

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF I CLASS  
SPECIAL MOBILE COURT :: KADAPA**

**Present:-Sri Pavan Kumar Aka**  
Judicial Magistrate of I Class, Special Mobile Court, Kadapa

Wednesday, this the 28<sup>th</sup> day of June, 2017.

**C.C.No.245/ 2014**

The State  
Rep.by Inspector of Police,  
Women U/G PS, Kadapa.

Vs.

**. . . Complainant.**

1. Mannem Trivikiram Reddy, Age 30 yrs,  
S/o Gangi Reddy, D.No.1/7/568,
2. Mannem Narayanamma Age 50 yrs,  
W/o Gangi Reddy,
3. Mannem Gangi Reddy, Age 60 yrs,  
S/o Late Gangi Reddy,  
A2 and A3 are the residents of D.No.1/7/568,  
Gandi Nagar, Badvel
4. Mannem Padmavathi, Age 35 yrs,  
W/o Gangadhar Reddy,
5. Mannem Gangadhar Reddy, Age 37 yrs,  
S/o Gangi Reddy,  
A4 and A5 were the residents of Gandhi Nagar,  
Badvel Town.  
Now at Plot No.213, Zindal Complex, Umred Town,  
Nagapur District, Maharastra.

**. . Accused.Nos. 1 to 5**

This case is coming on 21-06-2017 for final hearing before me in the presence of Asst. Public Prosecutor for the State and of Sri G.Sai Vamsi Krishna, Advocate for the accused nos.1 to 5, and after hearing the arguments on both sides and having stood over for consideration till this day, this court delivered the following :-

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

The State represented by Inspector of Police, Women U/G PS, Kadapa filed charge sheet against the accused 1 to 5 in Cr. No. 09/2014 for the offence punishable U/Sec.498-A, 506 of IPC and Sec. 3 and 4 of D.P. Act.

**2. Briefly, the *nut shell* of the prosecution case is stated as follows:-**

LW.2 / K.Bala Vekata Reddy, and LW.3/S.Padmavathamma are blessed with one daughter /LW.1/ M. Deepthi and one son and LW.2 and 3, performed the marriage of LW.1 with A1 on 28-2-2010 at Rayalaseema High School, Badvel town by presenting ten lakhs of cash and 50 tulas of gold ornaments to the accused at the time of marriage. After the marriage A1 set up family at Bangalore as he was working Software Engineer there, and for some period A1 looked after her well and thereafter A1 heading the words of A2 to A4 harassed LW.1 and after six months A1 shifted his family from at Bangalore to Hyderabad and took a house for rent near by the house of A5 as he worked at TCS Company at Hyderabad and since then the accused subjected PW.1 to cruelty by harassing both physically and mentally for petty reasons and A1 also beat LW.1 and all the accused demanded her to get additional dowry of ten lakhs and when Lw.1 informed the same to LW.2 and 3, the grand mother of LW.1 registered Ac.0-06 cents of land on Lw.1's name and having not satisfied with it, accused harassed her severely. During her wedlock LW.1 was blessed with one son and A2 to A4 threatened LW.1, to murder her by pouring keronese and A1 harassed LW.1 everyday to get additional dowry of ten lakhs and also beat her and in the month of August, 2013, A1 dropped LW.1 at the house of LWs.2 and 3 and informing that he would take her with in a week and since then he do not turn up and took her and as such LWs.2 and 3 along with Lws.4/ S. Jayachandra Reddy and LW.5/ K. Ramanjaneyulu went to Badvel and held mediation in which the accused did not heed their words and threatened that they would allow LW.1 whenever her parents present additional dowry of ten lakhs. On 1-2-2012, around 11.00 a.m., A1 to A5 visited the house of Lws.2 and 3, picked up quarrel with them by forcing LW.1 to give divorce and as LW.1 refused to give accused

assaulted her with hands and legs for which LW.2 to 5 intervened and they were pushed aside by accused resulting which LW.1 sustained dumb injuries and noticing the said galata surrounding people came and rescued them and finally LW.1 gave a complaint to the police and basing on that LW.6/B.MadhusudhanGoud, registered a case, investigated into and filed charge sheet.

3. Cognizance was taken by the court for the offences punishable U/sec. 498-A, 506 of IPC and Sec. 3 and 4 of D.P.Act against the accused 1 to 5 by the I Additional Judicial I Class Magistrate Court, Kadapa and summons were issued to the accused and the case has been transferred to this Court under equal work distribution as per the Orders of Hon'ble District Court, Kadapa in Dis.No.9084, dt.03.12.2014.

