

THE HONOURABLE JUSTICE G. SRI DEVI
CRIMINAL REVISION CASE No.1315 of 2008

ORDER :

This criminal revision case is filed aggrieved of the judgment dated 28.04.2008 in C.C.No.279 of 2006 on the file of Judicial Magistrate OF First Class, Special Mobile, Karimnagar, by which, the learned Magistrate has acquitted respondent No.2/accused from the charge for the offences under Sections 406, 420 and 498-A of IPC and Section 4 of the Dowry Prohibition Act.

2. Heard both sides and perused the record.

3. It is submitted by the leaned counsel for the revision petitioner that the learned Magistrate has not appreciated the evidence on record in proper perspective, which resulted in wrong conclusions, leading to acquittal of the accused. Accordingly, counsel for revision petitioner has prayed for setting aside the impugned judgment of the trial Court.

4. This revision case is of the year 2008 and the Calendar Case is of the year 2006, whereas, the alleged occurrence was said to have occurred on 25.07.2005. Further, the Court below, on examining the oral and documentary evidence on record, found that PW.1 and accused are wife and husband and with regard to harassment made by accused, PW.1 filed first case and the same was ended in conviction and at the stage of pending appeal, the accused himself approached PW.1 and her parents and executed Ex.P.2 and joined the society of PW.1 at her parents' house at Kazipur and after six months he left her and went to his village Kodimial. When

accused requested PW.1 to come along with him to reside at Kodimial, she refused to live with him, as such, the accused filed divorce O.P. before II Additional Sessions Judge, Karimnagar at Jagtial. After receipt of notice in divorce O.P. and after appearance, she filed the present case. Further, the Court below observed that after execution of Ex.P.2 till appearance before the Jagtial Court, PW.1 never lodged any complaint against the accused with regard to dowry harassment. It is further observed that if any dowry harassment or ill-treatment or mental torture made by the accused, PW.1 would have definitely filed any case before any police station within the above period, and thus, the prosecution has not proved its case beyond reasonable doubt. Accordingly, the trial Court has acquitted respondent No.2/accused from the charge levelled against him.

5. On a perusal of the material on record and the judgment of the Court below, I am of the considered view that there are no valid grounds to interfere with the findings of the Court below. I do not find any illegality or infirmity in the impugned judgment, warranting interference by this Court.

6. The Criminal Revision Case is devoid of merit and it is accordingly dismissed.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE G.SRI DEVI

Date: 27.01.2022

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