SS,J
Crl.R.C.No. 672 of 2009
Dated 16.11.2026

APHC010347082009

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3560]**
(Special Original Jurisdiction)

MONDAY, THE 16th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 672 OF 2009

Between:

1. DUDEKULA RAFI, S/O SATTAR, R/O CHIGURUPANPETA, DHONE, KURNOOL DIST.

...PETITIONER

AND

1. THE STATE OF A P, REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF A.P., HYDERABAD. THROUGH THE INSPECTOR OF POLICE, SIRVEL P.S.

...RESPONDENT

Counsel for the Petitioner:

1. SUBHANI S M

Counsel for the Respondent:

1. PUBLIC PROSECUTOR

The Court made the following:

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 672 OF 2009

ORDER:

1. Instant Criminal Revision Case, under section 397 and 401 of the Criminal Procedure Code, 1973, has been preferred against Judgment, dated 17.04.2009, in Crl.A.No.98 of 2005 passed by learned V Additional Sessions Judge, (Fast Track Court), Kurnool at Nandyal, wherein and where under he confirmed the order of conviction and sentence against the petitioner being Accused No.1 for the offence punishable under section 498A of the Indian Penal Code, passed by learned Assistant Sessions Judge, Allagadda, vide judgment, dated 27.09.2005 in S.C.No. 188 of 2004.

Brief facts of prosecution case:

2. Marriage between Accused No.1 (A.1) and P.W.1 was solemnized on 19.05.2002 at Yerraguntla village. It has been alleged that at the time of marriage, an amount of Rs.75,000/- in cash and Rs.45,000/- for purchase of motor cycle, 8 thulas of gold ornaments was given by the parents of P.W.1 to accused as dowry. After 18 days of marriage, A.1 started suspecting P.W.1 that she was pregnant of about 4 to 5 months at the time of marriage. Accordingly, she was subjected to medical examination at a hospital. It was also alleged that P.W.1 was also subjected to physical and mental torture for demand of additional dowry of Rs.4,00,000/- (Rupees four lakh only) and 10 thulas of gold, for which, a panchayat was held. Since

P.W.1 could not fulfill the demand, it has been alleged that accused persons beat her and pressed throat of P.W.1 with an intention to kill her. Thereby, P.W.1 left her matrimonial home and lodged report before the police, a case was registered by police vide Cr.No.71 of 2003. Investigation of police ended in charge sheet against A.1 to A.3 for commission of offence under sections 307, 323, 498-A of the Indian Penal Code, trial has been commenced before concerned Sessions Judge.

3. During trial, prosecution has examined as many as 8 witnesses as P.W.1 to P.W.8 and got marked Ex.P.1 and Ex.P.2 documents.

On behalf of defence, D.W.1 examined and got marked Ex.D.1 to Ex.13 documents.

4. After hearing both the parties and upon perusal of oral and documentary evidence placed on record, learned Assistant Sessions Judge, Allagadda, has recorded an order of conviction vide its judgment, dated 27.09.2005, found A.1 and A.3 to be guilty for an offence punishable under section 498A of the Indian Penal Code, convicted and sentenced them to undergo simple imprisonment for a period of six (06) months each and to pay a fine of Rs.1,000/- (Rupees one thousand only) each, in default of payment of fine amount, to suffer simple imprisonment for a period of one (01) month each. A.1 and A.3 are acquitted for the offence under sections 307 and 323 of

the Indian Penal Code. A.2 is acquitted for the offence under section 498A of the Indian Penal Code.

5. Order of conviction against A.1 and A.3 was challenged before the Appellate Court vide Criminal Appeal No.98 of 2005. Learned Appellate Court vide its Judgment, dated 17.04.2005, partly allowed the appeal by setting aside the conviction and sentence imposed against 2nd appellant/A.3 for the offence under section 498A of the Indian Penal Code and acquitted her; and confirmed the conviction and sentence passed against appellant/A.1. Hence, the present Criminal Revision Case has been preferred by appellant/ A.1.

Submissions of learned Counsel for Revision Petitioner:

6. Learned counsel for Revision Petitioner has argued that the order of conviction and sentence against petitioner/A.1 is illegal and improper. Prosecution has failed to establish material against the petitioner to prove the offence under section 498A of the Indian Penal Code. He further submits that the fact goes to show that the petitioner was appointed as a Teacher in a Government School on 21.01.2002 i.e., prior to the marriage, dated 19.05.2002. He submits that the demand of additional dowry by accused is entirely a concocted story, because, at the time of marriage, A.1 was already in Government job and after marriage, demanding additional dowry stating that A.1 got Government job is not believable. He further submits that the fact

