



BAIL SLIP

The Appellant/Accused namely Narendrababu Dronavalli S/o.Chandrasekara Rao was directed to be released on bail as per order of this Court dated 26.11.2019 made in Crl.M.P.Nos.14077/2019 in Crl.R.C.No.1007/2019.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.09.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Crl.R.C.No.1007 of 2019

Narendrababu Dronavalli

...Petitioner

Vs.

State rep by
The Inspector of police,
W- 27, All Women Police Station,
Vadapalani, Chennai.

...Respondent

Criminal Revision Case filed under Sections 397 read with Section 401 of Cr.P.C. to call for the records and set aside the judgment and sentence dated 22.07.2016 passed in C.C.No.8175 of 2010 by the learned IV Metropolitan Magistrate, Saidapet, Chennai, as confirmed by the learned I Additional Sessions Judge, City Civil Court, Chennai, in Crl.A.No.216 of 2016, dated 17.06.2019.

For Petitioner : Mr.E.J.Ayyappan

Respondent : Mr.S.Sugendran
Government Advocate (Crl Side)

O R D E R

This Criminal Revision Case has been filed against judgment of conviction and sentence dated 22.07.2016 passed in C.C.No.8175 of 2010 by the learned IV Metropolitan Magistrate, Saidapet, Chennai, as confirmed by the learned I Additional Sessions Judge, City Civil Court, Chennai, in Crl.A.No.216 of 2016, dated 17.06.2019. Originally the case was registered against six accused and the petitioner is A1. The accused 2 to 6



were tried separately and after trial they were acquitted. The petitioner/A1 was arrested on execution of warrant and tried in this calender case.

2 The respondent police registered a case against the petitioner for the offence under Section 498 (A) of IPC and Section of 4 Dowry Prohibition Act. After investigation, laid charge sheet before the learned IV Metropolitan Magistrate, Saidapet, Chennai, and the learned Magistrate taken a case on file in C.C.No. 8175 of 2010.

3 In order to prove the case of the prosecution, as as many as 6 witness were examined as P.W.1 to P.W.6 and 6 documents were marked as Ex.P1 to P6 and no material object was produced. After trial, the learned Magistrate, by judgment dated 22.07.2016 convicted the petitioner and sentenced him to undergo simple imprisonment for a period of one year and to pay a fine of Rs.3000/-, in default, to undergo simple imprisonment for a further period of two months for the offence under section 498 (A) of IPC, and to undergo simple imprisonment for a period of six months with fine of Rs.2000/- , in default, to undergo simple imprisonment for a further period of one month for the offence under Section 4 of Dowry Prohibition Act. Aggrieved against the same, the petitioner filed appeal in C.A.No.216 of 2016. The learned I Additional Sessions Judge, City Civil Court, Chennai, after hearing both the parties by Judgement dated 17.06.2019 dismissed the appeal and confirmed the Judgment of conviction passed by the trial court. Assailing the concurrent judgment of conviction, the petitioner is now before this Court with the present criminal revision.

4 Learned counsel for the Petitioner would submit that there is no demand of dowry and cruelty as projected by the prosecution. No witnesses have spoken about the demand of dowry by the petitioner even at the time of marriage or after the marriage. In fact after the marriage the petitioner and his wife the victim went to USA lived for eight months. After sometime the wife filed a petition seeking divorce and the same was granted and she got re-married with another person. After the lapse of 2 years the present complaint was preferred against the petitioner and the delay has not been properly explained. Even though the trial court acquitted the other accused, on the basis of very same material wrongly convicted the petitioner. The I Additional Sessions Judge, without appreciating evidence of the prosecution witnesses properly confirmed the conviction passed by the trial court which warrants interference.

5 Learned Government Advocate (Crl.Side) would submit that P.W.1 to P.W.5 categorically stated that at the time of the marriage they provided 80 soverigns of Gold jewels and 12

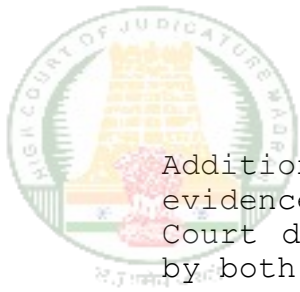


sovereigns of chain and bracelet, diamond ring, etc. After marriage both of them went to USA and after six months returned to India and the petitioner left his wife in India itself and went to USA. The family members tried to compromise the issue and since the wife could not solve the problem, as no other option, had filed the complaint. Hence the delay has occurred and the same will not be a ground to acquit the accused. Further, from the evidence of P.Ws.1 to 5, prosecution has proved the demand of dowry and the cruelty caused by the petitioner. Since the other accused have not lived with the defacto complainant, the trial Court acquitted the other accused. But, prosecution has clearly proved the demand of dowry and the cruelty caused by the petitioner and hence convicted him. The learned Sessions Judge has also confirmed the conviction passed by the trial Court, which does not call for any interference of this Court.

6 Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and also perused the materials available on record.

7 This Court, while exercising revisional jurisdiction, cannot exercise power of the Appellate Court and this Court, being a revisional Court, cannot sit in the arm chair of appellate Court and it has no power to re-assess the evidence and substitute its views on findings of fact. The revisional Court can only see whether there is any perversity in appreciation of evidence by the Courts below.

8 P.W.1 is the grandfather P.W.2 is the mother and P.W.3 is father of the victim and they have categorically stated that even at the time of the marriage they provided sufficient gold jewels and other ornaments and since petitioner was not satisfied with that, demanded further dowry. P.W.1, deposed that after marriage they went to USA and stayed there for nearly seven months and during that stay, there was no consummation of marriage and the victim was not allowed to speak anyone and they came back to India. Since there was a quarrel, the petitioner left his wife in India and went to USA. From the evidence P.W.2, it is clear that the petitioner demanded money and also caused cruelty and it is seen that during the trial victim was died. In the absence of the victim who is the wife, the best persons, who can speak about the cruelty caused by the husband is the family members of the victim. In this case, prosecution has examined family members of the victim as P.Ws.1 to 3 and 5 and from their evidence prosecution has clearly proved the demand of dowry and the cruelty caused by the petitioner. The learned Magistrate has also appreciated the evidence of the prosecution witnesses and came to the conclusion that the petitioner has committed offence under Sections 498 (A) of IPC and Section 4 of Dowry Prohibition Act and the learned I



Additional Sessions Judge has also re-appreciated the entire evidence and confirmed the judgment of the trial Court. This Court does not find any perversity in appreciating the evidence by both the Courts below and there is no merit in the revision.

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9 In the result, the criminal revision case is dismissed as devoid of merit and substance. Trial Court is directed to secure the petitioner to undergo remaining period of imprisonment, if any.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The I Additional Sessions Judge,
City Civil Court, Chennai.
- 2.The IV Metropolitan Magistrate,
Saidapet, Chennai.
- 3.-do-Thro The Chief Metropolitan Magistrate,
Egmore, Chennai (For information)
- 4.The Inspector of Police,
W- 27, All Women Police Station,
Vadapalani, Chennai.
- 5.The Public Prosecutor,
High Court of Madras.

+1cc to M/s.E.J.Ayyappan, Advocate Sr No.45646

Cr1.R.C.No.1007 of 2019

LN (CO)
PR (01/10/2021)