

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL REVISION CASE No.846 OF 2006

ORDER:

This revision is filed aggrieved by the Judgment dated 28.11.2005 in Criminal Appeal No.154 of 2005 on the file of the V Additional Sessions Judge (Fast Track Court), East Godavari, Rajahmundry.

2. Heard Sri V.Ramesh Reddy, learned counsel for the petitioner, learned Additional Public Prosecutor for the respondent State and perused the record.

3. Learned counsel for the petitioner/A.1 would submit that there was no marriage between the petitioner/A.1 and the *de facto* complainant. There is no evidence to substantiate the same. There is evidence of D.W.1 supporting the case of the petitioner/A.1. The *de facto* complainant and the petitioner/A.1 did not live as wife and husband at any point of time. There is no demand of dowry. There are no ingredients to punish the petitioner/A.1 for the offence punishable under Section 498-A IPC and ultimately prayed to set aside the conviction and sentence recorded against the petitioner/A.1 for the offence punishable under Section 498-A IPC.

4. Learned Additional Public Prosecutor would submit that P.Ws.1 to 4 have clearly and categorically stated about the marriage between the *de facto* complainant/P.W.1 and A.1. Though the brother of A.1 was examined as D.W.1, he stated about his innocence with regard to the marriage between P.W.1 and A.1. There is ample evidence of marriage. There is also evidence of

demand of additional dowry and mental and physical torture caused to P.W.1 and the Court below rightly convicted and sentenced A.1 for the offence punishable under Section 498-A IPC. There is nothing to take a different view and ultimately prayed to dismiss the petition.

5. In view of the submissions, the point for determination is, whether the conviction and sentence recorded against the petitioner/A.1 for the offence punishable under Section 498-A IPC is liable to be set aside?

6. As per the evidence of P.W.1, her marriage with A.1 took place at Annavaram temple as per their caste customs in the presence of elders. At the time of marriage, Rs.10,000/- was paid towards dowry to A.1, Rs.2,000/- towards adapaduchu lanchanams and Rs.1,000/- towards articles. They led conjugal life happily for four months. Thereafter, A.1 started demanding P.W.1 to bring additional dowry. Her parents gave Rs.1,000/- and Rs.2,000/- on two occasions. The accused did not satisfy with the same and continued to harass P.W.1 and therefore, she was constrained to lodge a report to the police.

7. P.Ws.2 and 3 are the parents of P.W.1. They have corroborated with the evidence of P.W.1. P.W.4 is the brother of P.W.1. His evidence also corroborated with the evidence of P.W.1. There is also specific mention in the evidence of P.Ws.1 to 4 with regard to demand of additional dowry, mental and physical torture caused by the petitioner/A.1. As per the evidence, the brother of A.1 was examined as D.W.1. He pleaded ignorance with regard to the marriage between P.W.1 and A.1. P.Ws.5 to 7 did not support

the case of the prosecution. There is no reason for P.Ws.1 to 4 to depose falsely with regard to the marriage between A.1 and P.W.1. There is also evidence that during the subsistence of marriage, a female child was born and petitioner/A.1 denied the paternity. It is admitted in the cross-examination that the petitioner/A.1 is converted Christian. Even then, it cannot be held that there was no marriage between P.W.1 and A.1 in Annavaram temple as per the customs. There is also specific evidence with regard to the demand of additional dowry and mental and physical harassment. There are also compelling circumstances for P.W.1 to file a criminal case against A.1.

8. There is ample evidence on record to demonstrate the illegal demand of dowry, mental and physical torture caused to P.W.1 by the petitioner/A1. Both the Courts below have found the petitioner/accused guilty for the offence punishable under Section 498-A IPC. The findings are based on evidence on record. Both the Courts did not commit any error in appreciating the evidence. There is nothing to take a different view. There is no miscarriage of justice. The Criminal Revision Case is devoid of merit and it is liable to be dismissed.

9. In the result, the Criminal Revision Case is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed.

Dr. SHAMEEM AKTHER, J

11th April, 2018.
ssp