

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL REVISION CASE No.1177 OF 2007

ORDER:

This Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, is filed by the petitioner-*de facto* complainant aggrieved by the judgment dated 14.05.2007 rendered in C.C. No.75 of 2006 on the file of the Judicial Magistrate of First Class at Nakrekal, Nalgonda District (for short, 'the trial Court'), wherein respondent Nos.1 to 4-accused were acquitted for the offences punishable under Sections 498-A and 506 I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. Heard the learned counsel for the petitioner, learned Assistant Public Prosecutor for the 5th respondent-State and perused the record. No representation for respondent Nos.1 to 4-accused.

3. Learned counsel for the petitioner-*de facto* complainant would submit that P.Ws.1 and 2, who are the victim and her father, clearly and categorically deposed about the mental and physical cruelty caused to P.W.1; P.Ws.3 and 4 are the elders, they also deposed about the panchayat conducted to settle the marital dispute; there is ample evidence to believe that the accused have committed the offences punishable under Sections 498-A and 506 I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act; the investigation conducted by P.W.5 reveals the same; the Court below had omitted to consider the legally acceptable evidence and arrived at an incorrect conclusion acquitting the accused; and ultimately, prayed to set aside the order under revision.

4. In view of the submissions made on behalf of the petitioner-*de facto* complainant, the point for determination is, whether the impugned judgment is liable to be set aside?

5. There is no dispute with regard to the relationship between P.W.1 and accused No.1, the date of their marriage, etc. The dispute is with regard to the mental and physical cruelty caused to P.W.1 by her husband-A.1 and her in-laws demanding additional dowry of Rs.1,00,000/- P.W.1-Palleboina Jayamma and P.W.2-Gajji Mallaiah did not give the dates of demand of additional dowry and physical and mental cruelty made by the accused against P.W.1. P.W.3-Belli Yellaiah and P.W.4-Nuka Shambabu are the elders who conducted negotiations between the parties to the dispute and the mediation was failed. P.Ws.3 and 4 did not corroborate the evidence of P.W.1. In their evidence, there is no mention of the accused demanding additional dowry. As per the evidence of P.W.4, who stated that A.1 informed him that P.W.1 had developed illegal intimacy with somebody. There are inconsistencies in the evidence of the prosecution witnesses, P.Ws.1 to 4. P.W.5-D.Durgaiah, Sub Inspector of Police, deposed about the investigation conducted in this case. There is no evidence to substantiate the requirements of Sections 498-A and 506 I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act. The findings of the trial Court are based on evidence on record. There is no omission on the part of the trial Court in analysing the evidence of prosecution witnesses and the documents marked as Ex.P.1-report dated 26.03.2006 and Ex.P.2-F.I.R. issued in the impugned case. Therefore, it cannot be held that there is miscarriage of justice. All contentions raised on behalf of the petitioner-*de facto* complainant do fail. The Criminal Revision Case is devoid of merit and it is liable to be dismissed.

6. Accordingly, the Criminal Revision Case is dismissed. Miscellaneous petitions, if any, pending in this Criminal Revision Case, shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 19-04-2018

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