

**IN THE COURT OF THE SPL. JUDL. I CLASS MAGISTRATE FOR  
PROHIBITION AND EXCISE ; GUNTUR.**

**Present:- Ms. V. Sri Rama**

Spl. Judl. I Class Magistrate for Prohibition and Excise, Guntur

***Friday, the 30th day of June, 2017.***

**C.C. NO. 115 of 2016**

Between:

The Sub-Inspector of Police, Women Police Station, Guntur urban.  
(Crime No.152/2015). ...Complainant

And:

1. Kanagari Karthik S/o. Subba Rao, 32 years, Telaga, H.No.1-72, Kothapet, 2nd Ward, Mangalagiri, Guntur District.

2. Kanagari Ratna Kumari W/o. Subbarao, 58 years, Telaga, H.No.1-72, Kothapet, 2nd Ward, Mangalagiri, Guntur District.

3. Kanagari Bharani Kumar S/o. Subbarao, 35 years, Telaga, Patamata, Vijayawada.

... Accused

On 22.3.2017 before the predecessor of this Court, this case had come up for final hearing in the presence of the learned Assistant Public Prosecutor for complainant and Sri A.Srinivasa Rao, Learned Advocate for the accused A1 to A3 and after hearing of their arguments and upon perusing the entire material papers on record, this Court passed the following:-

**J U D G M E N T**

The Sub-Inspector of Police of Women Police Station, Guntur, had filed the charge sheet against accused A1, A2 and A3 that on filing of the report of (EX.P1) by PW1 before PW4, PW4 had registered as a case in Crime No.152/2015 under Section 498-A of Indian Penal Code and under Sections 3 and 4 of Dowry Prohibition Act.

2. The brief averments as stated in the charge sheet by the concerned police are as follows: That the offences under Section 498-A of Indian Penal Code and under Sections 3 and 4 of Dowry Prohibition Act have been committed by the accused A1 to A3 by stating that the offence had taken place in 4th lane, S.V.N Colony, Guntur, and that it was within the limits of Women Police Station, Guntur Urban and within the jurisdiction of this Court.

3. As per the averments stated by the police in the charge sheet filed by them it had been mentioned that PW1 was the resident of Flat No.202, Mahendra Enclave, 4/1 lane, SVN Colony, Guntur. When PW1 is a child LW4-Thota Prabhavathi has given her to PW2 for adoption who is grand mother and that PW2 and LW3-Angina Srinivas had looked after the welfare of PW1. On 7.12.2014, PW2 and LW3-Angina Srinivas had performed the marriage of PW1 with A1 and the marriage was solemnized in Tirumala Kalyana Mandapam, Ramavarappadu, Vijayawada. It was mentioned in the charge sheet that at the time of marriage the accused had taken cash an amount of Rs. 10 lakhs towards dowry and cash an amount of Rs.50,000/- towards adapaduchu lanchanam from PW2 and LW3-Angina Srinivas in the presence of PW3 and LW4-Thota Prabhavathi while PW2 and LW3-Angina Srinivas gifted 10 sovereigns of gold ornaments to PW1. That after the marriage, PW1 had joined A1 in Gayathri Nagar, Hyderabad and that the accused had looked after PW1 well for one month. Later the accused had started subjecting PW1 to physical and mental cruelty by stating that the dowry that was collected from PW2 and LW3-Angina Srinivas was not enough for them and they demanded that PW2 that she has to register her flat in Vijayawada in favour of A1. It was further mentioned in the charge sheet that A1 had suspected the fidelity of PW1 and number of times he had sent PW1 to the house of PW2 and demanded to register the flat in favour of A1 and as such PW1 has informed about the harassment of the accused to PW2, LWs. 3 and 4 (Angina Srinivas and Thota Prabhavathi respectively) and that PWs. 2, 3 and LWs. 3 and 4 (Angina Srinivas and Thota Prabhavathi respectively) had spoken with the accused, but they demanded that PW2 has to register her flat in Vijayawada in favour of A1. In the month of May 2015, that the accused had necked out PW1 from their house. From then onwards PW1 is living in the house of PW2. On 30.12.2015, PW1 had given a report against the accused in Women Police Station, Guntur urban.

