

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL REVISION CASE No.1424 OF 2008****ORDER:**

1. This Criminal Revision Case is filed under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') filed by the petitioner against the Judgment passed by the learned II Additional Sessions Judge, Karimnagar at Jagityal, dated: 18.06.2008 in S.C. No.534 of 2007.
2. The petitioner is the informant/complainant in the case registered for the offences under section 498-A, 304-B of IPC and section 3 and 4 of Dowry Prohibition Act. According to the complaint of the petitioner herein, the marriage in between the 2nd respondent and his daughter was performed on 29.02.2004 and Rs.80,000/- cash, one tula gold and motorcycle worth Rs.40,000 was given to him towards dowry.
3. The 2nd respondent/accused No.1 and deceased led happy married life for one year and there after the respondent Nos.2 to 4 who are accused Nos.1 to 3 started demanding additional dowry.

4. The said fact was brought to the notice of PW1 (the petitioner herein) who is the father of the deceased. There was a negotiation regarding demand of additional dowry on 07.02.2007 and the respondent/accused promised to look after her well and she was taken back.

5. However due to constant harassment, meted out by the accused the deceased committed suicide by consuming pesticide poison.

6. The police investigated the case and filed charge sheet for the said offences. Charges were framed and learned session Judge by order dated 18.06.2008 found that:

(1) except a allegations of PWs1,2,3 and 5 who are relatives regarding cruelty, there are no specific events that are narrated.

(2) The statements of PWs1,2,3 and 5 are on the basis of the information provided by deceased which would be heresay evidence.

(3) According to PW1, he stated that he used to visit the house of accused and during cross examination both the parents (PWs1 and 2) of deceased stated that she was happy in her in-laws house.

(4) None of the independent witnesses who are neighbors were examined to speak about any kind of harassment.

(5) The information given by the deceased to PWs1 and 2 would not fall within the purview of section 31 of Indian Evidence Act. For which reason the evidence given by PWs1 and 2 is not admissible.

7. On the said basis the learned sessions Judge found that no offence was made out under any of the penal provisions for which the accused was charged.

8. The petitioner who is the father of the deceased filed the present revision urging that the evidence of PWs 1,2,3 and 4 were consistent with regard to harassment of the respondent/accused.

9. According to petitioner in normal house hold it is natural that the daughter would inform the parents regarding any harassment by in-laws. Further, the finding of the learned sessions Judge is contrary to the evidence on record for which reason the judgment has to be set aside.

10. In case of acquittal unless the finding while recording acquittal is not passed on basing record or contrary to any law such finding of acquittal cannot be interfered with.

11. Under revisional Jurisdiction under Section 401 Cr.PC, this Court convert an order of acquittal to conviction. However, has the powers to remand the matter for reconsideration before the concerned Court.

12. In the facts of the present case there are no grounds to remand the matter back to the trial Court, since the findings of the trial Court are logical, reasonable and based on record.

13. Accordingly, the revision fails and dismissed.

Miscellaneous Petitions, pending if any, shall stand closed.

Date: 22.12.2022
LK/mnv

K.SURENDER, J