

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE DR. JUSTICE D.NAGARJUN

CRIMINAL REVISION CASE NO: 215 OF 2010

Between:

The State of Andhra Pradesh,
rep. by its Public Prosecutor,
High Court of A.P., at Hyderabad.

...Appellant/Petitioner

AND

Ponnala Kalyana Chakravarthi Rao,
S/o P.V.Narsing Rao, Private Service,
R/o 1-10-122/A, Ashok Nagar, Hyderabad.

...Accused/Respondent

Revision filed under Section 397 & 401 of Cr.P.C. praying that in the circumstances stated in the affidavit filed in support of the Criminal Revision Case, the High Court may be pleased to set-aside the order passed by the XIII Additional Chief Metropolitan Magistrate, Mahila Court, Hyderabad in CC.No. 137 of 2006, dated 08-09-2009.

Counsel for the Petitioner: The Public Prosecutor

Counsel for the Respondent: M/s Kiranmayee representing Smt D. Sangeetha Reddy, Advocate

The Court made the following: ORDER

HONOURABLE DR. JUSTICE D.NAGARJUN

CRIMINAL REVISION CASE No.215 of 2010

ORDER:

This revision is filed aggrieved by the orders dated 08.09.2009 in C.C.No.137 of 2006 of the trial Court in discharging the respondent/A1 for the offences under Section 498-A IPC and Sections 4 and 6 of the Dowry Prohibition Act (for short, "the Act").

2. The facts in brief are that the wife of the respondent herein having married the respondent has filed a complaint against him, his parents and relatives alleging that they have been harassing her mentally and physically on which a case has been registered in C.C.No.324 of 2005 against the respondent/A1 and A2 to A5. During the pendency of the said C.C.No.324 of 2005, on account of the fact that the respondent/A1 was absconding, the trial Court has split up the case against the respondent as C.C.No.137 of 2006, and continued the trial in respect of other accused i.e., A2 to A5 in C.C.No.324 of 2005 and after full-fledged trial, the said C.C. was disposed of finding A2 to A5 not

guilty of the offences alleged against them under Section 498-A IPC and Sections 4 and 6 of the Act. Aggrieved by the same, the State has preferred an appeal in CrI.A.No.866 of 2009 and this Court on considering the entire material on record ultimately found that there is no material in the appeal and dismissed the appeal confirming the judgment of the trial Court dated 01.02.2008 in C.C.No.324 of 2005 holding that A2 to A5 are not guilty of the offence under Section 498-A IPC and Sections 4 and 6 of the Act.

3. Having found that the trial Court and the appellate Court have found A2 to A5 not guilty of the offence, the respondent/A1 has filed an application before the trial Court seeking to discharge him also for the offence under Section 498-A and Sections 4 and 6 of the Act. On considering the entire material on record, the said application was allowed discharging the respondent/A1. Aggrieved by the same, the State has preferred this revision.

4. During the course of hearing, learned Additional Public Prosecutor has fairly conceded that in this case all other accused have already been acquitted after full-fledged trial and submitted the Court dispose of this revision on merits.

5. Learned counsel representing the respondent/A1 has taken this Court to the judgments of the trial Court and the appellate Court, wherein A2 to A5 have found not guilty and submitted that there is no material against the respondent/A1 to proceed with the case.

6. This Court has gone through the entire record, including the judgment of the trial Court in C.C.No.324 of 2005, dated 01.02.2008 and also the judgment of this Court in CrI.A.No.866 of 2009 dated 15.11.2001, and is of the opinion that though the trial Court and the appellate Court have tried the issues only so far as A2 to A5 are concerned, however, during the course of recording of evidence of the witnesses have actually deposed not only against A2 to A5, but also against the respondent/A1. If the material placed before the Court in C.C.No.324 of 2005

and also in CrI.A.No.866 of 2009 are taken into consideration, it is clear that there is no incriminating material against the respondent/A1 and in case if the trial is allowed to continue, it becomes a futile exercise. Perhaps, this is the reason why the trial Court while taking into consideration the entire material on record found that there is no material against the respondent/A1 also and thereby A1 was discharged.

7. In view of the above discussion, this Court is of the opinion that the trial Court has not committed any error on any count in appreciating the material before the Court in giving the finding that there is no material against the respondent/A1 for the offence under Section 498-A IPC and Sections 4 and 6 of the Act.

8. In the result, the criminal revision case is dismissed.

Miscellaneous applications, if any, shall stand closed.

//TRUE COPY//

Sd/- M. MANJULA
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The XIII Additional Chief Metropolitan Magistrate, Mahila Court, Hyderabad
2. One CC to The Public Prosecutor, High Court for the state of Telangana at Hyderabad [OPUC]
3. One CC to Sri D. Sangeetha Reddy, Advocate [OPUC]
4. Two CD Copies

HIGH COURT

Dr. DNRJ

DATED:16/02/2023



ORDER

CRLRC.No.215 of 2010

CRIMINAL REVISION IS DISMISSED

6 Copies
Sm
28/4/23