

**IN THE COURT OF THE SPECIAL JUDICIAL MAGISTRATE OF I CLASS,
EXCISE COURT, ONGOLE.**

Present: **Smt. M.Sudha,**
Special Judicial Magistrate of I Class, Excise Court, Ongole

Tuesday, this the 11th day of July, 2017.

C.C.No. 139 of 2013

Between:

STATE: **Sub-Inspector of Police,**
Chimakurthy Police Station.

... Complainant

And

1. Velpula Venkata Rao,
Son of Narayana, aged 32 years,
Government School Teacher at Kotapadu village,
Ponnalur Mandal, native of Somarajupalli village,
Singarayakonda Mandal.
2. Narra Seshamma,
Wife of Nageswara Rao, aged 40 years,
Narravaripalem village, Singarayakonda Mandal.
3. Ammanabrole Padma,
Wife of Balaiah, aged 37 years, House wife,
Kollurupadu village, Ulavapadu Mandal.
4. Ammanabrole Balaiah,
son of China Kotaiah, aged 40 years, House wife,
Kollurupadu village, Ulavapadu Mandal.
5. Velpula Gangamma,
Wife of Late Narayana, aged 60 years,
Somarajupalli village, Singarayakonda Mandal.

... Accused

This case is coming up on 10.07.2017 for final hearing before me in the presence of the Learned **Assistant Public Prosecutor** for complainant and **Sri V.Ravi Kumar,** Advocate for the accused, and upon perusal of material on record and having stood over for consideration till this day, this court delivered the following:-

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

The Sub-Inspector of Police, Chimakurthy Police Station, laid charge sheet in Crime No. 56/2013 for the offences punishable under sections-498-A read with 34 of IPC and Section 3 and 4 of Dowry Prohibition Act, against the Accused 1 to 5.

2. The case of the prosecution in brief is that: on 26.06.2011 marriage of P.W.1 was performed with accused No.1 in the presence of elders and the marriage was celebrated at Seetharama Kalyana Mandapam, Singarayakonda according to the caste and customs of Hindu religion, at the time of marriage L.W.2 and P.W.2 who are parents of P.W.1 gave cash of Rs.10,00,000/-, 24

sovereigns of gold ornaments to A1 towards dowry and her parents also gave 20 cents of house site in S.No.57/53 situated at Bodduvanipalem village of Korisapadu Mandal under agreement in favour of P.W.1. After marriage P.w.1 joined with accused No.1 and they lived happily for some period, during their wedlock on 25.07.2012 L.W.1 gave birth to a female baby Viz. Raga Keerthi, the deliver of P.W.1 was occurred at her maternal house at Chimakurthy village, then Accused 2 and 4 came to P.w.1 at Chimakurthy and informed "if the female baby birth on Wednesday in Yadava community , there is a danger to the father of female baby and they advised to kill female baby and Accused 1, 3 and 5 also informed the same to P.W.1". On hearing the words P.W.6 and 7 admonished them, later accused 1 to 5 started to harass P.W.1 both physically and mentally with a demand of more dowry and they also demanded to P.W.1 and her parents to sell away 0.20 cents house site which is given to P.W.1 and get money other wise accused No.1 will give divorce to P.w.1 and they informed with P.W.1, if A1 married another woman they can get more dowry. Accused No.1 also used to beat P.W.1 with the support of accused 2 to 5. then A1 also failed to provide sufficient food to P.W.1 and her daughter, accused 1 and 5 did not allow P.W.1 to talk in cell phone with her parents, L.W.11-Velpula Polaiiah and L.w.12-Velpula Seshamma who are the immediate neighbours to the house of in laws of P.w.1 at Somarajupalli village also interfered and warned accused 1 to 5, several time their caste elders and others interfered and advised to accused 1 to 5 not to harass P.W.1, but accused did not change their attitude and continued to harass P.W.1, finally they necked out P.W.1 from her in laws house by taking gold ornaments, as no other go P.W.1 went to her maternal house at Chimakurthy village along with her baby, on 04.04.2013 P.W.1 came to Chimakurthy police station and gave report. Basing on the report of P.W.1, P.W.8 registered the case and investigated the case.