Based on the report of PW1 on 30.12.2015, at 1-00 p.m., PW4 had registered the report of PW1 as a case in Crime No.152/2015 (EX.P9) under

Section 498-A of Indian Penal Code, Sections 3 and 4 of Dowry Prohibition Act of Women Police Station, Guntur Urban and that he had conducted investigation into the matter. During the course of investigation, PW4 had visited the scene of offence, inspected it and prepared rough sketch (EX.P10) of the same. PW4 examined PWs. 1 to 3 and LWs. 3 and 4 (Angina Srinivas and Thota Prabhavathi respectively) and recorded their detailed statements under Section 161 Cr.P.C. PW1 produced two of the wedding cards (EX.P8) and some of the marriage photographs (EXs.P3 to P7) and PW4 collected them for investigation. Thus, as the concerned investigating officer had felt that prima-facie case was made out against the accused A1 to A3 under Section 498-A of Indian Penal Code, Sections 3 and 4 of Dowry Prohibition Act, on 5.1.2016 PW4 had served notices to the accused A1 to A3 under Section 41-A Cr.P.C. After completion of the investigation PW4 has filed the charge sheet.

4. On filing of the charge sheet, this case was taken on file under Sections 498-A of Indian Penal Code and under Section 4 of Dowry Prohibition Act against the accused A1 to A3 and on 2.3.2016.

5. When A1 to A3 had appeared before this Court, copies of the case documents were furnished to them as per their requirement stated under Section 207 of Cr.P.C and accused A1 to A3 were examined under Section 239 Cr.P.C., by explaining the contents of charges that were framed against them under Section 498-A of Indian Penal Code and under Section 4 of Dowry Prohibition Act and during their respective examination on having understood the charges that were levelled against them, the accused A1 to A3 had pleaded not guilty and claimed to be tried and hence summons were issued to the list of witnesses for ensuring their presence and also for conducting of their examination in order to commence the trial.

6. To prove its case, prosecution had examined PWs 1 to 4 and EXs.P1 to P10 were marked. Evidence of LW3, LW4, was closed based on the memo given by the learned APP. EXs.P1 to P8 for marked through PW1 and EXs.P9 and P10 were

marked through PW4. After completion of examination of PWs. 1 to 4 the evidence of the prosecution was closed.

7. After closure of the evidence of the prosecution the examination of the accused A1 to A3 under Section 313 Cr.P.C was done on 1.3.2017 by the predecessor of this Court explaining the incriminating material levelled against them and all the accused have denied the same. In CFR 1255/2017 in CC 115/2016 accused A1 had submitted before this Court typed written statements disclosing the facts with regard to the discrepancies that have arisen between PW1 and A1 and such statements have been filed by him under Section 313 (5) of Criminal Procedure Code along with the Aadhar Cards of A2 and A3, depicting the fact that A2 and A3 are the residents of Vijayawada. EXs.D1 to D5 were also marked through PW1.

**8. Now the points for determination are:-**

1. *Whether the prosecution was able to prove the guilt of the accused A1 to A3 for the offence punishable under Section 498-A of Indian Penal Code beyond all reasonable doubts?*

2. *Whether the guilt of the accused A1 to A3 for the offence punishable under Section 4 of Dowry Prohibition Act to be proved by the prosecution beyond all reasonable doubt?*

For answering these points, this Court had taken into consideration the following facts.

1. The marriage between PW1 and A1 was not disputed by either parties.
2. The accused A1 to A3 herein have been charged with the offences punishable under Section 498-A of Indian Penal Code and under Section 4 of Dowry Prohibition Act.
3. The witnesses that were examined by the prosecution are the defacto complainant Smt.Kanigiri Silpa (PW1), her maternal grand mother (PW2) and LW5 who is relative of PW1 was examined as PW3 and PW4 is the Investigating Officer.

**9. Answer to Point No.1:-**

For answering Point No.1:- This Court has taken into consideration the depositions of PWs. 1 to 3 which were made by them during their examination-in-chief and cross examination and also the averments of entire material placed before this Court for the purpose of appreciation of evidence.

**10. Appreciation of evidence of the prosecution:-**

1. ***In the report given by the PW1 which was marked as EX.P1 it had been specifically stated that " vivaha samayamlo maa ammamma mariyu maa maena maama Srinivas kalisi 10 lakshala rupayala nagadu, Rs.50,000/- aadapaduchu katnam krinda, 10 kaasula bangarapu vasthuvulu naaku itchiunnaru"*** and it had not been stated that the said articles were given to accused and in particular Rs.50,000/- was given to A2 in the form of "aadapaduchu katnam" . But in the deposition of PW1 it has been stated that the afore stated amount and gold was given to accused and that A2 had taken aadapaduchu katnam.