would suggest that P.W.1 has left the company of A.1 voluntarily and to get back P.W.1, A.1 has served a notice for restitution of conjugal rights on 04.08.2003, which was received by P.W.1 on 09.08.2003. The fact suggests that P.W.1 left her matrimonial home on 01.08.2003 but instant complaint was lodged on 30.08.2003; that there is no explanation by the prosecution for such inordinate delay. He again pointed out that the date of alleged harassment of P.W.1 is also false and concocted as it has been proved by defence that on those days A.1 was on duty. It has further noted by learned Trial Court that the place of service of A.1 and the alleged place of occurrence of torture is about 90 K.Ms away. He further submits that there is no independent witness of Dhone village to prove that there was a demand for additional dowry. The witnesses, who stated about meeting for mediation, are all friends of father of P.W.1. There is no independent witness from Dhone village to prove that actually, a meeting was held to mediate the dispute between the parties, for demand of additional dowry of Rs.4,00,000/- and 10 thulas of gold. He further submits that after filing of the instant report before the police, P.W.1 has lodged series of cases against petitioner; all cases are ended in acquittal. Moreover, by the conduct of filing false cases by P.W.1, petitioner has lost his job and his situation became miserable. He further submits that the Hon'ble Supreme Court in several occasions has taken note of the false cases lodged by a married lady only to harass the husband and in-laws; it was further observed by the Hon'ble Apex Court that those false cases has actually ruin the family of husband. In support of his contention, he cited a Judgment of the

Hon'ble Supreme Court of India in **Rajesh Chaddha –v- State of Uttar Pradesh (Criminal Appeal No(s).____ of 2025 [Arising out of SLP (Crl.) Nos.2353 – 2354 of 2019]**[1] wherein at paragraphs No.13 and 14 of the Judgment it was held as follows:-

> "13. Notwithstanding the merits of the case, we are distressed with the manner, the offences under Section 498A IPC, and Sections 3 & 4 of the D.P. Act, 1961 are being maliciously roped in by Complainant wives, insofar as aged parents, distant relatives, married sisters living separately, are arrayed as accused, in matrimonial matters. This growing tendency to append every relative of the husband, casts serious doubt on the veracity of the allegations made by the Complainant wife or her family members, and vitiates the very objective of a protective legislation. The observations made by this Hon'ble Court in the case of Dara Lakshmi Narayana & Ors. v. State of Telangana & Anr.4 appropriately encapsulates this essence as under:
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> > "25. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. In the present case, appellant Nos.2 to 6, who are the members of the family of appellant No.1 have been living in different cities and have not resided in the matrimonial house of appellant No.1 and respondent No.2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them."
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> 14. The term "cruelty" is subject to rather cruel misuse by the parties, and cannot be established simpliciter without specific instances, to say the least. The tendency of roping these sections, without mentioning any specific dates, time or incident, weakens the case of the prosecutions, and casts serious suspicion on the viability of the version of a Complainant. We cannot ignore the missing specifics in a criminal complaint, which is the premise of invoking criminal machinery of the State. Be that as it may, we are informed that the marriage of the Appellant has already been dissolved and the divorce decree has attained finality, hence any further prosecution of the Appellant will only tantamount to an abuse of process of law".

[1] 2025 SCC OnLine SC 1094

Learned counsel for the petitioner finally submits that the instant litigation is pending since the year 2003. Petitioner has suffered immense due to long pendency of litigation. Considering the entire litigation, some leniency may be observed in this case.

Submissions of the state:

7. Learned Assistant Public Prosecutor - Sri Panini Somayaji submitted that the case of prosecution regarding torture inflicted upon married lady and demand of additional dowry has been sufficiently proved against Accused No.1. There was concurrent finding by learned Trial Court as well as sustained and specifically observed by learned Appellate Court that evidence of P.Ws.1, 2 as well as P.W.5 and P.W.7 clinchingly proved that Accused No.1 is guilty for harassing P.W.1 by demanding additional dowry. He further submits that the prosecution case has successfully proved beyond reasonable doubt against Accused No.1. Thus, there is no scope for interference.

<u>Observation of Court</u>:

8. Heard learned Counsel for parties, perused the observations of learned Trial Court as well as learned Appellate Court.

9. Admittedly, being a Revisional Court, there is a very limited scope to oversee concurrent findings of learned Courts below, specially, powers of re-appreciation of evidence also more narrow. In this case, P.Ws.1 to 8 are

the prosecution witnesses. Among them, P.W.1 is the lady/de-facto complainant, P.W.2 is father of defacto complainant, P.W.4 and P.W.7 are the persons residing in Yerraguntla, who were present at the time of marriage and also present at the meeting in village Dhone, where mediation was held and it has been alleged that in the said mediation, there was demand of additional dowry by accused.