4. On appearance of the accused 1 to 5 the copies of documents as contemplated U/sec. 207 Cr.P.C were furnished to them.

5. The accused no. 1 to 5 were examined U/sec. 239 Cr.P.C by framing the charges for the offences U/sec. 498-A, 506 of IPC and U/s.3 and 4 of Dowry Prohibition Act against the accused and the charges were read over and explained to them in Telugu, for which they pleaded not guilty and claimed to be tried.

6. In support of the case of the prosecution, the prosecution has examined P.W.s 1 to 5 and got marked Ex. P1 to P5. PW.1 is the victim. Pws.2 and 3 are parents of PW.1 to speak on presenting dowry, performing of marriage, harassment of accused for additional dowry and also to speak on mediation etc. PW.4 is to speak the fact of harassment of accused towards PW.1 and to speak on mediations. PW.5 is the police officer to speak of his registering FIR, conducting investigation and filing charge sheet. Out of six listed witnesses prosecution examined 1 to 5 and gave up the evidence of LW.5 as his whereabouts are not known.

7. On Closure of prosecution evidence and on perusing the evidence of P.Ws 1 to 5 the accused were examined U/s 313 Cr.P.C. explaining the incriminating material in the evidence of P.Ws 1 to 5 for which the accused denied the same and reported no defense evidence.

8. Heard both sides.

The learned Assistant Public Prosecutor for the State filed written arguments and also argued that all the witnesses to prosecution supported their case and the gifting of six cents of land by the grand mother of PW.1 itself shows the compliance of harassment for additional demand of dowry. He further argued that as PW.1 was dropped by accused himself, PW.1 waited with found of hope and as it being a matrimonial issue, waiting cannot be taken as delay in registering of FIR and Exs.P3 and P4 suffice the case of prosecution with regard to the presenting of gold ornaments etc., and thereby the prosecution is able to prove the guilt of the accused for the alleged offences.

9. Per contra the learned counsel for defence contended that no independent witnesses were examined by the prosecution to prove the allegations and gifting of the property cannot be treated as satisfying demand of additional dowry, but it was a matter of their family settlements and nowhere in entire record, the illegal intimacy was not brought on record and there were many omissions in the evidences of Pws.1 to 3 and even the police also not followed the investigation procedure and though there were allegations, they were not in specific nature and because of inconsistency of evidence of prosecution witnesses, the prosecution was not able to prove the guilt of the accused beyond reasonable doubts and as such the accused are entitled for acquittal and in support of their contentions the learned defence relied upon judgments reported **1) 2010 (1) SCC Criminal Page 1015 between Manju Ram Kalita Vs. State of Assam. 2) 2001 (1) ALD**

**Criminal Page 99 Supreme Court between Tarun @ Goutam Mukharji Vs. State of West Bengal, Sec.498-A case, 3) 1988 APLJ Criminal Page 179 of Hon'ble AP High Court between C.Veerudu and another Vs. State of Andhra Pradesh, 4) Criminal Law Journal Page 3611 Smt. Ripu Biswas and others Vs. Badal Biswas and others. 5) Police standing orders 536-6 and 537-1 D and G.**

10. Perused the record and now the points for determination are:

1. Whether PW1 was subjected to cruelty by the willful conduct of A1 to A5 which is likely to drive PW1 to cause grave injury or danger to life, limb or health (Whether mental or Physical) or coerced for bringing of additional dowry with common intention?
2. Whether the Accused No.1 to 5 caused criminal intimidation towards PW1?
3. Whether the Accused .No. 1 to 5 demanded or received any dowry from PW1 or from her family members?
4. Whether the prosecution is able to bring home the guilt of the accused the offences charged U/s.498-A and 506 of IPC and U/s.3 and 4 of Dowry Prohibition Act beyond all reasonable doubts ?”