*But, in the cross examination of PW1, PW1 had admitted that PW2 had got the job as Class-IV employee in BSNL and that her employment was on compassionate basis as grand father of PW1 had died while in service and in the chief examination of PW1 it has been stated by her that as her parents are not well off that they have given her to her maternal grand mother and that she was brought up by her maternal grand mother-which depicts the financial capacity of PW2 in giving the said dowry amount as stated by Pws. 1 to 3.*

2. The allegations were levelled against A1 and A2 and that food was not provided to her and that she was confined in a room. But, in her deposition itself PW1 had stated that PW2 used to come to Vijayawada from Guntur to the flat at Vijayawada and that the flat was conveyed in the name of A. Srinivas and that on one occasion, when PW1 had along with LW3 had went to Hyderabad that A1 and A2 did not allowed her and at the instance of other inmates she was allowed into their house. *But, to support the version of PW1, her uncle by name Prasad was*

not examined and the evidence of LW3 is given up by the prosecution. Other inmates of the apartments in Hyderabad were also not produced as witness to support the version of the prosecution and moreover, even the other inmates and neighbours of the flat situated at Guntur as shown in EX.P10 were also not produced as witnesses for supporting the version of PWs. 1 to 3 and the said fact of non examination of witnesses shown in EX.P10 and the other neighbours at Hyderabad was admitted by PW4, which gives the benefit of doubt to A1 to A3.

In addition to that, in the cross examination of PW1 it had been categorically admitted by her that-

a). Her childhood and education up to the year 2009 was at Vijayawada and that MCNO.47/2016 against A1 was filed before the Hon'ble Family Court, at Vijayawada and the address in the said MC was mentioned by Pw1 as Ramavarappadu, Vijayawada and that the flat of her uncle was present there. Moreover, EX.D1, D2 and D3 also suggest the fact that the place of her residence was shown as Ramavarappadu, Vijayawada, for the purpose of filing maintenance case at that place and neither relevant documents were produced or other inhabitants of the flat at Vijayawada were examined to support the fact that the cause of action has arisen at Guntur. In the cross examination of PW1 it had been admitted by PW1 that no documentary proof was filed by her to show that she was the resident of SVN Colony, Guntur, and that the record pertaining to the flat at Vijayawada was not handed over by her to the Women Police Station at Guntur for foisting this case.

b). It was also admitted by PW1 that during Pongal in the year 2015, A1 had left Vijayawada as her husband had training at Bangalore and she had further admitted that after lapse of 20 days A1 had come to her grand mother's (PW2) house and had taken to her Hyderabad, and in her cross examination itself it has been stated by her that the dates of demanding PW1 by A1 to convey the flat of PW2 and the dates of sending her to the house of PW2 were not stated by PW2 to PW4 and that a report was given by PW1 at Pattabhipuram Police Station, when

A1 had left PW1 in the flat at Karmanghat when their residence was shifted to Karmanghat. The same fact has been admitted by PW4 in his cross examination

c). PW1 in her cross examination had voluntarily stated that on the report given by her at Pattabhipuram Police Station, Guntur, that A1 was missing, that the A.S.I and the Inspector of Police of the concerned police station did counseling and advised her to lead happy marital life and that the same fact had not been stated to the Women Police Station, Guntur. The said fact has been admitted by PW4 that PW1 had not stated the afore said facts to him and that she has not even stated to them that, she was not provided proper food, which made this Court to entertain a doubt with regard to the genuineness in foisting the case in Guntur while the MC NO.47/2016 is pending before the Hon'ble Family Court, Vijayawada.

d). During her cross examination itself, PW1 had admitted that a function was performed in the house of her uncle A. Srinivas (LW3) on 15.12.2015 and it had been admitted by PW1 that in the report (EX.P1) filed by her it has been stated that A1 had necked her out in May 2015. It has also been admitted by PW1 that a saree was presented to her by A1 on 7.12.2015 and two photographs were taken on the same day which are marked as EXs.D4 and D5.

e). Even though, PW1 had denied the fact that A1 had not joined any scheme to purchase one gold chain to her by paying monthly installments but in the self same statement it has been voluntarily admitted by PW1 that A1 had paid three installments but had never purchased gold chain to her.

f). It has been further stated by PW1 that she had brought her certificates and wearing apparel from the house of A1 on 11.9.2016 and that she had also taken the return of cot and iron safe from the house of A1 on 23.12.2015 and that A1 had taken her to PW's house at Vijayawada and that he had left for Mangalagiri and it has also been admitted by PW1 that on 26.12.2015 A1 had taken her from Vijayawada to Hyderabad and that on receiving a phone call from A1 on 29.12.2015 that she had sent a message to him as "meet me at station" and that

on sending such message she had given a report at Guntur on the very next day.