3. The case was taken on file for the offence punishable under section 498-A read with 34 of I.P.C and Section 3 and 4 of Dowry Prohibition Act, against the Accused 1 to 5.

4. On appearance of the accused 1 to 5 before the Court, copies of documents were furnished to the accused as required under section 207 of Cr.P.C.

5. Accused 1 to 5 were examined Under Section 239 of Cr.P.C. Charges under Section-498-A read with 34 of IPC, Section 323 IPC and Section 3 and 4 of Dowry Prohibition Act, have been framed read over and explained to the accused in Telugu, for which, they pleaded not guilty and claimed to be tried.

6. During the course of trial on behalf of prosecution P.Ws 1 to 7 were examined, and got marked Exs.P.1 to P9. Prosecution side evidence was closed.

7. After closure of prosecution side evidence, accused 1 to 5 were examined under section 313 Cr.P.C by putting the incriminating circumstances appearing in the evidence of prosecution witnesses, for which they denied the same and reported no defence evidence.

8. Heard the learned Assistant Public Prosecutor and the learned defence counsel. Perused the evidence and material on record.

9. **Now the points for determination are :**

1. Whether Accused 1 to 5 subjected P.W.1 to cruelty in connection with the demand of additional dowry?
2. Whether the prosecution could able to establish the guilt of the accused 1 to 5 for the charges leveled against them, beyond reasonable doubt?

POINT No.1:

10. The main case of the prosecution is that : on 26.06.2011 marriage of P.W.1-Velpula Kalyani was performed with accused No.1-Velpula Venkata Rao, in the presence of elders and the marriage was celebrated at Seetharama Kalyana Mandapam, Singarayakonda according to the caste and customs of Hindu religion, at the time of marriage L.W.2 and P.W.2 who are parents of P.W.1 gave cash of Rs.10,00,000/-, 24 sovereigns of gold ornaments to A1 towards dowry and her parents also gave 20 cents of house site in S.No.57/53 situated at Bodduvanipalem village of Korisapadu Mandal under agreement in favour of P.W.1. After marriage P.w.1 joined with accused No.1 and they lived happily for some period, during their wedlock on 25.07.2012 L.W.1 gave birth to a female baby Viz. Raga Keerthi, the deliver of P.W.1 was occurred at her maternal house at Chimakurthy village, then Accused 2 and 4 came to P.w.1 at Chimakurthy and informed "if the female baby birth on Wednesday in Yadava community , there is

a danger to the father of female baby and they advised to kill female baby and Accused 1, 3 and 5 also informed the same to P.W.1". On hearing the words P.W.6 and 7 admonished them, later accused 1 to 5 started to harass P.W.1 both physically and mentally with a demand of more dowry and they also demanded to P.W.1 and her parents to sell away 0.20 cents house site which is given to P.W.1 and get money other wise accused No.1 will give divorce to P.w.1 and they informed with P.W.1, if A1 married another woman they can get more dowry. Accused No.1 also used to beat P.W.1 with the support of accused 2 to 5. then A1 also failed to provide sufficient food to P.W.1 and her daughter, accused 1 and 5 did not allow P.W.1 to talk in cell phone with her parents, L.W.11-Velpula Polaiah and L.w.12-Velpula Seshamma who are the immediate neighbours to the house of in laws of P.w.1 at Somarajupalli village also interfered and warned accused 1 to 5, several time their caste elders and others interfered and advised to accused 1 to 5 not to harass P.W.1, but accused did not change their attitude and continued to harass P.W.1, finally they necked out P.W.1 from her in laws house by taking gold ornaments, as no other go P.W.1 went to her maternal house at Chimakurthy village along with her baby and on 04.04.2013 P.W.1 came to Chimakurthy police station and gave report. Basing on the report of P.W.1, P.W.8 registered the case in Crime No.56/2013 under Section 498-A read with 34 of IPC and Section 3 and 4 of Dowry Prohibition Act.