To support the case of prosecution, the evidence of :

11. PW.1 / M.Deepthi, deposed before this court that on 22.8.2014, L.Ws.2 and 3 performed her marriage at Rayalaseema High School, Badvel and at the time of marriage her parents presented ten lakhs of cash and fifty tulas of gold towards dowry and after the marriage, A1 put up a separate family at Bangalore as he was working as Software Engineer at Bangalore there by which time A2 to A4 used to visit Bangalore frequently and by then A2 to A4 harassed for additional dowry of ten lakhs as she brought less dowry. She further deposed that thereafter A1 got transfer to Hyderabad and took a house for rent at the house of A5 at ChandaNagar, Hyderabad and there too A2 to A5 used to visit frequently to her house and by that time she was pregnant of four months and all the accused used to ask her todo entire work. She further deposed that during her seventh

month, she got stomach pain and the accused did not provide any treatment and as such she made a phone call and her parents brought her to Kadapa for treatment and she gave birth to male child on 17-8-2011 and thereafter some days her parents took her to Hyderabad and left her at her husband's house and in the month of January, 2012, A2 to A4 came to Hyderabad and demanded her for additional dowry of ten lakhs and threatened her that if she will not provide ten lakhs they will neck her out and as such she informed the same to Lws.2 and 3 and her grand mother got registered Ac.0-06 cents of land/ Ex.P2 in her favour for her but the accused did not satisfy and in the month of January, 2012, A2 to A4 again demanded her to sell away the land of Ac.0-06 cents and bring money and give them and if she fails to bring the money they will make A1 to give divorce to her and A2 to A4 also threatened her to murder her by pouring kerosene. She further deposed that in the month of July, 2012, A1 always used to beat her indiscriminately and then by hearing her voice, the neighbours came to rescue her from the hands of A1 and he did not listen their words and again used to beat her and due to unbearable harassment made by accused she used to hide herself in the bathroom and A1 is having illegal contact with A4 and by hearing the words of A4, A1 used to beat her and abused her for not bringing the additional dowry and he used to necked out her from his house and A1 forced her to commit suicide with knife and in the month of August, 2013, A1 left her in her parents house and went away by stating that he will come within one week and he did not come back and later LW.2 and 3 called Lws.4 and 5 for panchayat at Badvel at her in laws house and in that panchayat they told her that unless she brought ten lakhs they will not allow her to reside with them and in the month of February, 2014, A1 to A4 came to her parents house by forcing her to give divorce for which she refused to give divorce and then they assaulted her and beat her with hands and legs and her parents

rescued her from their hands and thereafter she went to Mahila police station and gave complaint / Ex.P1, dt: 1-3-2014 and she was examined by police and her statement was recorded.

During her cross examination he admitted that her marriage took place on 22-8-2010 but not in 2014 and A2 and A3 are residents of Badvel and A5 is the elder brother of A1 and A4 is the wife of A5 and A2 and A3 are the parents of A1. She also admitted that the marriage of A5 took place prior to her marriage in the year 2006 and by the time of her marriage A4 and A5 are residing at Hyderabad and at the time of her desertion A4 and A5 resided at Nagapur and they were blessed with two male children and at the time of marriage A1 was employee at Bangalore and she was also post graduate and the marriage was taken place keeping in view of their higher education and one Ramaiah is a mediator for their marriage and she also admitted that she had not mentioned in her report that her parents presented dowry at the demand of A1 to A3, only and A1 and A5 are the only children to A2 and A3 who are the only legal heirs for all the properties of A2 and A3, and her son is also a coparcenor in the ancestral property of her husband and she do not know where A2 and A3 sold away some of their properties and purchased some more properties and she admitted that while gave the evidence before the 1st Addl.Junior Civil Judge's Court, Kadapa in DVC.No.19/2014 in which she deposed that A2 and A3 deposed off some of ancestral properties and purchased some more properties with those sale proceeds on their name. She admitted that Mundalapalli is the native of her maternal grand mother that Ex.P2 was executed when she was living with A1 which was in her favor only. She also admitted that nowhere in her chief examination evidence deposed in M.C.No.12/2014 on the file of Hon'ble Judge Family Court, Kadapa, before 1st Addl. Junior Civil Judge's court, Kadapa in DVC.No.19/2014, in her report or even in 161 Cr.P.C., statement

with regard to the allegation of A1 having illicit contact of A4. She also admitted that she had not filed any divorce petition against her husband on the ground of his having illicit contact with A4 or even on the ground of cruelty towards her and she had not issued any legal notice informing of her reunion with A1 if he mends his way. She also admitted that A1 issued a legal notice for restitution of conjugal rights through his counsel from Bangalore and after six months of her lodging report to the police in this case. She also admitted that after her marriage they set up their family at Bangalore for a period of six months and they also resided at Hyderabad for a period of 2 ½ years and during the month of August, 2013 they got separate and she gave a report to police in the month of March, 2014 and she sustained injuries when the accused beat her but she had not given any report or taken treatment for injuries sustained by her. She further admitted that during the month of 2013, A1 dropped her and her son at Kadapa and went away and LW.4 and LW.5 are the mediators to pacify the disputes and one Mallikarjuna Reddy is the relative of accused and that Mallikarjuna Reddy gave evidence in M.C., case and DVC case on behalf of accused who was also a native of Mandlapalli village, to which her maternal grand mother belongs, who is not a relative to her grand mother. She further stated that she do not know whether her maternal grand mother is also called as Seethamma and she know the evidence given by him in the matters of M.C. case and also in DVC case. She also admitted that he deposed before those courts that she as insisting for properties of accused and she also admitted that she had not mentioned in his name in the report given by her and she further admitted that no mediation took place at police station at any point of time and she denied the suggestions of her speaking falsehood and asking A1 to bring equivalent property from his parents to that of property brought by her from his parents and that is the reason for disputes between A1 and her and she



