

HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL REVISION CASE No.1767 OF 2007****O R D E R:**

This Criminal Revision Case is filed under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner/complainant aggrieved by the impugned judgment passed by the II Metropolitan Magistrate Cyberabad vide C.C.No.912 of 2022 dated 23.10.2007, acquitting the accused/respondent Nos.2 to 4.

2. Accused Nos.2 and 3 were discharged by the II Metropolitan Magistrate Cyberabad, Ranga Reddy District, Hyderabad *vide* Crl.Mp.No.463 of 2003 dated 11.02.2023. The Magistrate on proceeding with trial, against accused No.1 who is the husband of this petitioner, found that the Accused No.1 was not guilty of the offence under section 498 (A) of IPC and was acquitted. Briefly the case of the petitioner herein who is the wife of Accused No.1-respondent No.2 herein is that she was married to Accused No.1 in accordance with the Hindu rites and customs and

thereafter she was harassed physically and mentally. Her husband took loans from private persons to the extent of Rs.79,000/- and demanded additional dowry for repayment of the said amounts. She was beaten mercilessly by the accused and she fell unconsciousness. Regaining consciousness she approached the police and filed complaint.

3. The learned Magistrate having examined the witness PW.1 to PW.5, marked Exhibits P1 to P9 and found that husband accused No.1 was not complicit of any kind of harassment for which reason accused No.1 was acquitted. The Magistrate mainly found that the offences alleged on 10.02.2002 and 11.02.2002 were not proved as narrated by PW.1 and there was no evidence which convinced the Court regarding the conviction.

4. This Court under revisional jurisdiction is prohibited from reversing the order of acquittal into one of conviction. The depositions of witnesses were also filed.

5. As seen from the evidence there are several contradictions and omissions which were elicited during

cross-examinations regarding the allegations made by PW.1.

6. From the findings of the learned Magistrate in the judgment of acquittal, there is no irregularity which is committed by the Magistrate. The view taken by the learned Magistrate on the basis of evidence is reasonable and proper. For the said reasons there are no grounds to remand the case back for the purpose of retrial.

7. Accordingly, the Criminal Revision Case is dismissed.

Miscellaneous applications pending, if any, shall stand closed.

K.SURENDER, J

Date: 06.01.2023
PSW

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