11. The case of the accused is deniel and further case of the accused is that since P.W.1 harassed accused 1 and 5 insisting accused No.1 to put up separate family by leaving Accused No.5, this case is foisted against the accused. On the other hand, it is further contended that the evidence of P.W.1 and P.W.2 is not consistent with Ex.P1 contents. Except the interesting testimony of prosecution witnesses, there is no material placed by the prosecution to bring home the guilt of the accused and therefore, requested the Court to extend benefit of doubt and to acquit the accused.

12. To prove its case, the prosecution examined P.Ws.1 to 8 and the evidence of L.W.2-Arudra Chandra Sekhar, L.W.5-Danaboina Krishna Babu, L.W.6-Thadiboina Koteswara Rao, L.W.11-Velpula Polaiah and L.W.12-Velpula Seshamma, was given up by the prosecution and got marked Exs.P1 to P5.

P.W.1-V.Kalyani is the defacto complainant. P.W.2-A.Vijaya Lakshmi is the mother of P.W.1. P.W.3-A.Venkateswarlu is elder paternal uncle of P.w.1, P.W.4-K.Sarala Devi, is elder maternal aunt of P.w.1 who is sister of P.W.2, P.w.5-T.Srihari is the relative of P.W.1, P.W.6-A.Bala Krishna Reddy is the neighbour to the house of P.W.1, P.W.7-M.Srinivasulu is an independent witness and P.W.8-A.V.Suryanarayana, Sub-Inspector of Police is the Investigating Officer.

13. The learned Assistant Public Prosecutor, during the course of arguments reiterated the evidence of P.Ws.1 to 8 and further stated that the defence has taken plea that this Court has no jurisdiction as no offence took place at Chimakurthy is concerned, in fact Accused 2 and 4 came to the house of P.W.1 i.e. her parents house at Chimakurthy directed P.W.1 to kill her female baby, otherwise accused No.1 will not allow her in to their house and informing that they are stating the above fact as per the instructions of accused No.1 and called accused No.1 through phone, he reiterated the same.

14. Further case of the defence is that P.Ws.2 to 5 are relatives of P.W.1, on the mere ground that their evidence can not be thrown out as outsiders can not interfere in the family matters. However, P.W.6 the neighbour of P.W.2 categorically stated about the payment of dowry given to accused No.1 and about the harassment in the hands of the accused. On the other hand, the accused side mainly contended that the prosecution witnesses P.Ws.1 to 5 are interrelated and their evidence is highly interested testimony and the accused also very much attacked on cross examination of P.Ws.1 and 2. Further contention of the accused is that P.w.8 clearly admitted that the alleged offence took place at Somarajupalli and it is under the jurisdiction of Singarayakonda police station. Further admits that accused 1 to 5 never came to Chimakurthy, so there is no territorial jurisdiction of the alleged incident. To prove the case he relied upon the decisions in **2016(1) ALD (Cri.) 667 AP and 2013(2) ALD (Cri.) 293 AP**. The prosecution also failed to establish the proof of giving dowry to accused by examining P.Ws.1 to 8 and also failed to prove when the accused harassed P.W.1 on what date. The prosecution also failed to examine independent witnesses at Somarajupalli village nearer to the house of accused No.1. The prosecution also failed to examine L.W.2-Arudra Chandrasekhar who is

father of P.W.1 and who is a material witness to this case. All these clearly goes to show that prosecution failed to bring home guilt of the accused. Hence, accused may be acquitted.

15. On perusal of the record that is prosecution evidence and on hearing of both sides, the admitted facts that the marriage between accused No.1 and P.w.1 took place on 26.6.2011 and out of their wedlock they were blessed with a female child. It is also an undisputed fact that P.Ws.1 to 5 are inter related on the mere ground that their evidence can not be brushed aside. Admittedly since it is a family dispute, it is difficult to expect the evidence of independent witnesses. However the prosecution given up material witness L.W.2- Chandrasekhar who is father of P.W.1 and L.Ws.5, 6, 11 and 12 who are eye witnesses who are also given up by the prosecution.