also denied the suggestions of consent of A1 to have reunion in each and every mediation that was held and her lodging a false case only with an intention of getting properties on her childrens name.

12. PW.2/K.Bala Venkata Reddy deposed before this court that on 22.8.2010 the marriage of PW.1 was performed with A1 and at the time of marriage they gave ten lakhs of cash and 50 tulas of gold on their demand to accused and they purchased gold ornaments at Proddatur on the instructions of A1 and A2 and they purchased 420 grams of gold worth Rs.8,40,000/- at Mahalakshmi jewellery and also purchased gold of Rs.1,50,000/- at Shiva Sai Jewellers, Kadapa and by the time of marriage A1 is Software Engineer at Bangalore and after marriage they put up family at Bangalore and A2 to A4 used to harass PW.1, on the ground that PW.1 brought lesser dowry and during the month of March, 2011 A1 got employment at TCS, Hyderabad and as such they put up separate family near the house of A5 and there PW.1 was subject to harassment even if not providing with a cot and PW.1 was asked to attend the house hold works instead of a maid though she was pregnant and as A1 had not provided medical aid, PW.1 called them on phone with crying and as such he went Hyderabad and brought PW.1 to kadapa and got delivered her and after five months they again sent PW.1 to Hyderabad and during in the month of January, 2012, A2 to A5 asked PW.1 to bring additional dowry as she brought ten lakhs only. During the month of May, 2012 the maternal grand mother of PW.1 gifted Ac.0-06 cents of land in the name of PW.1, even for which accused had not satisfied and on one day at midnight A1 necked out PW.1 from his house and used to beat his son also and thereby being unbearable of beating at some times, PW.1 hide herself at bathroom and in the month of August, 2013, A1 dropped PW.1 at his house and went away by saying that he will return in a week and he along with LWS.3 to 5 went to Badvel and conducted mediation and by that time also

accused asked additional dowry of ten lakhs to receive his daughter and A2 used harass PW.1 frequently. She further deposed that on 1-2-2013 A1 to A5 came to Kadapa to his house and demanded PW.1 to give divorce or else to give additional dowry of ten lakhs and they beat PW.1 indiscriminately with their hands and legs and then he along with Lws.2 to 5 intervened and in inevitable circumstances PW.1 gave a report to police on 1-3-2014 and he also accompanied with her and thereafter police examined him and recorded his statement.

By the time of evidence PW.2 produced documents alleged to be the evidence of purchasing gold along with 8 slips showing measurements on one face and their value on the other face belonging to Sri Mahalakshmi jewellery and weigh slips / Ex.P3 they were marked subject to their proof and relevancy. He also purchased 2 slips in the name of Sri Shiva Sai jewellers having measurements on one face and their value on the other face/ Ex.P4 and they were also marked subject to their proof and relevancy.

During the cross examination he admitted that accused are the residents of Badvel and they had filed cases under M.C., and Domestic Violence Act against the accused and mediation took place at one time before protection officer during the proceedings of DVC as the protection officer gave a date of appearance of both the parties after giving a complaint and in the said mediation, no discussion took place with regard to reunion of PW.1 with the accused and with regard to taking of divorce. He also admitted that the case facts are having consistency with the other cases of M.C., as well as a case under Domestic Violence Act and he known the facts of those two cases also. He also admitted that he was present in the court hall by the time of giving evidence by PW.1 in DVC case to have an idea of questions to be posed. He also admitted that he came to know all these facts through her daughter only and they have not reduced in writing with regard to the

