHA RAO
CRIMINAL REVISION CASE NO. 2244 OF 2014

ORDER:

The present Criminal Revision Case is filed challenging the judgment passed in CrI.A.No.128 of 2012 dated 10.7.2014 on the file of the Court of the III.Additional District and Sessions Judge, East Godavari at Kakinada, confirming the judgment passed in S.C.No.38 of 2011, acquitting the respondents 1 to 5 for the offence under Section 306 IPC.

2. The facts in brief are that the deceased M.Pallamraju belonged to Pedabrahmadevam village, Samalkot mandal, East Godavari district. The deceased had 5 ½ Acres of land in Sy.No.333/1 and he had two sisters by names Thalari Seethamma and Thalari Parvathi who are Accused Nos.1 and 2. In fact, Smt. Thalari Seetamma was previously adopted by the father of the deceased and he gave Ac.1.00 of land at the time of marriage of Thalari Parvathi i.e., Accused No.2. After the death of the father of the deceased, Accused No.2 requested the deceased to give Ac.1.00 of land for cultivation for maintaining her family. The deceased gave Ac.1.00 of land to Accused No.2, 15 years back. Since then Accused No.2 has been cultivating the said land. About four years prior to the incident, Accused No.2 came to one G.Rama Rao (PW3) and

requested him to arrange some money from the deceased. The deceased did not agree for the same. There was a mediation in that regard in the village and the deceased was advised to give Rs.3,00,000/- to Accused No.2 for settlement and Accused No.2 was advised to vacate the thatched hut and the land of the deceased. Due to continuous disputes between the deceased and the accused, once accused Nos. 1 to 5 voluntarily beat the deceased and his wife Savithri and also set fire to dry grass heaps. To put an end to the said disputed issues, PW4 and others sent a message to PW3 Rama Rao, to inform Accused No.2 to vacate the house. In the meantime, the deceased and his wife came to know that accused Nos. 1 to 5 made fake pattadar passbooks for AC.3.00 out of 4 ½ Acres. In fact, Accused Nos. 1 to 5 were advised to give fake pattadar pass books to the deceased as a part of settlement. Since the accused were continuously harassing the deceased both mentally and physically and also beat the deceased, a case was registered against the accused vide Cr.No.103 of 2009 for the offence under Section 324 read with 34 IPC, Cr.No.147 of 2009 under Section 435 IPC and Cr.No.188 of 2009 under Sections 447, 323, 427 and 506 read with 34 IPC. On the date of offence i.e., 5.8.2009, the deceased as usual, was cultivating the land of paddy. All the accused, criminally trespassed into

the land threatening him with criminal intimidation and damaged the paddy saplings. Due to continuous harassment, the deceased got vexed with the life and on 15.8.2009 morning went to fields and returned to home and informed the family members that the accused continuously harassed him both mentally and physically and hence he got vexed with the life. On the same day, at 1.00 p.m. left from the house and went to the fields and committed suicide by hanging to the branch of a Mango tree with a Nylon rope and died. In that connection, a case was registered vide Cr.No.193 of 2009 under Section 174 IPC. On the strength of the report of the wife of the deceased PW2, section of law was altered to 306 read with Section 34 IPC. After investigation, a charge sheet was filed. Subsequently, the case was numbered as S.C.No.38 of 2011. After contest, the respondents 1 to 5 were found not guilty and they were acquitted under Section 235 (1) Cr.P.C. by judgment dated 23.12.2011. Aggrieved by the same, the wife of the deceased, filed Crl.A.No.128 of 2012 before the Court of III.Additional District and Sessions Judge, East Godavari at Kakinada. After hearing, the said appeal was also dismissed on 10.7.2014 confirming the judgment of the trial Court. Against the said judgment, the present Criminal Revision Case is filed.

3. From the perusal of the facts and the material on record, it is revealed that there are disputes between the family of the deceased and the family of the accused. Though Ex.P6 suicide note reflects the acts of the accused relating to wrongful interference, encroachment, the evidence of PWs 2 to 4 establish settlement between the deceased and the accused. Under the said settlement, the deceased has offered Rs.3,00,000/- but respondent No.2 and her family members rejected the said offer. In the suicide note, in Page No.1, 8th line of the letter, the date was specifically mentioned as "3.8.2009". The date of incident is "15.8.2009". Thus, there is a clear 12 days difference from the date of the letter and the incident. Further, the hand writing makes it clear that the signatory and the scribe are different. If the letter is prepared as a suicide note, the scribe of the said letter should have informed others. However, no such information was given, particularly to the family of the deceased. From the perusal of Ex.P6, it is clear that the deceased himself admitted that the accused have filed criminal cases in which he was arrested and his efforts in initiating cases against the accused have not materialized for want of evidence. Therefore, the said situation coupled with letting off of the accused by the Police, he fell insulted and that he is not interested in life. Therefore, the

reason for committing suicide leading to death is not the harassment or threatening of the accused, but it is due to the fact that his attempts for initiating criminal cases against the accused are not materialized for want of evidence and accused have been let off by the Police. Therefore, at any stretch of imagination, it cannot be said that the acts of the accused made the deceased to commit suicide. That apart, the evidence of PWs 1 to 3 is contradictory to Ex.P6 suicide note.

4. In fact, both the Courts below, after appreciating the above said aspects, found the respondents 1 to 5 are not guilty and acquitted them. The grounds raised also do not make out any specific case. That apart, the scope of revision under 397 and 401 of Cr.P.C., is very limited. Unless, perversity or illegality apparent on the face of the record is established, revision is not maintainable.

5. In the case on hand, the petitioner failed to make out any case on the above said aspects. As such, there are no merits in the Criminal Revision Case.

6. Accordingly, Criminal Revision Case is dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed.

P. KESHA RAO,J

Date: 10.9.2018
KPM