IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE THIRD DAY OF JANUARY TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL APPEAL NO: 1007 OF 2023

Appeal under Section 372 of Cr.P.C aggrieved by the judgment dated 03-10-2023 passed in C.C.No.328 of 2017 on the file of the Court of the learned XV Additional Metropolitan Magistrate, at Kukatpally, Medchal-Malkajgiri District.

Between:

Smt. P. Bhargavi, W/o. P. Sivakanth Reddy, Aged about 33 years, Occ: Private Service, R/o LIG - 196, 7th Phase, KPHB Colony, Kukatpally, Medchal-Malkajgiri District.

...APELLANT/COMPLAINANT

AND

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

RESPONDENT No.1

2. Pesala Sivakantha Reddy, S/o. Lakshmi Reddy, Aged about 36 years, Occ: Software Engineer R/o.Flat.no.211, Fenbreeze, Kadugudi, Bangalore, Karnataka State.
3. Pesala Lakshmi Reddy alias Laxma Reddy, S/o. Konda Reddy, Aged about 64 years, Occ: Agriculture,
4. P. Pramila, W/o Laxma Reddy, Aged about 58 years, Occ: House Wife

   The Respondents.no.3 and 4 are R/o. H.No.4-13-4-1, Yerragudi, Pulivendula, Kadapa District, Andhra Pradesh.
5. Saroja, W/o. Srinath Reddy, Aged about 39 years, Occ: House Wife, R/o.175, Block No.5, Naveli, Tamilnadu State.
6. Sivaleela, W/o Gangi Reddy, Aged about 37 years, Occ. House wife, R/o. Mannekolla, Banglore, Karnataka State.

...RESPONDENTS/ACCUSED No.1 to 5

Counsel for the Appellant: SRI. K L B KUMAR

Counsel for the Respondent No.1: ADDITIONAL PUBLIC PROSECUTOR

Counsel for the Respondent No.2 to 6: --

The Court made the following: JUDGMENT

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL APPEAL No. 1007 OF 2023

JUDGMENT:

This Criminal Appeal is filed by the appellant/complainant to set aside the judgment dated 03.10.2023 passed in C.C.No.328 of 2017 by the XV Addl. Metropolitan Magistrate at Kukatpally, Medchal-Malkajgiri District and thereby to convict the respondents/accused Nos.1 to 5.

2. Heard learned counsel for the appellant and learned Additional Public Prosecutor for the respondent – State. Perused the record

3. The appellant is the de facto complainant in the Lower Court. The respondent Nos.2 to 6 were tried for the offences under Section 498A of the Indian Penal Code, 1860 and under Sections 3 and 4 of the Dowry Prohibition Act, 1961. The learned Magistrate by judgment, dated 03.10.2023 found the respondent Nos.2 to 6/accused Nos.1 to 5 not guilty and acquitted them of all the charges.

4. The present appeal is filed under Section 372 of Cr.P.C. According to the proviso under Section 372 of Cr.P.C, the appeal against the acquittal would lie to the Court to which an appeal

ordinarily lies against the order of conviction of such Court. In the event of conviction by the Magistrate Court for the offence under Section 498-A of the Indian Penal Code and/or under Sections 3 and 4 of Dowry Prohibition Act, the appeal would lie to the Sessions Court. In view of the same, the appellant is at liberty to avail the said remedy.

5. Accordingly, the Criminal Appeal is disposed of directing the Registry to return the bundle to the counsel for the appellant enabling him to file the appeal in the Sessions Court.

Miscellaneous applications pending, if any, shall stand closed.

SD/- K. SAILESHI
DEPUTY REGISTRAR

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SECTION OFFICER

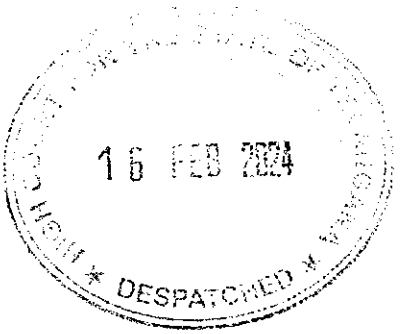
To,

1. The XV Additional Metropolitan Magistrate at Kukatpally, Medchal-Malkajgiri Distirct.(With Records if any)
2. The Station House Officer, K.P.H.B Police Station, Medchal-Malkajgiri
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
4. One CC to SRI. K L B KUMAR, Advocate [OPUC]
5. Two CD Copies
6. Section Officer, ER Section, High Court at Hyderabad.
7. Section Officer, Criminal Section, High Court at Hyderabad.

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HIGH COURT

DATED: 03/01/2024



JUDGMENT

CRLA.No.1007 of 2023

DISPOSING OF THE

CRL.APPEAL

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