g). Even though, in her chief examination of PW1 had stated that she was subjected to physical harassment as A1 used to harass her by biting her over her breast and by insisting her to do sexual intercourse and that A1 had poured hot oil over her hands to fulfill his demands of conveying the flat in his name but in her cross examination it was stated by her that she has not produced any medical certificate to the Women Police Station, Guntur, and that no wound certificate was obtained by her when injury was sustained by her due to oil burnt and in the deposition of PW4 during his cross-examination it was stated by him that PW1 had not stated before him that, A1 had bitten PW1 over her breast and that he had caused injury by pouring oil over her fingers.

h). It was admitted by PW1 that from 2010 to January 2013, she had worked as a faculty in Vivekananda concept school at Vijayawada, and that sister of A1 and her parents had not attended her marriage and the same was performed by LW3-A.Srinivas and even though PW1 had stated that A1 had not incurred marriage expenses and that A1 and A2 demanded her dowry due to the fact that she is an educated person, based on the prior statements made by her of the fact that PW2 had worked as a Class-IV employee in BSNL on compassionate basis and that due to the fact that her parents were not financially well off that she had been brought by PW2 and this fact was also affirmed by PW2 in her deposition.

I). In the deposition of PW2 in her cross examination she had admitted that she had joined the service in BSNL in the year 1976 and that her salary was Rs.15,000/- by the date of her retirement and the said fact had been concealed by PWs. 1 to 3 before PW4, as stated by him in his cross examination. It was further admitted by PW2 that the flat in respect of which the allegations were leveled against A1 and A2, had been transferred by PW2 in the name of LW3-A.Srinivas in the year 2009 and it has been also admitted by PW2 that the sister of A1 had not attended the marriage and that her daughter and son in law were residing at Guntur. It has also been admitted by Pw1 that apart from having

retirement benefits that she was not having any other source of income, which speaks of the financial viability of PWs. 1 to 3 in rendering the dowry amount as stated by them and it has been also admitted by PW2 that on 7.12.2015 on the first marriage of PW1, A1 had presented a saree to PW1 and that they had taken two photographs i.e., EXs.D4 and D5. The said fact had been admitted by PW3.

j). In the entire depositions of PWs. 1 to 3, no where it has been stated specifically by the prosecution witnesses that PW1 has been subjected to physical and mental harassment by A3 in connection with registration of flat at Vijayawada, except stating of such fact in EX.P1 by PW1. Further in the depositions of PW1 and PW2 it has been admitted by PW1 and PW2 that A3 was from Vijayawada and that either PW1 or PW2 had not visited his house at Vijayawada, which gives the inference that he had been falsely implicated in this case.

k). During the cross examination of PW3 it has been admitted by PW3 that LW4 and her husband are residents of Guntur and that PW3 was aware of the family affairs of LW4 and it had also been admitted by PW3 that there were no proper terms between PW2 and LW4 and that LW4 had not attended the marriage of PW1 and A1 and that even sister of A1 had not attended the marriage.

l). In the cross examination of PW4, it has been stated by PW4 that the date and time of dispatch of FIR (EX.P9) was left blank in column no.15 and that the case was not referred to counseling after the registration of FIR. It has also been admitted by PW4 that he had not collected any proof from PW2 to show that she resides in Guntur, and that the period of stay of PW1 in the house of PW2 at Guntur was not mentioned by him. Moreover, PW4 has also stated in his cross-examination that PW1 had only stated to him that A1 had beaten her over her body and that he had behaved rudely and that no wound certificate was produced and that no requisition was made to PW4 for taking PW1 to the hospital for treatment and PW4 had further stated that **all the witnesses PWs. 1 to 3 had stated before him that PW1 was necked out in May 2015** and that the

specific dates of harassment were not stated by PW1 to him (PW4). It was stated by PW4 that in EX.P8, the address was shown to be at Vijayawada.

- ◆ During the appreciation of the evidence this Court had arrived at finding that PW1 is a **control Freak: she wants to control her husband in every possible way, she may also want her husband to not support his parents and siblings in any fashion regardless of his ability to do so. She may want her husband to through his mother out of his house. Her goal is to gain control on all aspects of his life, influencing finances and to break the bounds and responsibilities that tie him to his family. Her failure to do so has resulted in filing of 498-A of IPC.**

**11.** For applying the legal proposition of Section 498-A of Indian Penal Code to the case facts present before hand, this Court had analyzed the evidence adduced by the prosecution in order to determine whether such evidence would fall under any of the ingredients provided for the offence of under Section 498-A of Indian Penal Code.