To prove the offence under Section 498-A, the prosecution could establish the following ingredients:

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

Whoever, being the husband or the relative of the husband of the husband of a woman, subjects such woman to cruelty shall be punished.....

16. At the outset, this Court scrutinized the evidence of P.W.1 who is the defacto complainant, though in chief examination she speaks that her marriage performed with A1 in the year 2001, about the payment of dowry given to A1 and also demand of additional dowry by all the accused in insisting P.w.1 to give divorce to have another marriage to Accused No.1. Further deposed about his physical and mental harassment by all the accused and about not even seeing the baby by A1 at Hospital and only accused 2 and 4 came to Chimakurthy to see the child about informing the fact that it is not auspicious in Yadava community to gave birth to a female on Wednesday as it is danger to the father and informed that accused No.1 informed the said fact to them and they informed the same and requested to kill the baby and about calling accused No.1 by phone and accused No.1 also stated that if he want to lead marital life, she should left her female baby, thereafter accused No.1 did not lift her phones, further during 5th month of baby she along with her parents went to her in laws

house and about arranging ornaments of 3 sovereigns to her female baby, thereafter accused insisted her to sell 20 cents of land and to bring Rs.30,00,000/-. P.W.1 further informed that accused No.5 is not even provide milk to child and she is staying in kitchen without fan and not allowed her to use toilet and about withdrawn of meals plate while she was taking meals. She further stated that, Accused No.1 did not see her child till 9th month, though she went to her in laws house during 5th month of her baby and etc., facts.

Coming to the evidence of P.W.1 particularly, when I consider the proof of dowry to the accused is concerned, he admits that she has no any proof to show that her father gave cash of Rs.10,00,000/- to the accused. So, P.W.2 who is mother of P.W.1 corroborates the evidence of P.w.1 in her chief with regard to giving of cash of Rs.10,00,000/-, 24 sovereigns of gold ornaments and 20 cents of land. But, in her cross examination she categorically admits that she does not know when L.W.2 and L.w.4 presented dowry amount of Rs.10,00,000/- to the accused and she does not know the source of Rs.10,00,000/-. P.w.2 who is paternal uncle of P.W.1 deposed in chief that at the time of the marriage of P.w.1, Rs.10,00,000/- cash, 24 sovereigns of gold and 20 cents of land presented to accused No.1. But, in his cross examination he admitted that at one stage, it is stated that 4 days prior to the marriage dowry amount was given to A1 at Somarajupalli village. Again, he says that he was present along with L.W.2 when the amount was given to the accused. Further says that himself and L.W.2 went to the house of A1 for giving amount. P.W.4 who is the sister of P.W.2 did not speak about dowry amount said to be given to the accused. P.w.5 who is brother of P.W.2, he speaks in chief that at the time of marriage of P.W.1 and accused No.1 Rs.10,00,000/- cash, 24 sovereigns of gold and 20 cents of land given to accused No.1, but, in his cross examination, he speaks that the dowry amount was given to the accused one week prior to the marriage, so also gold was not given to the accused prior to the marriage. In another version, he says in cross examination that he did not state before police, at the time the dowry amount Rs.10,00,000/-, 24 sovereigns of gold are presented by the parents of P.W.1 at the time of marriage of P.Ws.1 and accused No.1. Coming to the evdience, P.w.7 who is an independent witness to the incident and he completely go bye to the case of prosecution, except marking his 161(3) Cr.P.C. statement as Ex.P2.

Coming to the evidence of P.W.8 who is the Investigating Officer, in his chief he simply stated that he examined P.Ws.1, 2 and 4 to 7, but in his cross examination he admitted that P.W.2 did not state before him that at the time of marriage Rs.10,00,000/-, 24 sovereigns of gold and 20 cents of site given to Accused No.1 towards dowry. During the course of investigation, he did not seize any video to shows that dowry was given on 26.06.2011. Even for argument sake the father of P.W.1 gave cash of Rs.10,00,000/-, 24 sovereigns of gold ornaments and 20 cents of site to the accused, what prevented prosecution to examine L.W.2 for which it is a fatal to the case of the prosecution. Therefore, in view of the above inconsistent version from the prosecution side, the non examination of L.W.2 who is father of P.W.1 creates doubt on prosecution side.

