

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

**MONDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL APPEAL NO: 1251 OF 2012

Crl.Appeal Under Section 374 (2) of Cr.P.C. aggrieved by the Judgment dated 18-12-2012 in S.C.No. 39 of 2009 on the file of the Court of the Special Sessions Judge – cum- Additional District and Sessions Judge at L.B.Nagar , Ranga Reddy District.

Between:

Birlangi Venkatesa Laxmana Rao, S/o.B.China R/o.Rasoolpura, Begumpet, N/o.Purushothampuram Village, Srubujili Mandal, Srikakulam Dist.

...APPELLANT/ ACCUSED

AND

The State of Telangana, rep. by its Public Prosecutor, High Court of Telangana., Hyderabad.

...RESPONDENT

Counsel for the Appellant: SRI. S. SRINIVASA RAO

Counsel for the Respondent: THE PUBLIC PROSECUTOR (TG)

The Court delivered the following Judgment :

1

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL APPEAL No.1251 OF 2012

JUDGMENT:

This Criminal Appeal is filed by the appellant/accused aggrieved by the judgment dated 18.12.2012 in S.C.No.39 of 2009, on the file of learned Special Sessions Judge-Cum-Additional District & Sessions Judge, L.B.Nagar, Ranga Reddy District, convicting him for the offence under Section 4 of Dowry Prohibition Act.

2. Heard the learned counsel for the appellant and learned Additional Public Prosecutor appearing for respondent-State.

3. As seen from the proceedings, there is no representation by the learned counsel for the appellant on earlier occasion, when the case was called. Having gone through the record, the judgment is delivered.

4. Briefly the case against the appellant is that PW.1, who is the *de-facto complainant* is the father of Sri Vidya, victim in the case. She was examined as PW.2. They are converted as Christians. PW.2 was employed in Annavaram Devasthanam Temple hospital, after completion of her studies. PW.2 was

acquainted with the accused. They were friendly and accused promised that he would marry her. However, when the appellant came to know that PW.2 belonged to ST caste, he refused to marry her and demanded Rs.20,00,000/- as dowry if he had to marry her. Similar evidence was brought on record by the prosecution.

5. Learned Sessions Judge, having examined the witnesses i.e., PWs.1 to 7 and marking Exs.P1 to P16, found that the prosecution failed to prove that there was any cheating by the appellant nor had he threatened or abused in the name of caste. Accordingly, learned Sessions Judge found accused not guilty for the offences under Section 417 IPC and sections 3(1)(x) of SC/ST (POA) Act, 1989. However, learned Sessions Judge found that the allegation of demand of dowry of Rs.20,00,000/- was consistent and accordingly, convicted the appellant for the offence under Section 4 of D.P. Act and sentenced to suffer R.I. for six months and pay a fine of Rs.1,000/- in default S.I. for one month. Aggrieved by the said conviction, the appellant is before this Court.

6. The allegation of PWs.1 to 3 is that the appellant had demanded dowry of Rs.20,00,000/- to marry P.W.2. As

already stated, the allegation of cheating by PW.2 by abusing in the name of caste was disbelieved by the Court below.

7. It appears that there were differences between the appellant and PW.2. Since there was no element of cheating or any kind of acts that were committed by the appellant to attract the SC/ST Act, this Court deems it appropriate to reduce the sentence of imprisonment to the period already undergone by the appellant under Section 4 of D.P. Act.

8. Accordingly, the Criminal Appeal is partly allowed and sentence of imprisonment imposed on the appellant by the learned Sessions Judge is modified. However, the fine imposed remains unaltered. Miscellaneous applications pending, if any, shall stand closed.

Sd/- B.S. CHIRANJEEVI
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Special Sessions Judge – cum- Additional District & Sessions Judge at L.B. Nagar, Ranga Reddy District. (with records)
2. The IX Metropolitan Magistrate, Cyberabad, Kukatpally, Ranga Reddy District.
3. The Station House Officer , Sanathnagar Police Station, Ranga Reddy District.
4. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
5. One CC to SRI. S. SRINIVASA RAO, Advocate [OPUC]
6. Two CD Copies

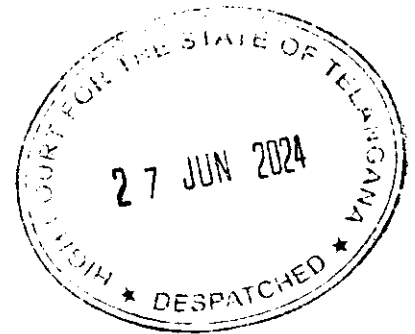


HIGH COURT

DATED:22/04/2024

JUDGMENT

CRL.APPEAL .No.1251 of 2012



ALLOWING THE CRL.APPEAL

9
18/06/24
D.K.