

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL REVISION CASE NO.1941 OF 2006

ORDER:

This revision is filed by the petitioner-de facto complainant under Sections 397 and 401 Cr.P.C. challenging the judgment, dated 22.09.2006 in C.C.No.2 of 2006 on the file of the Chief Judicial Magistrate-cum-Principal Assistant Sessions Judge, Kurnool, wherein the respondents-A1 to A4 were acquitted of the offences punishable under Sections 448, 420, 506 and 352 IPC.

2. Heard learned counsel for the petitioner-de facto complainant, learned Assistant Public Prosecutor representing the respondent-State and perused the record.

3. Learned counsel for the petitioner-de facto complainant would submit that the Court below failed to appreciate the evidence of P.Ws. 1 to 4 and the documents marked as Exs.P1 to P5. Ex.P1 is the Xerox copy of the pronote, dated 10.1.2000, Ex.P2 is the complaint given by P.W.1 to police, Ex.P3 is the copy of the death certificate of S.Md.Hussain, Ex.P4 is the Xerox copy of the pension paper and Ex.P5 is the complaint filed before the Court, dated 17.05.2001. There are no inconsistencies. There is ample evidence to believe the commission of offence by the accused for the offences referred supra. The Court below failed to consider the material evidence, which caused mis-carriage of justice and ultimately, prayed to set aside the impugned judgment.

4. There is no representation on behalf of the respondents-A1 to A4.

5. As per the evidence and the material placed on record, there are inconsistencies and differences in the veracity of the statement of witnesses. The evidence of P.W.1 refers to execution of pronote. There is no convincing and corroborating evidence of P.Ws. 2 to 4 to speak the execution of original pronote. Xerox copy is marked as Ex.P1. There is only sole testimony of P.W.1 with regard to the harassment and execution of house property by her and also execution of pronote for Rs.500/-. P.W.1 also did not give specific dates relating to commission of offence. The prosecution has not proved guilt of the accused beyond all reasonable doubt. There is hearsay evidence with regard to P.W.1 being beaten by the accused, which is not admissible in evidence. Admittedly, there are differences and disputes between P.W.1 and A1 to A4. There are material discrepancies in the evidence of prosecution witnesses. The Court below has appreciated the facts and circumstances of the case and ultimately found the accused not guilty of the offences with which, they were charged. The findings are based on evidence on record. There is no mis-carriage of justice. The revision is devoid of merit and is liable to be dismissed.

6. Accordingly, the Criminal Revision Case is dismissed confirming the judgment, dated 22.09.2006 in C.C.No.2 of 2006 on the file of the Chief Judicial Magistrate-cum-Principal Assistant Sessions Judge, Kurnool. Miscellaneous petitions, if any pending in this Revision shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 20-04-2018.

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