

Bail Slip: The accused was directed to be released on bail by the order of High Court dated 11.08.2010 in Cri.R.C.M.P.2109 of 2010 in Cri.R.C.1446 of 2010.

[3251]

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

WEDNESDAY, THE TWENTY FOURTH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE NO: 1446 OF 2010

Criminal Revision filed under Sections 397 & 401 of CrPC against the judgment passed in Cri.A.No. 50 of 2009 dated 09-08-2010 on the file of the court of the III Additional District and Sessions Judge, (FTC) at Medak, Preferred against the judgment passed in S.C.No. 103 of 2007 dated 09-07-2010 on the file of the court of the Assistant Sessions Judge, Medak.

Between:

Ambari Mohan, S/o Ramulu, Agriculture, R/o Pochammaral Village, Medak Mandal and District.

...PETITIONER/APPELLANT/ACCUSED

AND

The State of Andhra Pradesh, through P.S., Medak Rural, rep. by its Public Prosecutor, High Court of A.P., at Hyderabad,

...RESPONDENT/RESPONDENT/COMPLAINANT

Counsel for the Petitioner: M/s. V. VENUGOPALA RAO

Counsel for the Respondent: PUBLIC PROSECUTOR

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER
CRIMINAL REVISION CASE No.1446 OF 2010

JUDGMENT:

This Criminal Revision Case is filed by the petitioner aggrieved by the judgment dated 09.08.2010 in CrI.A.No.50 of 2009, on the file of III Additional District and Sessions Judge (FTC), Medak, confirming the judgment dated 09-07.2009 passed by the Assistant Sessions Judge, Medak in S.C.No.103 of 2007.

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

3. The revision petitioner was tried for the offence under Sections 306 and 498-A of IPC by the Assistant Sessions Judge. Learned Assistant Sessions Judge found that no offence under Section 306 of IPC was made out, however convicted the accused under Section 498-A of IPC. The said conviction was confirmed by the Sessions Court in Appeal.

4. The case of the prosecution is that the deceased was married to the accused. It was 2nd marriage for both, the accused and the deceased, since they divorced their earlier spouses. The allegation is that she attempted suicide by pouring kerosene on to herself and setting fire. On receipt of information by the Police regarding incident, they went to the hospital and recorded the statement. Requisition was also given to the Magistrate who also recorded dying declaration of the deceased.

5. It was alleged that the accused used to harass the deceased and beat her on the suspicion that she was having illicit intimacy with her Junior father-in-law and some other persons. On account of continuous harassment, she took extreme step of suicide on 07.09.2006 and died while undergoing treatment on 19.09.2006.

6. During the course of trial, P.Ws.1 to 18 were examined, out of whom, P.Ws.1 to 3 and 10 turned hostile to the prosecution case. The version of harassment was stated by P.Ws.4 and 5 who the parents of the deceased. The only allegation against the accused is that he

suspected that the deceased developed illicit intimacy with her Junior paternal uncle namely Dasharath. The Court believed the version of the parents that the conduct of the accused was of such a nature which was willful and amounted to cruelty as defined under explanation of Section 498-A of IPC.

7. Learned counsel appearing for the revision petitioner would submit that bald allegation regarding suspecting the wife cannot form basis to show that she was harassed. Once the Court had found that none of ingredients of Section 306 of IPC are made out, the question of convicting the accused under Section 498-A does not arise.

8. On the other hand, learned Public Prosecutor submits that though accused was acquitted under Section 306 of IPC, the Court can convict him under Section 498-A of IPC, if the ingredients are made out.

9. Having gone through the record, the only allegation is that the accused suspected that the deceased was having affair with more than one person. The said suspicion and continuously stating that she was having affair would amount to cruelty. However, there is no allegation that at

any point of time, the accused had physically assaulted the deceased. However, keeping in view that the incident is of the year, 2006 and nearly 18 years have passed by, however, accused is now married and having children who are dependent on him, this Court deems it appropriate to reduce the sentence of imprisonment to the period already undergone by the revision petitioner.

10. Accordingly, the Revision Petition is partly allowed reducing the sentence of imprisonment imposed by the trial Court and confirmed by the Sessions Court to the period already undergone by the revision petitioner. Miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

SD/-M.MANJULA
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The III Additional District and Sessions Judge (FTC) at Medak.
2. The Assistant Sessions Judge, Medak.
3. The Superintendent, District Jail, Sangareddy, Medak district.
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad[OUT]
5. The Station House Officer, Medak Rural Police Station, Medak District.
6. One CC to M/s. V. Venugopala Rao, Advocate [OPUC]
7. Two CD Copies

BR/plp

Fr

HIGH COURT

DATED:24/07/2024



ORDER

CRLRC.No.1446 of 2010

PARTLY ALLOWING THE CRL.R.C

10 copies
by
24/10/24