17. Coming to the crucial aspect with regard to First Information Report, P.W.1 herself admits that he presented Ex.P1 which is in written report, she herself drafted the same and on the date of presentation of the same herself, her father and one Basha, Advocate were present. Whereas, P.W.3 in his cross examination admits that the date of alleged report of P.w.1, himself, P.W.1 and L.W.2 were present at police station. P.w.1 herself drafted Ex.P1 report at police station, whereas P.W.8 deposed that P.W.1 came to police station along with her parents L.W.2 and P.W.2 presented a Telugu typed report. But, in his cross examination, he admits that P.w.1 did not present any hand written report to Chimakurthy police. Whereas, on perusal of Ex.P1, it is a Telugu typed one. There is inconsistency on this aspect which also creates doubt on prosecution side.

Coming to another argument advanced by the accused, that this court has no jurisdiction to entertain the report of P.W.1. P.W.1 herself in chief examination admits that except on the occasion of Dasara festival, accused No.1 did not visit her parents house at Chimakurthy. P.W.8 in his cross examination admits that the alleged incident took place at Somarajupalli village, under the jurisdiction of Singarayakonda police. However, the prosecution submits that accused 2 and 4 came to the house of P.w.1 and directed P.w.1 to kill her baby, otherwise A1 will not allow P.W.1 into their house, as such the contention of the accused that the jurisdiction does not arise is concerned, It is the case of the

accused, that A1 and A4 did not come to P.w.1, when she was at her parents house. Further the case of the accused is Accused 2 and 4 are no way concerned with this case. P.w.3 stated that he does not know the exact date when accused 2 and 4 came to Chimakurthy, whereas P.W.8 in his cross examination admits that P.W.1 did not state before him that on the 3rd day of her delivery, Accused 2 and 4 came to her parents house to Chimakurthy. P.w.8 further admits that P.w.3 did not specifically stated before him that all the accused insisted her for killing of female baby, as she born on Wednesday. P.w.3 did not state before him when accused 2 and 4 visited Chimakurthy, in such a case that the contention of prosecution that accused 2 and 4 went to the house of P.W.1 parents and directed to P.w.1 to kill her baby, in view of she gave birth to female child on Wednesday as it is not auspicious day to Yadava community. It is the contention of the prosecution that this Court has no jurisdiction is not tenable one.

18. A reported decision relied by the accused in **2016(1) ALD (Cri.) 667 (A.P.):**

“Section 177 and 178 of Cr.P.C.; Territorial jurisdiction - complaint under Section 498-A IPC and Section 3 and 4 of D.P. Act - Marriage between defacto complainant and A1 performed at Gorakhpur, UP, accused person residents of Shastri Nagar in U.P., complaint itself disclosing that complainant was living with A1 at his place and come out from there to her parents house at Kamanpur, in Karim Nagar District. Thus, main cause of action besides marriage occurred at place of accused in U.P., complaint filed by the defacto-complainant at place of her parents, therefore, not sustainable”.

In the presence case the marriage held at Singarayakonda, both are lived together at Somarajupalli of Singarayakonda, the alleged offence at Somarajupalli at the house of A1. But, P.W.1 filed her case at Chimakurthy police Station. The Investigating Officer-P.W.8 also admitted in his evidence that the alleged offence took place at Somarajupalli and it is under the jurisdiction of Singarayakonda Police Station and it clearly shows that no offence made out in the jurisdiction of Chimakurthy police station.

