

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE No.275 OF 2007

ORDER:

The petitioner – Accused is questioning the correctness of the concurrent findings of the trial Court and appellate Sessions Court in convicting the petitioner – Accused for the offence under Section 498-A and 323 of Indian Penal Code (for short “IPC”)

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State. Perused the record.

3. The case of the complainant is that she was married to the petitioner nine years prior to the date of complaint. The said complaint was lodged on 20.07.2004. In the said complaint, the wife of the petitioner alleged that at the time of marriage dowry was also given and was harassing her for additional dowry. Out of wedlock they were blessed with two sons. On account of harassment, the complainant earlier filed a case which was pending before the concerned Court vide C.C.No.239 of 2002 and the matter was compromised and settled. However, the petitioner was

harassing for additional dowry. In the entire complaint, it is alleged that there was a demand for Rs.1,00,000/-, for the said reason, a panchayath was also held.

4. On the basis of the evidence of witnesses who are examined as PWs 1 to 3, the trial Court found that the allegation of demand for additional dowry was correct and accordingly found the petitioner guilty. Further on 17.08.2004 the complainant was sent for examination before the doctor and simple injuries were also found, for which reason, believing that the injuries were caused by this petitioner, the conviction was recorded under 323 of IPC.

5. In view of the above, there are no grounds to interfere with the concurrent findings of Courts below.

6. In the said circumstances, the conviction passed by the Courts below is confirmed. However, the incident is of the year 2004; and the allegation is that there was a demand for Rs.1,00,000/- dowry. The petitioner and his wife are leading lives separately, as such this Court deems it appropriate to reduce the sentence of imprisonment to the period already undergone under both counts.

7. Accordingly, the Criminal Revision Case is partly allowed.

Miscellaneous Petitions, pending if any, shall stand closed.

K.SURENDER, J

Date: 02.01.2023
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