**Section 498-A of Indian Penal Code:-**

*Husband or relative of husband of a woman subjecting her to cruelty:-*

*Whoever, being the husband or the relative of the husband of a woman, subjects such woman, to cruelty, shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.*

*Explanation:- For the purposes of this Section "cruelty" means -*

*(a). any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or*

*(b). harassment of the woman, where such harassment is with view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.*

12. Analysis of the section shows that the law deals with four types of cruelty.

Any conduct that is likely to drive a woman to suicide;

Any conduct which is likely to cause grave injury to the life, limb or health of the woman,

Harassment with the purpose of forcing the woman or her relatives to give some property; or

Harassment because the woman or her relatives are either unable to yield to the demand for more money or do not give some share of the property. It has been stated so in ***Criminal Appeal No.756 of 1987, Dt.10.6.1988; 1989 Cr. Law Journal NOC 52 (A.P), Veerudu and another .... Appellants Vs. State of A.P .....Respondents – Bhaskar Rao. J***

Basic ingredient of offence punishable under Section 498-of Indian Penal Code.

(A). Section 498-A of Indian Penal Code 1860 -Mens rea is an essential ingredients of the offence.

The sole consistent of offence under Section 498-A is cruelty. Which mean 'wilful conduct'. The word wilful contemplates obstinate and deliberate behaviour on the part of the offender for it to amount to cruelty.

(B). Section 498-A of Indian Penal Code – Standard of proof required to constitute 'cruelty' – whether it is same under Civil and Criminal Law.

The principles are that ;

(i). the standards of proof of cruelty are higher in degree in Criminal Law than in Civil Law under the matrimonial causes.

(ii). The **intention or mens rea** on the part of one spouse to injure the other is not a necessary element of cruelty in Civil Law for matrimonial causes while it is an essential element in Criminal Law.

(iii). It is enough if cruelty is proved by preponderance of probabilities in civil law **while in criminal trials the conduct of cruelty has to be proved beyond all reasonable doubt.**

**13. When the evidence does not attribute any role to an accused – the accused is entitled to benefit of doubt and acquittal.**

In ***Pathan Hussain Basha Vs. State 2007 (1) ALT (Crl.) 91 (D.B) (A.P)***, it has been held that where the evidence does not attribute any role to an accused he is entitled to benefit of doubt and acquittal.

**Conviction under Section 498-A of Indian Penal Code not sustainable:-**

Unless there is positive evidence of wilful conduct on the part of the husband to drive the wife to commit suicide conviction under Section 498-A of Indian Penal Code not sustainable. ***M. Madhusudhana Rao Vs. State, Rep. by W.P.C. C.I.D., P.S., Hyderabad 2006 (2) ALT (Crl.) 301 (A.P)***

Based upon the findings made by this Court during appreciation of evidence with regard to the grounds mentioned in paragraph no.10 of this judgment, the prosecution has failed to prove the guilt of accused A1 to A3 for the offence punishable under Section 498-A of Indian Penal Code beyond all reasonable doubt.

**14. Answer to Point No.2 :-**

1. Oral evidence of PWs. 1 to 3 did not corroborate with one another so far as establishing of guilt on part of A1 to A3 is concerned, with regard to subjecting of PW1 to harassment in connection with demand for additional dowry. Even though, PWs. 1 to 3 has stated that accused A1 had demanded additional dowry. Absence of material to substantiate any demands for dowry made this Court to un believe the version of PWs. 1 to 3 as demand for additional dowry could not be established by the prosecution. At what point of time specific demand for additional dowry is made was not established. Moreover, the evidence of PWs. 1 and 2 is interested and is also discrepant.

In ***A.K Devaiah Vs state of karnataka(Criminal Appeal No:46 of 2007)*** in para No 14 the definition of the term "Dowry" and the penal provisions sections 3 and 4 of the Dowry Prohibition Act have been explained in detail.

Wherein it has been stated specifically that Section 3 of the Act makes giving or taking or abetting the giving or taking of dowry punishable. The demand of dowry directly or indirectly from the parents or other relatives or guardians of bride or bridegroom has also been made punishable under Section 4 of the Act. But under the provision of the Dowry prohibition Act certain categories of exchanges were exempted from being considered as Dowry. Some of them are:-

1. presents given at the time of the marriage to the bride with out any prior demands being made for such presents.