Another decision reported in **2013(1) ALD (Cri.) 293 (A.P.)**, it is held that:

“Accused/petitioners are husband of complainant/R2, his parents and his close relatives. They all are residents of Vizag, it is alleged that all of them went to Rajahmundry and assaulted R2 at her parents’ house where she had several relatives and friends and thereafter they demanded from her additional dowry, allegations, held obviously seem to be unnatural and improbable. It appears that to rope in all close relatives of her husband, R2 invented incident and filed a complaint in Magistrate Court at Rajahmundry, case if allowed to be continued against petitioner, and face trial, it would cause substantial injustice and under hardship to the petitioners. Entire proceedings in complaint, quashed, criminal petition allowed”

Therefore, in view of the above circumstances, particularly in view of the evidence of P.W.8, since no offence laid out at Chimakurthy Police Station. The arguments advanced by the accused by referring the above 2 Judgments, highly appreciable one.

19. Coming to the evidence of P.W.1, she speaks that accused 2, 3 and 4 used to beat her and Accused 1 and 4 also used to observe the same. Further, she stated that Accused 2, 4 and 5 also beat her, if really the accused beat P.w.1 as alleged by her, what is the evidence placed by the prosecution particularly about her injuries. If at all the contention of P.w.1, that the accused particularly accused No.1 used to harass her and demanded her to get more dowry by selling 20 cents of site. When her cross examination, at one stage she admitted that accused No.1 has paid tuition fee and hostel fee when she was taking coaching. Due to her pregnancy she did not feeling well, accused No.1 taken her to her matrimonial home. Further, at one stage, she stated that before Singarayakonda police that she is ready to join with A1 by leaving A5. The statement itself shows the alleged harassment as alleged by P.W.1 against A1 appears false. Further shows that she is not interested to join with A1, if A5 lives with them as such the defence set up by the prosecution that P.W.1 harassed A1 and insisted A1 to put up separate family by leaving A5 can not be ruled out. If really, the accused

harassed P.w.1 on that L.w.2 i.e., father of P.W.1 reported the matter to Singarayakonda police and police made counseling to A1 and P.W.1 and P.W.1 agreed to join with A1, if at all the alleged harassment made by the accused against P.W.1. Further, P.w.1 in her chief examination admits that from the date of marriage, accused 1 to 5 harassed her on the ground that she has brought less dowry. If they perform the marriage of A1 with another woman, they would have get more dowry.

20. P.W.8 also admits that the prosecution witnesses did not specifically stated the date, month and year of demand of alleged additional dowry harassment by the prosecution and he did not examine any other residents shown in Ex.P5 rough sketch. However, though he examined L.w.11 and L.W.12, they were given up by the prosecution. The Investigating Officer also failed to examine any independent witnesses who are residents at the house of accused at Somarajupalli village, where accused/A1 and P.w.1 led marital life. Except, he examined blood relatives of P.w.1, in such case the alleged harassment made by the accused appears doubtful. One for which the decision relied by the accused in **2016(1) Ald (Crl.) 667**, it is held that:

“not even a single witness examined from place of accused where defacto complainant lived till necked out by the accused from matrimonial home as alleged. Except examining interested witnesses, no independent evidence/material collected by police during investigation. Hence, continuation of criminal proceeding would be nothing but abuse of process of Court- Calendar case quashed”

In the present case also, the prosecution did not examine any independent witnesses, except P.w.6 who is also did not support the case of prosecution who is also not supported the case of the prosecution as himself admits that he came to know through his wife about the celebration of marriage in Singarayakonda. Further, he admits that he came to know the facts of case through P.W1's father. Therefore, his evidence considered as hearsay, therefore the above decision very much helps the defence i.e., the prosecution without

examining interested witnesses, P.Ws.1 to 5 no other independent witnesses examined even P.w.6 independent witness examined, his evidence is hear say evidence.

