

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY, THE SECOND DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE NO: 885 OF 2009

Criminal Revision Case filed under Section 397 and 401 of Cr.PC against the Judgment dated 20.02.2009 made in Sc.No.165 of 2008 on the file of the Court of the III Additional Sessions Judge, Karimangar.

Between:

Jakku Rayabosu, S/o. Veeraiah, Occ: Kalaki, R/o. Kamalapur Village and Mandal, Karimangar District.

...Petitioner/Defacto-Complainant

AND

1. The State of A.P., Rep.by Public Prosecutor, High Court of A.P., Hyderabad, through Sub- Divisional Police Officer, Karimnagar (Cr.No. 91 of 2007 non the file of SHO, P.S.Kamalapur)

...Respondent/Complainant

2. Purella Ramesh, S/o. Rayamallu, R/o. Mancherami Village, Sultanabad Mandal, Karimangar District.
3. Purella Rajamma, W/o. Rayamallu, R/o. Mancherami Village, Sultanabad Mandal, Karimangar District.
4. Purella Rayamallu, S/o. Sailu, R/o. Mancherami Village, Sultanabad Mandal, Karimangar District.
5. Purella Naresh, S/o. Rayamallu, R/o. Mancherami Village, Sultanabad Mandal, Karimangar District.
6. Purella Srinivas, S/o. Rayamallu, R/o. Mancherami Village, Sultanabad Mandal, Karimangar District.

...Respondent/Accused Nos.1 to 3,7 and 8

Counsel for the Petitioner : Sri V Ravi Kiran Rao

Counsel for the Respondents: Assistant Public Prosecutor

Counsel for the Respondents No.2 to 6: Sri Y Rama Rao

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE No.885 OF 2009

ORDER:

The Defacto Complainant who is the father of the deceased filed the present revision questioning the acquittal recorded by the III Additional Sessions Judge at Karimnagar, in Sessions Case No.165 of 2008, vide Judgment dated 20.02.2009, for the offences punishable under Sections 498 A, 304 B, 306 of the Indian Penal Code and Sections 3 & 4 of the Dowry Prohibition Act.

2. Heard learned counsel for the revision petitioner and learned Assistant Public Prosecutor for the respondent-State.

3. Briefly, the case of the defacto complainant-PW1 is that his daughter was married to Accused No.1, three and half months prior to her death. Dowry of Rs.4 lakhs was given including gold. From the fourth day of marriage, A1 started suspecting the character of the deceased stating that she had intimacy with others. He also obtained a letter from his daughter stating that she had illegal intimacy with a lecturer and also recorded her voice through cell phone. Five days after the marriage, A1 informed that the deceased left their house with someone else. Then the defacto complainant and LW3 went to the house of the accused and found his daughter

in their house and brought back her to his house. Regarding the said incident the Police were intimidated. But, A1 refused to take his daughter though the deceased expressed her willingness to go with A1. At that point of time there were negotiations held before elders. Thereafter, A1 expressed that he wanted to take divorce and unable to bear the humiliation by the accused, she consumed poison on 06.04.2007 and committed suicide.

4. On the basis of the death, complaint was filed on 07.04.2007. The Police having investigated the case filed charge sheet for the above said offences.

5. On behalf of the prosecution PWs.1 to 13 were examined and Exs.P1 to P11 were marked. On behalf of defence, Ex.D1-letter written by the deceased on 05.02.2007 and D2-161 Cr.P.C. statement of PW4 (relevant portion) were marked.

6. The learned Sessions Judge acquitted the accused on the following grounds;

- i) Ex.D1-letter was admitted and the said letter reflected that the deceased had affair with another person.
- ii) M.O.2 cell phone was filed in which conversation of the deceased with her friend was recorded and in the said conversation the deceased expressed her willing to go with him.

iii) Panchayat was held on 06.04.2007 in which Ex.D1-letter, conversation recorded and M.O.2-mobile were placed before the elders and on the very same day, she consumed poison.

iv) The death happened within three months and there is any amount of discrepancy in the evidence regarding dowry that was given at the time of marriage.

7. On the basis of the above findings, the learned Sessions Judge found favour with the defence and recorded acquittal giving benefit of doubt.

8. Learned Counsel appearing for the revision petitioner/defacto complainant would submit that Ex.D1-letter was fabricated by the accused and it was not confronted to PWs.1, 2 and 3 who are the parents and family friend. However, it was confronted to PW4. In the said circumstances, the complainant did not have the benefit of questioning Ex.D1 and also it could not be sent to expert to verify whether the writing is that of the deceased.

9. PWs.1, 2 and 3 have specifically spoken regarding Ex.D1 and that it was obtained by force from the deceased. Further, in the panchayat held on 06.04.2007 even according to the witnesses, Ex.D1-letter and also the conversation recorded was placed before

the elders. Unable to bear humiliation, she consumed poison on the said day. The ground that Ex.D1 was not confronted to PWs.1 to 3 is incorrect. In fact, the witnesses themselves stated that Ex.D1 was fabricated in their chief-examination itself. In the said circumstances, when PWs.1 to 3 had knowledge about Ex.D1, no steps were taken to send it to expert. In the circumstances of the present case, the Court believed the version of the accused and also Ex.D1 which was filed before the Court.

10. I do not find any infirmity in the findings or any circumstances to interfere with the order of acquittal. In fact, this Court is prohibited from reversing an order of acquittal into one of conviction. The said prohibition is under Section 401(3) of Cr.P.C. I do not find no reasons to remand the case back to the trial Court.

11. Accordingly, the Criminal Revision Case fails and dismissed.

As a sequel, miscellaneous applications, if any, pending shall stand closed.

SD/- I NAGALAKSHMI,
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The III Additional Sessions Judge, Karimangar (With records, if any)
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
3. One CC to Sri V Ravi Kiran Rao, Advocate [OPUC]
4. One CC to Sri Y Rama Rao, Advocate [OPUC]
5. Two CD Copies

ADK



HIGH COURT

DATED:02/07/2024

ORDER

CRLRC.No.885 of 2009



DISMISSING THE CRLRC

(8)
28/10/24
10/11