items to be given by one party to the other on the occasion of marriage and PW.1 not filed any DVC petition on the ground of cruelty and he had not advised PW.1 to give a legal notice to accused for restitution of conjugal life and A1 had not got issued any legal notice seeking divorce and he also admitted that she had instructed PW.1 in the said house and without asking all these, just they asked for one crore rupees as monetary relief. He also admitted that even by the time of filing case under DVC, A4 and A5 left to Nagapur. He further admitted that he know the difference between an Estimate and a bill and nowhere in Ex.P3 or P4 it was reflected that who paid the amount or any amount and whether the items were delivered or not and he further admitted that A1 had not filed any divorce petition against PW.1 and issued a legal notice for restitution conjugal rights and he denied the suggestions of his speaking falsehood and not stating before the police with regard to harassment committed by A2 to A4 against PW.1 for bringing lesser dowry and not even providing a cot and a maid. He also denied the suggestions of Ex.P3 and P4 being fabricated documents for the sake of this case in the recent past and LW.5 was also present when the accused came to his house and made galata and dragging the cases to get the property of accused.

13. PW.3/ S.Padmavathamma, deposed before this court that the marriage of PW.1 was performed with A1 on 22-8-2010 and at the time of marriage, of PW.1 they gave a dowry of ten lakhs cash and 50 tulas of gold and within a span of one month of their marriage, PW.1 and A1 set up a family at Bangalore and thereafter some days A2 to A4 used to harass PW.1 for bring of less amount of dowry and A2 to A5 used to visit Bangalore frequently and at the time of their stay with A1 they all harassed PW.1 for bringing of less amount of dowry for which A1 supported them and he too harassed PW.1 and thereafter as PW.1 got employment at Hyderabad she

shifted his family to Hyderabad at Chanda Nagar, near by the house of A5 and by that time PW.1 was carrying and at that time they have not provided any medical aid to her and harassed by letting her to do entire domestic work and even not provided a bed to sleep. She further deposed that as PW.1 felt severe stomach ache she called them to phone and thereupon they went there and brought her with them after providing medical aid at Hyderabad and PW.1 got delivery on 17-8-2011 and gave birth to a male child and during the month of 5<sup>th</sup> month of the child they brought PW.1 to Hyderabad and in the month of January, 2012 all the accused harassed PW.1 for bringing of additional dowry and they threatened to necked her out from the house and the same was informed to them through PW.1 and by that time her grandmother gifted 0-06 cents of land in the name of PW.1 and even then, as the property was not brought on their name accused harassed PW.1 during the month of June 2012 and A2 to A4 threatened PW.1 to pour kerosene on PW.1 and lit her fire and thereafter A1 increased his harassment and used to beat both PW.1 and his son everywhere and on one night accused necked out from his house and even humiliated her as to why she is not committing any suicide. She further deposed that A1 had illegal intimacy with A4 and they both moved indecently before PW.1 and A1 used to beat PW.1 whenever he received a phone call from A4 and he used to threaten PW.1 that A2 can do anything if PW.1 do not heed the words of A2 and A2 to A5 used to visit A1 and abused PW.1 inspite of the work attended by her and in the month of August, 2013, A1 dropped PW.1 and her son at her house and went away and thereafter no one turned them but mediations were held through Lws.4 and 5 and in that the accused stated PW.1 will be allowed if she brings additional dowry only and in February, 2013 all the accused came and made discussions for want of divorce if they wont give additional dowry for which PW.1 denied and accused beat her along with PW.2 and when LW.4

intervened they pushed them away and thereupon on 1-3-2013, PW.1 gave a report in Mahila Police Station and police examined her and recorded her statement.

During the cross examination she admitted that they had not stated before the police that A2 to A4 used to harass PW.1 for bringing of less amount of dowry and that frequent visit of A2 to A4 to Bangalore and their stay with A1, their harassment of PW.1 for bringing less amount of dowry and not providing any medical aid to PW.1 when she was conceived, and harassing her to do entire domestic work and even not providing any cot to sleep and except more about demanding of dowry. She also stated that her mother had not given any property in her favor and she had not stated that nowhere it was mentioned that A1 is having illegal intimacy with A4 and accused necked her out from his house and humiliated her as to why she had not committed suicide and whenever A1 received phone calls from A4 he used to threaten PW.1 that A2 can do anything if PW.1 do not heed the words of A2 and that A2 to A5 used to visit A1 and abused PW.1 by her. She denied the suggestions of her speaking falsehood and foisting a case against accused as A1 denied to get his share from his ancestral property.