21. Coming to another argument advanced by the accused that the prosecution failed to prove when the accused demanded alleged additional dowry, for this when I considered the evidence of P.W.1 in chief she stated that after coming out from the police station Accused No.1 stated to her that “by selling 20 cents of site bring Rs.30,00,000/- otherwise he will go for second marriage”. P.W.8 deposed that, P.W.1 did not state that Singarayakonda police made counseling and advised to put up separate family for which A1 did not agreed, thereafter coming out from Singarayakonda Police Station, accused No.1 stated that by selling 20 cents of site bring cash, otherwise he will go for second marriage. P.W.1 who studied B.Sc. B.Ed., got awareness of lodging of report before Station House Officer, Singarayakonda, when accused No.1 immediately demanded he will sell the site of P.W.1, coming out from Singarayakonda police station she did not made any efforts to lodge complaint at Singarayakonda police station. She she lodged report after lapse of 20 days regarding a demand of additional dowry and out side Singarayakonda. If really, accused No.1 and others harassed P.w.1 for additional dowry amount, the father of P.W.1 might have report the matter before Singarayakonda police immediately. It shows that no harassment and demand of dowry at the time of lodging report at Singarayakonda police station. Moreover, L.W.2-Chandrasekhar who is father of P.W.1 did not examine by the prosecution. Coming to serious argument advanced by the accused, that there are so many contradictions between P.W.1 and P.W.5 with P.w.8 the Investigating Officer, in his cross examination he admits that the alleged offence took place at Somarajupalli village and it is under the jurisdiction of Singarayakonda police station. P.W.1 did not specifically stated that from the date of marriage accused 2 to 5 harassed her on the ground that she has brought less dowry, further she can not state before him accused No.1 insisted her to go by leaving matrimonial home by stating that he intended to marry another woman and requested her to give divorce and also insisted her that he would go for second marriage by stating that he will inform to the person

who marry her that she is good and A1 sent her to her parents house along with A4 in the 3rd month of her marriage that on the next day she along with her parents went to the house of A1 and that all the accused used to harass her as she is B.Sc. B.Ed and eligible for getting job, as such they have married her at low dowry that accused2, 3 and 4 used to beat her and Accused 1 and 5 used to observed the beating and that in spite of she stated that she stayed in the matrimonial home requested to permit P.W.1 to stay along with accused No.1.

22. So in view of the above circumstances, the interested testimony of P.Ws.1 to 5, here say evidence of P.W.6, the unsupported testimony of P.w.7, so many contradictions from the evidence of P.Ws.1 to 5 as admitted by P.w.8 as discussed above and the evidence of P.W.8-the Investigating Officer is no way helpful to bring home the guilt of the accused for the charges leveled against them. The prosecution failed to bring home the guilt of the accused 1 to 5 for the charges leveled against them beyond reasonable doubt. Accordingly, this point is answered.

Point No.2:

23. In view of the discussion on the above point, this Court is of the considered opinion that the prosecution failed to bring home the guilt of the accused 1 to 5 for the charges leveled against them beyond reasonable doubt. Accordingly, this point is answered.

24. In the result, Accused 1 to 5 are found not guilty for the offence punishable under Section- 498-A read with 34 of IPC and Section 3 and 4 of Dowry Prohibition Act and therefore, they are acquitted under Section 248(1) Cr.P.C. The bail bonds of the accused 1 to 5 and that of their sureties shall be in force for a period of Six(6) months as per the provisions under Section 437-A Cr.P.C. As there is no case property in this case, no specific order was passed.

Dictated to the Personal Assistant, transcribed by her corrected and pronounced by me in open court, this the 11th day of July, 2017.

Sd/- M.Sudha,
**Spl. Judl. Magistrate of I Class,
Excise Court, Ongole.**

//APPENDIX OF EVIDENCE//

-: WITNESSES EXAMINED :-

For Prosecution

P.W.1: V.Kalyani

P.W.2: A.Vijaya Lakshmi

P.W.3: A.Venkateswarlu

P.W.4: K.Sarala Devi

P.W.5: T.Srihari

P.W.6: A.Bala Krishna Reddy

P.W.7: M.Sreenivasa Rao

P.W.7: A.V.Suryanarayana

For Defence:

NIL

// DOCUMENTS MARKED //

For Prosecution:

Ex.P1: Report of P.W.1

Ex.P2: 161(3) Cr.P.C. Statement of P.W.5

Ex.P3 : First Information report

Ex.P4 : Rough sketch

Ex.P5 : Rough sketch.

For defence:

Ex.D1: Marked portion in 161 (3) Cr.P.C. Statement of P.w.5.

// Material objects marked //

NIL.

