

THE HONOURABLE SRI JUSTICE K.SURENDER
CRIMINAL REVISION CASE No.1547 OF 2007

ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner – 1st accused, aggrieved by the judgment dated 07.11.2007 in Criminal Appeal No.83 of 2005 on the file of Court of Sessions Judge, Warangal, confirming the judgment dated 29.07.2005 in C.C.No.903 of 2001 on the file of IV Additional Judicial Magistrate of I Class, Warangal.

2. The petitioner was married to PW2 in the year 1999 and at the time of marriage, dowry was also given. Thereafter, the petitioner and other family members who are arrayed as accused Nos.2 to 4 were harassing her physically and mentally for the purpose of getting additional dowry of Rs.50,000/-. Even at the time of delivery of wife of petitioner and also function which was held, accused picked up quarrel demanding additional dowry. Unable to bear the acts of accused, PW1 lodged a complaint against them on 19.04.2001. Thereafter, the Police having

investigated the case filed charge sheet for the offences under Section 498-A of Indian Penal Code (for short 'IPC') and Sections 3 and 4 of Dowry Prohibition Act (for short 'D.P. Act'). The learned Magistrate having framed the charges for the said offences examined PWs.1 to 6 and got marked Ex.P1 and Ex.P2. In defence, Ex.D1 to Ex.D19 were marked. Having considered the evidence, the learned Magistrate found that this petitioner was complicit of harassing his wife, for which reason, petitioner was convicted for the offences under Sections 498-A of IPC and 4 of D.P. Act and sentenced him to undergo rigorous imprisonment for a period of one (01) year and six (06) months respectively.

3. Questioning such conviction and sentence, an appeal was filed by the petitioner before the Sessions Judge. The learned Sessions Judge while disposing of the Criminal Appeal by order dated 07.11.2007, reduced the sentence of one (01) year to a period of six (06) months for the offence under Section 498-A of IPC and confirmed the conviction under Section 4 of D.P. Act. The present petition is filed questioning the confirmation of the conviction by the Sessions Court.

4. Having gone through the record, there is consistent evidence regarding demand of additional dowry and also that the wife of petitioner/PW2 was beaten. Several incidents are narrated in the evidence to that effect.

5. However, the case is of the year 2001 and since (22) years have lapsed and as the complaint was outcome of differences between the spouses, this Court deems it appropriate to reduce the sentence to the period already undergone.

6. Accordingly, the Criminal Petition is partly allowed.

Miscellaneous applications pending, if any, shall stand closed.

K.SURENDER, J

Date: 18.01.2023
rev