14. PW.4/S.Jayachandra Reddy, deposed before this court that PW.3 is his sister and the marriage of PW.1 was performed with A1 on 22.8.2010 at Badvel at which time PW.2 and 3 gave an amount of Rs.Ten lakhs and fifty tulas of gold towards dowry and by the time of marriage, A1 is working as a Software Engineer at Bangalore and after six months of marriage he came over to Hyderabad and resided at Chanda Nagar and A4 and A5 are also residents of same locality and thereafter PW.1 gave birth to a male child and thereafter disputes arose between them and the accused demanded additional dowry of ten lakhs and PW.1 used to inform the same on phone to them. Thereafter her mother gifted six cents of land in favor of

PW.1 and even though the accused had not satisfied with the same and accused began to demand additional dowry and in the month of August, 2013, A1 brought PW.1 to Kadapa and thereby so saying that he will return with in one week and to take away her, but he had not turned again. He further deposed that thereafter he along with Pws.2 and 3 went for mediation at Badvel but then the accused said that unless the additional dowry of ten lakhs is paid, they will not allow PW.1 to lead her marital life and on 1-2-2014, A1 to A5 came to the house of PW.1 by which time he was present there and they began to shout to give divorce, but PW.1 had not agreed the same and the accused beat PW.1 with hands and legs and threatened that they will send to jail and on, hearing such shouts the neighbours came and pacified the issue and thereafter the accused went away and thereby in the month of March, PW.1 gave a complaint to police and thereafter police examined him and recorded his statement after one week from the date of giving complaint by PW.1.

During the cross examination he admitted that he had gone through statement recorded by police by then and also on the day of giving evidence before this court and also admitted that he had not stated before the police that after six months of marriage of A1 came over to Hyderabad, resided at Chanda Nagar near by the locality of A4 and A5 and that informing the incident by PW.1 through phone to him. He also admitted that he is not residing with Pws.2 and 3 under one roof and they are three sons to her mother and some more property other than the property gifted to PW.1, his mother had not given any property to PW.3, though she is mother to her and they all three brothers sold away the remaining properties of her mother and he also admitted that as there is no other remained after selling, gifted those six cents of land to the daughter of PW.3 and PW.1 stayed away from A1 for a period of six months prior to giving report to police. He also admitted that

they had not given any report to police and the alleged date of incident and he had not gone to police station with them, but he was informed that the police advised to have mediation and to his understanding mediation means either to rejoin or to face the legal proceedings and accused had not accepted the terms of PW.1, and he do not know whether the accused is having any ancestral property at Badvel or not and they performed the marriage of PW.1 with A1 believing their statement, that the accused are having properties. He also admitted that A1 had not legally demanded for divorce and he know PW.1 filed the cases under Maintenance and also Domestic Violence against accused. He further admitted he had no personal knowledge of all the above incidents except knowing through P W.1 and the marriage of PW.1 and A1 was arranged as both are educated and will live happily with their earnings. He also admitted that his brother one Ravi Sankar Reddy deposed in DVC case filed by PW.1 and he denied the suggestions of his speaking falsehood and the main disputes between PW.1 and A1 with regard to the ancestral property of A1 only and not more than that and they foisted this case.

15. PW.5/B.Madhusudhan Goud, the than Circle Inspector deposed before this court that on 1-3-2014 at about 1-30 pm, PW.1 came to police station and gave a written Ex.P1/report, upon which he registered a case in Cr.No.9/2014, U/sec.498-A, 506 of IPC and Sec.3 and 4 of DP Act/ Ex.P5 and thereafter he examined and recorded the statement of witnesses and arrested the accused and on completion of his investigation he laid charge sheet in this case.

During cross examination he admitted that each and every investigation of a case shall be recorded in a case diary with its daily proceedings and he had not recorded his visit to Bangalore and Hyderabad to confirm the family life of accused with PW.1. He also admitted that the entire