Sd/- M.Sudha,
Spl.J.M.F.C,
Excise Court, Ongole.

CALENDAR in C.C. No. 139 of 2013

IN THE COURT OF SPL., J.M.F.C., EXCISE COURT, ONGOLE

01. Date of offence : Prior to 04.04.2013
02. Date of report/complaint : 04.04.2013
03. Date of apprehension of accused : 03.05.2013
04. Date of release of accused on bail : 04.05.2013
05. Date of commencement of trial : 29.02.2016
06. Date of close of trial : 10.07.2017
07. Date of Judgment : 11.07.2017
08. Complainant:- STATE: Sub-Inspector of Police,
Chimakurthy P.S. (Crime No.56/2013)
09. **Description of Accused:**
1. Velpula Venkata Rao, Son of Narayana, aged 32 years, Government School Teacher at Kotapadu village, Ponnalur Mandal, native of Somarajupalli village, Singarayakonda Mandal.
 2. Narra Seshamma, wife of Nageswara Rao, aged 40 years, Narravaripalem village, Singarayakonda Mandal.
 3. Ammanabrole Padma, Wife of Balaiah, aged 37 years, House wife, Kollurupadu village, Ulavapadu Mandal.
 4. Ammanabrole Balaiah, son of China Kotaiah, aged 40 years, House wife, Kollurupadu village, Ulavapadu Mandal.
 5. Velpula Gangamma, Wife of Late Narayana, aged 60 years, Somarajupalli village, Singarayakonda Mandal.
10. Offence : U/Sec. 498-A read with 34 of I.P.C
323 IPC and Sec.3 and 4 of Dowry Prohibition Act.
11. Plea of Accused : Not guilty
12. Finding of the Court : **Found not guilty**
13. **Sentence or Order** : In the result, Accused 1 to 5 are found not guilty for the offence punishable under Section- 498-A read with 34 of IPC and Section 3 and 4 of Dowry Prohibition Act and therefore, they are acquitted under Section 248(1) Cr.P.C. The bail bonds of the accused 1 to 5 and that of their sureties shall be in force for a period of Six(6) months as per the provisions under Section 437-A Cr.P.C. As there is no case property in this case, no specific order was passed.
14. Fine amount : --
-
15. **Explanation for the delay:-** This case was taken on file on 28.06.2013 and the accused were appeared on 08.07.2013 and copies of documents furnished to them as required under Section 207 Cr.P.C. and the matter was posted from time to time for examination of accused and on 24.06.2014 accused 1 to 5 were examined u/s 239 Cr.P.C. Charges framed and case was posted for trial. The case was posted from time to time as stay is pending in this case before the Hon'ble High court. On 26.02.2016 P.W.1 examined in chief and Ex.P1 marked and cross deferred at request. On

02.04.2016 P.W.1 cross examined. On 06.05.2016 P.w.2 examined. On 24.06.2016 P.W.3 examined. On 01.07.2016 P.W.4 examined. On 27.07.2016 P.w.5 examined and Ex.D1 marked. The matter underwent several adjournments due to non availability of witnesses and on 06.09.2016 P.W.6 examined. On 19.09.2016 P.w.7 is examined and Ex.P2 marked. On 17.10.2016 P.w.8 examined in chief and Exs.P3 to P5 marked. On 05.11.2016 P.W.8 cross examined, the evidence of L.w.14 is closed and prosecution side evidence is closed, posted for 313 Cr.P.C. examination. On 15.11.2016 accused 1 to 5 were examined under Section 313 Cr.P.C. and they denied the incriminating evidence appearing against them and reported no defence evidence. The matter underwent several adjournments for hearing arguments and finally arguments concluded on 10.7.2017, posted for judgment. On 11.07.2017 Judgment pronounced (Vide Separate Judgment). Hence the delay.

Sd/- M.Sudha,
***Spl. Judl. Magistrate of I Class,
Excise Court, Ongole.***

Copy submitted to:
The Hon'ble I Addl. Dist. & Sessions Judge, Ongole.
Copy to : The Superintendent of Police, Ongole.