2. Presents that are customary in nature and of a value that is not excessive having regard to the financial status of the person by whom, or on whose behalf such presents are being given.

3. A list of all such presents have to be maintained according to the Rules formulated under this Law.

It is evident from a reading of both these provisions, that the Law does not prohibit all exchanges at the time of marriage. At the same time the Act, does put in place some safeguards to ensure that the presents given at the time of marriage or not pursuant to any demands being made or any other form of coercion. To this extent, Section 4 of the D.P.A stipulates separate penalties for those making any demands for dowry. Unfortunately, the D.P.A not only penalizes those who makes demands for dowry or take dowry but also those who give dowry. This ignores the reality of the present society wherein the practice of dowry is so ingrained that dowry is given even without any demands made in this regard.

15. On weighing the evidence of the prosecution and the defense (based upon the written statements given by accused A1 under Section 313 Cr.P.C which was filed along with the Aadhar cards of A2 and A3 and also based upon the findings made by this Court during appreciation of evidence with regard to the grounds mentioned in paragraph no.10 of this judgment, as the prosecution has failed to prove the guilt of accused A1 to A3 for the offence punishable under Section 498-

A of Indian Penal Code and under Section 4 of Dowry Prohibition Act beyond all reasonable doubt, this Court had arrived at the finding that accused A1 to A3 are not guilty of the offences punishable under Section 498-A of Indian Penal Code and under Section 4 of Dowry Prohibition Act.

**Reasons for the finding:-**

- **Consequences of cruelty which are likely to drive a woman to commit suicide or to cause grave injury or danger of life, limb or health, whether mental or physical of the woman are required to be established in order to bring home the application of Section 498-A of Indian Penal Code. 2016 Cri L.J. 559: 2015 (3) DMC 501 (503) (Pat): AIR 2009 SC 2180:**
- **Not taking wife along with him to the place of working and leaving her in the matrimonial house would not among the cruelty.**
- **Any treatment with cruelty by accused A1 to provoke PW1 to end her life not established and there is absence of material to substantiate any demands for dowry.**

16. **Onus of proving all the ingredients of an offence is always upon the prosecution and at no stage does it shift to the accused except under the circumstances which are to be proved by the accused as provided under Section 105 and 106 of Indian Evidence Act. The prosecution must link the accused with the commission of the offence the charged with by producing the evidence. Strong suspicion against the accused cannot take the place of legal proof. That is to say in order to succeed in its case, the prosecution should cover a long distance traversed between "may be true" and "must be true". Since suspicion cannot be any substitute for legal evidence and in case of "no legal evidence" conviction cannot be founded.** But, in this case the prosecution has failed to prove all the ingredients of the offence punishable under Section 498-A of Indian Penal Code and under Section 4 of Dowry Prohibition Act.

17. Moreover, ***If the evidence which could be produced is not produced the presumption is that it would have gone against party who with holds it. (2006(1) Crimes 626(Bom.) (DB)).***

a). **All the self serving statements of prosecution witnesses are not at all admissible and as such they do not render any incriminating evidence against the said accused A1 to A3.**

b). **The prosecution must link the accused with the commission of the offence the charged with, by producing the evidence. As the chain of circumstances were incomplete, broken and not conclusive conviction could not be given to the accused.**

c). **As the prosecution has failed to establish the chain of circumstances, based upon circumstantial evidence, the accused A1 is entitled to the benefit of doubt and accordingly such benefit of doubt was given to him by relying upon the principle of law enlightened by Honourable Andhra Pradesh, High Court in the case of Koppisetty Satyanarayana Vs State of Andhra Pradesh; 2006 (3) ALT (Cri.) 102 (A.P).**

18. In the result, accused A1, A2 and A3 are found not guilty of the offences punishable under Sections 498-A of Indian Penal Code and under Section 4 of Dowry Prohibition Act. Accordingly, they are acquitted under Section 248 (1) Cr.P.C. The bail bonds of accused A1, A2 and A3 shall stand canceled after six months from the date of this judgment under the provisions of Section 437 (1) of Criminal Procedure Code. The unmarked non-valuable property, if any and MO.1 shall be destroyed after the expiry of appeal time.