investigation in any case will be recorded either in part-I or Part-II case diaries and his investigation does not reveals that PW.1 lived with accused at Kadapa and also the exact place of residence of PW.1 and the accused either at Hyderabad or at Bangalore and PW.1 did not state before him that she was carrying fourth month pregnancy, she was made to attend the entire work and PW.2 did not state before him that A2 to A4 harassed PW1 for bringing of lesser dowry and that PW.1 had not provided medical aid and that A1 had not provided medical aid and that she called him on phone and that after delivery and five months thereafter, they again sent PW.1 to Hyderabad and there A2 to A5 asked PW.1 to bring additional dowry and that her maternal grand mother gifted Ac.0-06 cents of land and that, on the midnight, A1 necked her out and his son also and that, on 1-2-2013, A1 to A5 came to his house at Kadapa and demanded to give additional dowry of Rs.10-00 lakhs and by that time, Lw.5 was also present there. He also admitted that no documentary evidence was produced by PW.1 to 3 with regard to either giving of dowry or gold and PW.3 did not state before him that A2 and A4 used to harass PW.1 for bringing of less amount of dowry and that A2 to A5 used to visit Bangalore frequently and that on the time of their stay with A1, they all harassed PW.1 for bringing less amount of dowry and that when PW.1 conceived, accused had not provided any medical aid to her and harassed her and they let her to do the entire domestic work and even not provided bed to sleep and that, when PW.1 fell ill she called them and thereupon, they went there and brought her with them after providing medical aid to her there at Hyderabad and that A2 and A4 threatened PW.1 to pour kerosene on PW.1 and lit her to fire. He also admitted that none of the witnesses stated before the him that A1 is having illicit contact with A4 and as per police standing orders, there is specific line of investigation was mentioned with regard to the investigation of case U/s.498-A of IPC and he denied



suggestions of his violating those standing orders though there were no ingredients of Sec.498-A of IPC, he registered a case, investigated for that offence inspite of existence of property disputes.

16. On perusing the evidence of Pws.1 to 5 it is an admitted fact that the marriage of PW.1 was performed with A1 in the year 2010 and thereafter they both lived at Bangalore for some time and thereafter because of employment A1 came over to Hyderabad and set up family and during their stays both at Bangalore and Hyderabad A2 to A5 used to have frequent visits and they used to harass the accused for want of additional dowry. As seen from the evidences of witness no specific overtact was spoken against A1 and A5. The entire evidence was against A2 to A4, Pws.2 and 3 being the parents of PW.1 and PW.4 the maternal uncle of PW.1, also deposed before this court had no deposed the nature of harassment by way of specific overtact and the same was not brought on record against any of the accused. But PW.1 deposed that A2 to A4 used to harass her for additional dowry of ten lakhs when their visit at Bangalore and A2 to A5 used to visit Hyderabad frequently. As seen from the evidence of PW.5 the investigating officer many omissions were brought on record with regard to stay of PW.1 at Kadapa with the accused and harassing of accused to attend the entire work even at the time of her pregnancy and not providing even a cot to her and non providing any medical aid to A1 and as such only Pws.2 and 3 came over there and took her. The marriage was performed in the year 2010 and she came over to her parents house in the year 2013 with a child and the report was given during March, 2014. It was specific evidence of PW.1 that in the month during 2012 she was beat indiscriminately by A1 and she was rescue by neighbours. But no such witness being a neighbour was not examined before this court to prove that. No case was filed by accused against de-facto complainant and it was brought on record that de-facto complainant filed the

case against accused. Though the illicit contact of A1 with A4 was deposed before this court through prosecution witness it was not stated before the police and no cogent evidence was brought on record in this regard. So as so prosecution witnesses deposed that during the month of February, 2014 A1 to A4, visited the place of de-facto complainant at her parents house and forced her to give divorce and when she refused they all beat PW.1, but none of the neighbouring witness were examined in this regard. But the said incident was supported by PW.4 in his evidence who is a relative of Pws.1 to 3. he also admitted that they had not given any report to police on that particular day of incident and just he advised them. No other independent witnesses were examined for the alleged assault. Taking into consideration of the evidences of Pws.1 to 3 for a while with regard to gifting of property is the outcome of harassment of accused for additional dowry, the evidence of PW.4 lessens its weight as PW.4 deposed that they were four children to his mother among whom PW.3 is one and only daughter and all their three brothers sold away the properties of her mother learning a share of the six cents of land which was gifted to PW.1 and there were no more lands to his mother and his mother had not given any property to PW.3. Basing on that, the attempt of prosecution to prove that the six cents of land was gifted to PW.1 only to satisfy the demand of accused cannot be relied upon in toto. It was also brought on record that one Mallikarjuna Reddy and LW.4 are the mediators and the said Mallikarjuna Reddy gave the evidence in Maintenance case and DVC case on behalf of the accused who is also a native of Mundlapalli village to which her maternal grandmother belongs. But the prosecution had not chosen to examine that Mallikarjuna Reddy for the reasons best known to them. She also admitted that no mediation took place at police station. Pws.2 to 4 came to know of the harassment of accused through PW.1 only and they are hearsay witnesses. The prosecution

