

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE No.470 OF 2008

ORDER :

This Criminal Revision Case is filed by the petitioner-accused No.1 against the judgement dated 12.03.2008 in CrI.A.No.22 of 2007 on the file of III Additional District and Sessions Judge(Fast Tract Court) at Medak, confirming the judgment of conviction and sentence dated 19.04.2007 in S.C.No.200 of 2005 on the file of Assistant Sessions Judge, Medak, for the offence under Section Section 304-B of I.P.C.

2. Heard. Perused the record.

3. Briefly, the facts of the case are, that the marriage of the petitioner and the deceased took place three years prior to the date of incident i.e., on 24.04.2004. At the time of the marriage an amount of Rs.1,00,000/- was agreed to be given to the petitioner-accused No.1 towards dowry. However, an amount of Rs.50,000/- was given at the time of marriage. Later on, petitioner-accused No.1 along with accused Nos.2 to 5, who are close relatives, started harassing the deceased physically and mentally for payment of balance amount of Rs.50,000/-. Later, the said balance amount of Rs.50,000/- was paid to the

petitioner-accused No.1 in the presence of elders i.e, Sri Sapna Anjaiah and Sri Mandal Laxmaiah. The main allegation against the petitioner is that not being satisfied with the said amount, the petitioner along with the deceased went to PW.1, who is the father of the deceased and demanded to pay an amount of Rs.20,000/- as additional dowry. PW-1 expressed his inability to pay the said amount, however, he assured to fulfill his demand by selling bulls in a short period of time. While so, on 23.04.2004 at about 6 p.m., PW-1 received a phone call that his daughter committed suicide by hanging herself in her in-laws house.

4. In the evidence of the witnesses examined, though there is consistency regarding the payment of dowry of Rs.50,000/- being given at the time of marriage and also payment of balance amount of dowry Rs.50,000/-, there is no evidence with regard to the harassment as far as the demand for additional dowry of Rs.20,000/- which was made three days prior to the incident. None of the witnesses stated that the deceased was subjected to any kind of harassment for the non-fulfillment of the demand of additional dowry of Rs.20,000/-. Further, though PW-1 and 2, stated that the petitioner came to their house and made a demand for additional dowry of Rs.20,000/-. There is no

allegation of any harassment to fulfill this demand. Except stating about demanding of additional dowry, there is no element of coercion or any pressure or any kind of physical or verbal abuse with regard to demand of additional dowry. Mere demand of additional dowry would not fall within the definition of cruelty unless harassed in any manner to meet the demand. Therefore, the period of imprisonment already undergone by the petitioner-accused No.1 is sufficient and reasonable.

5. Therefore, this Court deems it appropriate to set aside the conviction imposed vide judgement dated 19.04.2007 in S.C.No.200 of 2005 on the file of Assistant Sessions Judge, Medak, as confirmed vide judgement dated 12.03.2008 in CrI.A.No.22 of 2007 on the file of III Additional District and Sessions Judge, Medak. It is informed by the learned counsel that the petitioner has undergone 3½ years of imprisonment

6. Accordingly, the Criminal Revision Case is allowed.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

K.SURENDER, J

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