10. In analyzing the scope of this Revisional Court, in a concurrent finding, the Hon'ble Supreme Court in **Kuntegowda Vs. Thurubaiah (Crl.A.No.___ of 2026 [arising out of Special Leave Petition (Criminal) No.2247 of 2024], decided on 04.08.2026**[2] at paragraphs No.7 and 7.3 has held as follows:

> 7. Before parting, we would like to accentuate upon the revisional jurisdiction of the High Courts and the contours and inherent limits while exercising powers as a revisional authority. Section 397 of Code of Criminal Procedure, 1973 (now, Section 438 of Bharatiya Nagarik Suraksha Sannhita, 2023) encapsulates the power of High Courts and Session Courts to examine the correctness, legality or propriety of any order passed by an inferior criminal court. The said Section is extracted as hereunder:
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> > "438. Calling for records to exercise powers of revision.—(1) The High Court or any Sessions Judge may call for and examine the record of any proceeding before any inferior Criminal Court situate within its or his local jurisdiction for the purpose of satisfying itself or himself as to the correctness, legality or propriety of any finding, sentence or order, recorded or passed, and as to the regularity of any proceedings of such inferior Court, and may, when calling, for such record, direct that the execution of any sentence or order be suspended, and if the accused is in confinement that he be released on his own bond or bail bond pending the examination of the record.
> >
> > Explanation.—All Magistrates, whether Executive or Judicial, and whether exercising original or appellate jurisdiction, shall be deemed to be inferior to the Sessions Judge for the purposes of this subsection and of section 439.
> >
> > (2) The powers of revision conferred by sub-section (1) shall not be exercised in relation to any interlocutory order passed in any appeal, inquiry, trial or other proceeding.

[2] 2026 SCC ONLine SC 1485

(3) If an application under this section has been made by any person either to the High Court or to the Sessions Judge, no further application by the same person shall be entertained by the other of them."

Discretion in the exercise of revisional jurisdiction should be exercised within the four corners of this section whenever there has been miscarriage of justice. However, while exercising power under this section, the Court does not act as an appellate Court and therefore while considering the legality, propriety or the correctness of a finding or a conclusion, the revisional court does not and should not dwell upon the facts and the evidence of the case as an appellate Court. The court, in revision, considers the material only to satisfy itself about the correctness, legality and propriety of the findings, sentence and order recorded by the lower court, and should refrain from substituting its conclusion on an elaborate consideration of evidence and the findings of the lower courts should not be reversed merely on the ground that an alternative view is possible on the facts of the case. In this case, such a position did not also emanate from the evidence on record.

7.3 The contours for exercise of revisional jurisdiction has been well settled by the judicial dicta of this Court wherein time and again it has been observed that the High Court shall not interfere with the orders of the lower court unless:

i. The order or finding of the lower court is perverse, grossly erroneous, glaringly unreasonable or wholly unreliable or untenable in law.

ii. The lower court has passed the impugned order after considering an immaterial or irrelevant material or no material at all.

iii. There is a non-consideration of any relevant material or the judicial discretion has been exercised arbitrarily or capriciously".

11. In this case, learned Counsel for petitioner has raised concern about demand of additional dowry and whether it is justifiable in the present facts and circumstances of the case. It is the positive argument that prior to the solemnization of marriage, dated 19.06.2002, the petitioner has already appointed as a Teacher in a Government School on 21.01.2002. Even if it is the argument of the petitioner that if there was actually any demand for dowry as the petitioner secured Government Job, that should be made prior to the marriage, but after marriage, there cannot be any demand of additional dowry as stated by prosecution regarding the mediation meeting held at Dhone village. He also questioned the justification of believing prosecution witnesses

i.e., P.W.4 and P.W.7 on the ground that there are no independent witnesses of Dhone village to substantiate the facts that actually there was a meeting for mediation between the parties. To justify the submission of learned Counsel for petitioner, I have perused the observation of learned trial court as well as evidence of P.W.1, P.W.4 and P.W.7. P.W.4 and P.W.7 unequivocally have stated that at the time of marriage between P.W.1 and A.1 they were present. They have also deposed that they were present in a mediation meeting where additional dowry was demanded. The fact suggests a mediation was held as there was a dispute between A.1 and P.W.1. First matrimonial dispute arose while A.1 to A.3 suspected P.W.1 to be conceived for 4 or 5 months pregnancy at the time of marriage and she had been subjected to medical checkup at hospital. On analyzing the entire aspect, suspecting a newly married lady to be pregnant of 4 or 5 months and that subjected her to a medical checkup is itself insult and stigma upon character of a newly married lady; which itself can be reckoned to be mental torture upon a lady. In this particular case, the factum of medical checkup due to that suspicion was sufficiently proved though evidence of P.W.1 the dates of medical checkup are stated to be different, but that itself does not destroy prosecution case.

