

NOTE : The Appellant/ Accused was directed to be released on bail by the order of the High Court dated 21-12-2012 in CrI.A.M.P.No.2643 of 2012 in CrI.A.No.1252 of 2012.

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

**MONDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL APPEAL No: 1252 of 2012

Appeal under Section 374(2) of Cr.P.C aggrieved by the Judgment dated 30-11-2012 passed in S.C.No.244 of 2009 on the file of the Court of the Additional District and Sessions Judge, Wanaparthy.

Between:

Sarangi Kishore Kumar, S/o.Raghunath, Age:33 years, Occ:Teacher R/o.H.No.1-4-18/4, Rajendra Nagar, Mahabubnagar town & District.

...Appellant/Accused No.1

AND

The State of Andhra Pradesh, through the SHO, Police Station Pedda Mandadi rep. by the Public Prosecutor, High Court of A.P., Hyderabad.

...Respondent/Complainant

Counsel for the Appellant: Mr. K. Venkatesh Gupta

**Counsel for the Respondent: Sri M. Vivekananda Reddy,
Assistant Public Prosecutor**

The Court delivered the following: JUDGMENT

HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL APPEAL No.1252 OF 2012

JUDGMENT:

1. The appellant/A1 was tried along with A2 for the offence under Section 304-B and Section 498-A of IPC. Learned Sessions Judge acquitted the appellant under Section 304-B IPC but convicted under Section 498-A of IPC vide judgment in S.C.No.244 of 2009, dated 30.11.2012 passed by the Additional District & Sessions Judge, Wanaparthy. A2 was acquitted under both Sections 304-B and 498-A of IPC.

2. The State has not preferred any appeal against the acquittal of A2 and acquittal of the appellant under Section 304-B of IPC.

3. The case of the prosecution is that the appellant is the husband of the deceased namely Kavitha. The Accused No.2 is the mother of the appellant. The marriage of the appellant with the deceased had taken place on 17.03.2002. After six years, i.e., on 20.09.2008, the deceased died.

4. The allegation is that the appellant used to demand for additional dowry. The deceased in turn informed about demand of additional dowry to her parents P.Ws.1 and 2. The witnesses during the course of their

cross-examination admitted that they are not direct witnesses to the alleged demand of dowry and harassment. Accordingly, the requirement of Section 304-B of IPC that the harassment for demanding additional dowry should be proximate to the death, was not proved.

5. However, the allegation of asking for additional dowry and harassing the deceased was consistent, as deposed by P.Ws.1 to 5.

6. Learned counsel appearing for the appellant confined his argument to reduce the sentence of imprisonment since the incident is of the year 2008 and nearly 17 years have passed by.

7. Keeping in view the sentence imposed by the learned Sessions Judge, the sentence of imprisonment of three years under Section 498-A IPC, is reduced to the period already undergone by the appellant. The fine component remains unaltered.

8. Accordingly, Criminal Appeal is partly allowed.

Sd/- C.V. MALIKARJUNA VARMA
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Additional District and Sessions Judge, Wanaparthy.(With records, if any)
2. The Judicial Magistrate of First Class, Wanaparthy.
3. The Station House Officer, Peddamandadi Police Station, Wanaparthy.
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
5. One CC to Mr. K. Venkatesh Gupta, Advocate [OPUC]
6. Two CD Copies

kam/DL



HIGH COURT

DATED:17/02/2025

JUDGMENT

CRLA.No.1252 of 2012



PARTLY ALLOWING
THE CRIMINAL APPEAL

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Kpr
11/4/25