19. In this connection, in order to curb the enhancing discrepancies that have cropped up amongst the members of the family unit, this Court had felt that ***it is the high time for having gleanings from the Sanskrit fairy tales, fables and the greatest works of poetry which are chiefly characterized by ethical reflections and proverbial philosophy providing glimpses of***

**humane morals** right from the Vedas, Upanishads, the Geetha, the Epics and the Puranas to the works of classical poets, hymns and other writings of Acharya like Sankara and Vedanta Desika and composition of devotees like Jayadeva, Mooka Kavi, Bhattathiri and Lila sukha.

20. A piece of advice is given to both the parties not to disregard what is already at hand and to inculcate the feeling of '**kutumbakam jeevanam mama**', which means '**family is my life**', reminding them of the fact that **when one's loved one is absent, beautiful things seem ugly, what one likes including one's own life becomes a pain, one feels lonely even in the midst of one's relatives.**

**"Tadaa ramyaanya ramyaani pryaha shalyam tadaasavaha !**

**Tadekaakee sabandhuh sannishtena rahitho yadaa !!"**.

21. As, the youth is fleeting like the clouds of autumn, neglecting the fact that the pleasures of the senses are sweet in the beginning but yield bitter results in the end. Hence, in order to enlighten them of the fact that being polite, having love and affection towards one another and thinking of good of others as pure saintly souls and having pleasing interactions with others are the probable means to keep their minds in peace by following the path of dharma.

**"Shareeramaadyam khalu dharma saadhanam"**, which means-

**"The human body is the first instrument for treading the path of dharma".**

22. In this connection, this Court has quoted the following Sanskrit slokas for enabling the disputing parties to resolve their differences.

1. **"Antah karanatattwasya dampatyoho snehasamshrayaat !**

**Aanandagranthireko'yam apatyamiti badhyate!!"**, which means -

**"The concrete manifestation of the joy arising out of the union of the minds of the husband and the wife is called apatyam (progeny) on which converges the love of both of them".**

2. **“Eko rasaha karuna eva nimittabhedaath**

**bhinnaha pruthakprithagivaashrayate vivartaan !**

**Aavarta budbuda taranga mayaan vikaaraan**

**Ambho yathaa salilameva tu tatsamastam !!**, which means -

**“Karuna (pathetic) rasa (emotion) is the only one which manifests in the form of other emotions like sringara (love) etc., depending on the underlying circumstances which give rise to the emotion in the same way as bubbles, waves, swell etc., are only different forms that water takes, the basic substance is water only.**

3. **“Vyatishajati padaarthaanaantaraha ko’pi hetu-**

**rna khalu bahirupaadheen preetayaha samshrayante !**

**Vikasati hi patangasyodaye pundareekam’**

**Dravati cha himarashmavudgate chandrakaantaha !!”**, which means

**“It is some internal cause which brings people together. Love does not depend upon external attributes. The lotus blossoms when the sun rises (though the lotus is delicate and the sun’s rays are hot”, the moon stone starts melting when exposed to moonlight (though moonlight is soft and moonstone is hot”.**

23. The couple are further suggested to lead a beautiful life by being a diamond for each other. It is because of the reason that a valuable diamond does not seek, it is only sought after. (**Na ratnamanwishyati mrigyate hi tat** ). **Beauty is that which takes on a new form every minute so that the one who looks at it is never tired or bored (kshane kshane yannavataamupaiti tadeva roopam ramaneyataayaah).**

Typed to my dictation, corrected and pronounced by me in the open Court, this the 30th day of June, 2017.

Sd/-. Miss. V.Sri Rama.

SPL. JUDICIAL MAGISTRATE OF I CLASS  
FOR PROHIBITION AND EXCISE, GUNTUR.

APPENDIX OF EVIDENCE  
WITNESSS EXAMINED

FOR PROSEUCITON

FOR DEFENCE: --NONE--

PW1-K. Silpa

PW2-A.Nagamani

PW3-B.Vamsi Krishna

PW4-G.C. Babu Rao

DOCUMENTS MARKED

FOR PROSEUCITON:

EX.P1 is the report given by PW1 to police.

EX.P2 is the signature of PW1 on EX.P1 Report.

EXs.P3 to P7 are the Photographs of the Marriage of PW1 with A1.

EX.P8 is the Wedding Card

EX.P9 is the First Information Report.

EX.P10 is the Rough Sketch.

FOR DEFENCE::

EX.D1 is the certified copy of Aadhar card of PW1.

EX.D2 is the certified copy of voter card of PW1.

EX.D3 is the certified copy of petition in MC 47/2016 on the file of the Hon'ble Family Court, Vijayawada.