12. The prosecution case further suggests that after such suspicion, P.W.1 was left at her matrimonial home. Thereafter, parents of P.W.1 again subjected P.W.1 to medical checkup, when it was proved that she was not pregnant. It has been alleged that after few days of her reaching at her

matrimonial home, there was again demand of additional dowry, for which, a mediation meeting was held. The factum of torture upon a married lady actually caused under closed door of a matrimonial home. Such type of torture and harassment cannot be made in public, to maintain prestige and status of the family. Thus, in those cases the presence of independent witnesses at the time of alleged torture is remote.

13. It has been argued by learned counsel for petitioner that there is no independent witness of Dhone village (place of matrimonial home) to prove facts of additional dowry demand. On such aspect, I have perused the evidence of P.W.4 and P.W.7. On thorough perusal of such evidence, it appears that P.W.4 and P.W.7 have unequivocally stated that they were present in the mediation where in the meeting a demand of additional dowry of Rs.4,00,000/- and 10 thulas of gold was made by accused. P.W.4 and P.W.7 were subjected to rigorous cross examination by the defence, but their credibility was not shaken. Even if, there are no independent witnesses of Dhone village, the evidentiary value of P.W.4 and P.W.7 cannot be ruled out at present. Learned Trial Court and learned Appellate Court has observed that the evidence of P.W.4 and P.W.7 has sufficiently proved the demand of additional dowry in the mediation meeting. As already observed earlier that in a criminal revision, this court has very limited scope to interfere with the finding on appreciation of evidence, while the trial court and appellate court have discussed elaborately regarding evidentiary value of witnesses. There

are concurrent findings, unless and until there are perverse and illegal finding of the record, this court cannot set aside those findings. Thus, in my view, in the instant case, the prosecution has sufficiently proved the guilt of P.W.1. Thus, the conviction and sentence against A.1 is sustained.

14. It appears that the Hon'ble Supreme Court in **Rajesh Chaddha (supra)** has taken note of tendency of prosecution to lodge a false case against parents, married sisters and in-laws who are living separately, in a same case for offence punishable under section 498A of the Indian Penal Code. It is also guided by the Hon'ble Supreme Court that in a case where allegations are general and omnibus, the Court should loath to make finding of conviction. The observation of the Hon'ble Supreme Court in **Rajes Chaddah (supra)** is on the basis of other perspective and dealt with separate issue, but in this particular case, the torture of a married lady by suspecting her to be pregnant at the time of marriage has been sufficiently proved by the evidence of P.W.1 as well as other evidences. Moreover, the demand of additional dowry has been sufficiently proved by the evidence of P.W.1, P.W.2, P.W.4 and P.W.7. Thus, in that aspect, I find no justification to hold that the law laid down by the Hon'ble Supreme Court in **Rajesh Chaddah (supra),** is applicable in this case, as it is distinguishable.

15. It has been argued by learned Counsel for Petitioner that P.W.1 has lodged a series of false cases against A.1, in all cases A.1 was acquitted

and due to those cases, A.1 has lost his job and that A.1 is suffering immense due to long pendency of this litigation. Thus, he prayed for leniency.

16. The offence of torture upon married lady and demand of dowry is a heinous offence to the society to combat the menace, the Legislature has inserted the provision of section 498A in the Indian Penal Code on December, 25th, 1983. Till today, we have observed that the said menace in the society has not been eradicated. Moreover, when the demand of society is huge in respect of justice in a particular field, the court could not shut its eyes only for the reason of long pending litigation showing leniency, in these cases shall circulate false signal to society. Considering the same, when society demands justice, the petitioner should be convicted and punished adequately. Under the above observation, this court cannot accept the submission of learned Counsel for petitioner to show leniency to the petitioner.

17. Accordingly, the order of conviction and sentence passed by learned Trial Court is hereby confirmed. The instant Criminal Revision Case is liable to be dismissed as devoid of merit.

18. Accordingly, instant Criminal Revision Case is dismissed.

19. Order of suspension of sentence passed by this court, during pendency of this Criminal Revision Case, is hereby vacated.

20. Petitioner is directed to appear before learned Trial Court or before concerned jail authority to serve out remaining portion of sentence, within six (06) weeks from the date of passing of this Order, failing which, learned Trial Court shall issue necessary Warrant of Arrest against the petitioner to comply this order.

21. Period of incarceration, if any, undergone by petitioner during inquiry, investigation, trial or appeal of this case, shall be given set off under section 428 of the Criminal Procedure Code (corresponding section 468 of B.N.S.S, 2023).

22. Let a copy of this Order be served on the Trial Court for ready reference.

23. Consequently, pending miscellaneous applications, if any, shall stand closed.

JUSTICE SUBHENDU SAMANTA

Date: 16.11.2026
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THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 672 OF 2009

DATE: 16.11.2026

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