

THE HON'BLE SRI JUSTICE P. KESHA RAO
CRIMINAL REVISION CASE NO. 2167 OF 2006

ORDER:

Heard the learned counsel for the petitioner, learned counsel for respondent Nos. 2 to 5 and learned Public Prosecutor appearing for 1st respondent State.

2. The present Criminal Revision Case is filed questioning the judgment passed in S.C.No.823 of 1997 dated 25.5.2001 on the file of the Court of Assistant Sessions Judge, Peddapally, acquitting the respondents 2 to 5 herein for the offence under Section.306 IPC.

3. The facts in brief are that the deceased Gangya Naik was married to Humni Bai. Since the date of marriage, they never led a good family life. One month prior to the incident, said Humni Bai (A4) went to her parents house. On 11.9.1995, the deceased went to his in-laws house to bring back his wife, whereupon, his father-in-law and brothers-in-law i.e., A1 to A3 abused the deceased and beat him. They did not send his wife i.e., A4 along with the deceased. On 14.9.1995, Accused went to Dharmaram Police Station and lodged a complaint against the deceased stating that he beat them. In that connection, the Police called the deceased to the Police Station and advised them to lead a happy marital life. The deceased felt humiliated

on the filthy language used by the accused and the harassment meted out to him physically and mentally in addition to summoning him to Police Station, and consumed poison and died. In that connection, the father of the deceased, filed a complaint resulting in registration of Cr.No.99/95 under Section 306 of IPC. After investigation, a charge sheet was filed. The Court below, after taking cognizance of the said offence against the accused, numbered the same as S.C.No.823 of 1997. After a full fledged trial, the respondents 2 to 5 herein were acquitted by judgment dated 25.5.2001. Aggrieved by the same, the present Criminal Revision Case is filed.

4. Having heard both the counsel and from the perusal of the material on record, more particularly, the judgment in S.C.No.823 of 1997, it is revealed that PWs 1 to 3 examined on behalf of the prosecution did not speak that the accused have instigated or provoked the deceased to commit suicide. Accused No.4 refused to join the conjugal society of the deceased. In that connection, a panchayat was also held by PWs 5 and 7 between the deceased and respondent Nos. 2 to 5 herein. In the said Panchayat, the elders suggested the deceased and A4 to live together. However, A4 lodged a Police complaint against the deceased. In fact, respondent Nos. 2 to 5 never abused the petitioner in filthy language and never beat

the deceased. After appreciation of the evidence, the Court below categorically found that no case was established against respondent Nos. 2 to 5, more particularly, the consuming of poison and committing suicide by the deceased is nothing to do with the refusal of A4 to join his conjugal society and they never instigated or provoked him within the meaning of Section 306 IPC.

5. In the above circumstances, this Court finds no merit in the present Criminal Revision Case. Accordingly, the Criminal Revision Case is dismissed.

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

Date: 3.8.2018

KPM



P. KESHA RAO,J