EXs.D4 and D5 are two photographs dt.7.12.2015..

MATERIAL OBJECTS::

MO.1 is the C.D.

Sd/- Miss. V.Sri Rama.  
SPL. JUDICIAL MAGISTRATE OF I CLASS  
FOR PROHIBITION AND EXCISE, GUNTUR.

//True Copy//

Spl.J.F.C.M., Guntur.

IN THE COURT OF THE SPL. JUDL. I CLASS MAGISTRATE FOR PROHIBITION AND  
EXCISE : GUNTUR.  
CALENDAR AND JUDGMENT

DISTRICT: GUNTUR.

**C.C. NO. 115 of 2016**

DATES OF

| Offence              | Filing   | Appearance<br>of Accused | Released<br>On bail | Commencement<br>of trial | Closure of<br>trial | Sentence<br>or order |
|----------------------|----------|--------------------------|---------------------|--------------------------|---------------------|----------------------|
| Prior to<br>30.12.15 | 31.12.15 | 27.6.16                  | --                  | 11.1.17                  | 30.3.17             | 30.06.17             |

Explanation for the delay :- This case was taken on file on 2.3.2016. Copies furnished to A1 to A3 on 27.6.2016. On 19.12.2016 accused were examined under Section 239 Cr.P.C. On 11.1.2017 PWs.1 and 2 were examined, EXs.P1 to P8 and MO.1 marked. EXs.D1 to D5 marked. On 15.2.2017 PW3 examined. On 22.2.2017 PW4 examined, EXs.P9 and P10 are marked and prosecution evidence is closed. On 1.3.2017 Accused A1 to A3 were examined under Section 313 Cr.P.C. On 22.3.2017 hearing of both the counsels a date was fixed on 30.3.2017 for delivering the judgment. But on 30.3.2017 the date of pronouncing of the judgment was further adjourned to 6.4.2017 as I have newly taken charge on 5.4.2017. On reopening the case for hearing of the arguments of both the counsels it has been posted to 8.5.2017 and on hearing both the counsels a date was given as 25.5.2017 for pronouncing the judgment. As judgment could not be made ready on that day as this Court has been given in charge of other six criminal Courts, the aspect of pronouncing judgment has been adjourned to 13.6.2017 on the date of adjournment the counsel for the accused had filed a memo giving list of citations in support of their arguments by serving copy of the same to the learned APP., and the date of pronouncement had been further adjourn to 19.6.2017 and to 23.6.2017 due to technical defect in the printer and as such it has been posted to 29.6.2017 and further posted to 30.6.2017. On 30.6.2017 judgment is pronounced. Hence the delay.

Name of the Complainant :- The Sub-Inspector of Police, Women Police Station, Guntur urban.  
(Crime No.152/2015). ...Complainant

Name of the accused    Father's Name    Calling    Religion    Age    Village

1. Kanagari Karthik S/o. Subba Rao, 32 years, Telaga, H.No.1-72, Kothapet, 2nd Ward, Mangalagiri, Guntur District.
2. Kanagari Ratna Kumari W/o. Subbarao, 58 years, Telaga, H.No.1-72, Kothapet, 2nd Ward, Mangalagiri, Guntur District.
3. Kanagari Bharani Kumar S/o. Subbarao, 35 years, Telaga, Patamata, Vijayawada.

Nature of Offence :- Offences punishable under Section 498-A of Indian Penal Code and under Sections 3 and 4 of Dowry Prohibition Act.

Plea of accused :- Not guilty.

Finding: - Found Not guilty.

**SENTENCE OR ORDER:-**

In the result, accused A1, A2 and A3 are found not guilty of the offences punishable under Sections 498-A of Indian Penal Code and under Section 4 of Dowry Prohibition Act. Accordingly, they are acquitted under Section 248 (1) Cr.P.C. The bail bonds of accused A1, A2 and A3 shall stand canceled after expiry of six months from the date of pronouncement of this judgment under the provisions of Section 437 (1) of Criminal Procedure Code. The unmarked non-valuable property, if any and MO.1 shall be destroyed after the expiry of appeal time.

Sd/- Miss. V.Sri Rama.  
SPL. JUDICIAL MAGISTRATE OF I CLASS  
FOR PROHIBITION AND EXCISE, GUNTUR.

**Copy submitted to :**

The Hon'ble Chief Judicial Magistrate, Guntur.

Copy to the Superintendent of Police, Guntur.

//True Copy//

Spl.J.F.C.M.,Guntur.

