

BAIL SLIP: The petitioner / Appellant / Accused No.1 was directed to be released on bail by the Order of the High Court dated 28.01.2011 in CrI.RC MP.No. 3456 of 2011 in CrI. R.C.No.2300 of 2010.

[3251]

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**TUESDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE NO: 2300 OF 2010

Criminal Revision case filed under Section 397 & 401 of Cr.P.C. against the Judgment dt.15.11.2010 passed in CrI.A.No. 156 of 2010 on the file of the Honble V Addl. Session Judge, (II-FTC) Warangal.

Between:

Jangam Suresh, S/o. Satyanarayana, Aged 28 years, Occ. Private Employee,
Presently at Hyderabad, N/o. Matwada, Warangal City and District

...Petitioner / Appellant / Accused No.1

AND

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

...Respondent / Respondent

I.A. NO: 1 OF 2010(CRLRCMP. NO: 3456 OF 2010)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the Judgment dt.15.11.2010 passed in CrI.A.No. 156 of 2010 on the file of the Hon'ble V Addl. Session Judge, (II-FTC) Warangal.

Counsel for the Petitioner(s): SRI P. Vishnuvardhana Reddy

Counsel for the Respondents: Public Prosecutor

The Court made the following Order:-

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE No.2300 OF 2010

JUDGMENT:

This Criminal Revision Case is filed by the petitioner/accused No.1 (herein after referred as accused) aggrieved by the judgment dated 15.11.2010 in CrI.A.No.156 of 2010, on the file of V Additional Sessions Judge (II-FTC) Warangal.

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

3. The accused is the husband, who was charge sheeted along with 7 others for the offence under Section 498-A of IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961 (for short 'D.P.Act'), by the Police. According to the prosecution case, the accused was married to P.W.1 on 03.10.2007 and at the time of marriage, cash of Rs.1,00,000/-, 5 tulas of gold and other house hold articles were given. After marriage, A-2 to A-6 instigated the accused to harass P.W.1 for additional dowry. A female child was born. Due to continuous harassment, a panchayat was held in which the accused assured that P.W.1 would be taken care of.

4. It is the further case that accused eloped with A-7. At the time of accused eloping with A-7, P.W.1 was carrying 3 months pregnancy. Having made effort to bring back accused, since he did not join P.W.1, complaint was filed, after the birth of the child.

5. During the course of trial, P.W.1/victim narrated the facts of the case so also P.W.2 who is the mother of P.W.1. P.Ws.3 and 4 are panchayat elders who stated about marriage, dowry given and also accused harassing P.W.1 for want of additional dowry of Rs.10,000/-etc. Learned trial Judge found that there were no specific allegations that were leveled against A-2 to A-8, accordingly, acquitted them. However, the Court found that acts of accused were willful, amounting to cruelty.

6. Learned Sessions Judge in the appeal found favour with the findings of the learned Magistrate and confirmed the conviction. However, imprisonment under Section 498-A of IPC was reduced to one year and also conviction under Sections 3 and 4 of D.P.Act was reduced to 6 months.

7. Learned counsel appearing for the revision petitioner would submit that on the very same evidence about

harassment, the trial Court had acquitted A-2 to A-7, the Court cannot be selective while deciding the allegations leveled against the accused, since the very same allegations leveled against A-2 to A-7 resulted in their acquittal, as such, the question of convicting the accused does not arise.

8. On the other hand, learned Public Prosecutor would submit that P.Ws.1 and 2 and other independent witnesses 3 and 4 have clearly narrated regarding dowry that was given and also harassment that was meted out by the accused herein. For the said reason, the Revision has to be dismissed.

9. Having gone through the record, P.Ws.1 to 4 consistently stated that at the time of marriage dowry was given. However, for additional amount, P.W.1 was harassed by the accused. The evidence was placed on record that accused went away and stayed with A-7 for months together. The acts of accused amounts to cruelty.

10. I do not find any reason to interfere with the order of conviction passed by the Courts below under Section 498-A of IPC and Sections 3 and 4 of D.P.Act. However, keeping in view that there are no others cases against the accused and the incident is of the year, 2007, nearly 18 years have passed by,

the sentence of imprisonment under both counts is reduced to period already undergone by the revision petitioner/accused.

11. Accordingly, the Criminal Revision Case is partly allowed. Miscellaneous applications pending, if any, shall stand closed.

Sd/- M. RAMANA KRISHNA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The I Additional Judicial Magistrate of First Class, Warangal.
2. The V Additional Sessions Judge, (II-FTC), Warangal.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, Hyderabad [OUT].
4. One CC to SRI P. Vishnuvardhana Reddy, Advocate [OPUC]
5. Two CD Copies

VC/gh

Kr

HIGH COURT

DATED:10/09/2024

ORDER

CRLRC.No.2300 of 2010



PARTLY ALLOWING THE CRLRC

*Accepted
for
12/11/24*