placed Exs.P3 and P4 before this court which are of weighing slips and estimates which cannot reflect with regard to any payments and there were no signatures of vendor and Vendee and as such though prosecution produced those to be evidence, they cannot be considered in spite of the case of the prosecution for any of the alleged offences. It is clear from the evidence of PW.2 that even in the mediation held before the protection officer no discussion was taken place with regard to re-union or of divorce. It was also brought on record that in the DVC except seeking the relief of one crore rupees as monetary relief they have not asked anything more. PW.2 also admitted that he had no personal knowledge of the incident excepting knowing through PW.1. Before coming to a conclusion this court perused the judgments relied upon by the learned defence. As was observed by the Hon'ble Apex court in Para NO.12 to 28 in the judgment reported in **1) (2010) 1 Supreme Court Cases (Cri) 1015, Manju Ram Kalita Vs. State of Assam** that mental and physical torture was continuous on part of Appellant as there was no complaint against him between 1993 to 1997 i.e., leaving matrimonial home by wife and performing the 2<sup>nd</sup> marriage by husband and as such the conviction U/sec.498-A is set aside. For the case on hand also PW.1 was dropped in the month of August, 2013 and the report was given in the month of March, 2014 and though an incident said to have been taken place in the February, 2014, there was no complaint in that regard and as such the happening of such incident cannot be believed. As was observed by Hon'ble Apex court reported in 2<sup>nd</sup> judgment in paragraph No.3 in **2001 (1) ALD Criminal Page 99 Hon'ble Supreme Court of India Tarun @ Gautam Mukherjee V. State of West Bengal** as such material omissions would discredit her version in Court, for the case on hand also as per the evidence of investigating officer there were many of material omissions and as such their evidences cannot be held good. On perusal of

the judgment reported in **1988 APLJ Criminal Page 179 AP High Court, C.Veerudu and another Vs. State of Andhra Pradesh** in para No.12 it was observed that “adverting to the standards of proves for cruelty in Civil and Criminal law it is noted with cruelty is one of the grounds for grant of relief of judicial separation or divorce under the Hindu marriage act. But in the case on hand it was also brought on record neither accused nor PW.1 preferred any applications before any appropriate court to believe the harassment. From the evidence of prosecution it is clear that except filing of Maintenance case and a case under Domestic Violence Act seeking monetary relief of one crore rupees, the court cannot come to a safe conclusion that there were cruelty on the part of accused for the want of additional dowry as was also observed by Apex court in the same Judgment at paragraph No.20, as these salutary provisions cannot be allowed to be misused by relatives, parents, etc., the glaring reality cannot be ignored that the early trend of false implication with a view to harass and black mail and innocent spouse and his relatives, is fast emerging. It is time to stop this unhealthy trend which results in unnecessary misery and torture to numerous affected persons. Even with regard to the omissions to make reference of demand in 161 Cr.P.C., statement the observations made in para No.21 can be considered. Apart from all that the investigating officer had not examined the relative of accused also as was specifically contemplated under police standing order 537 more specifically in clause (3) (d) and (g).

17. Thus, basing on all above discussions and observations the prosecution was not able to bring home the guilt of accused beyond reasonable doubt for the alleged offences and as such A1 to A5 are acquitted for the offence U/sec.498-A, 506 IPC and Sec.3 and 4 of DP Act.

In the result, Accused Nos.1 to 5 are found not guilty and they are acquitted for the offences punishable U/s.498”A”, 506 IPC and U/s.3 and 4

of D.P. Act U/s.248(1) CrPC. The bail bonds of accused shall stands in force for a period of six months U/sec.437(A) Cr.P.C., and that they shall appear before the Appellate Court in the event of their receipt of summons within six months from today. The unmarked case property if any, shall be destroyed after expiry of appeal time.

*Typed to my dictation directly on computer to the Stenographer Grade - III, corrected and pronounced by me in the open court, this the 28<sup>th</sup> day of June, 2017.*

Sd/-Pavan Kumar Aka,  
Judl. Magistrate of I Class,  
Spl. Mobile Court, Kadapa.

APPENDIX OF EVIDENCE  
WITNESSES EXAMINED

FOR PROSECUTION

PW1: M. Deepthi

PW2: K.Bala Venkata Reddy

PW.3: S. Padmavathamma

PW.4: S. Jayachandra Reddy

PW.5: B. Madhu Sudhan Goud

FOR DEFENCE

- NIL -

EXHIBITS MARKED FOR PROSECUTION:

Ex.P1 : Complainant

Ex.P2 : Gift settlement deed, dt: 21-5-2012

Ex.P3 : Estimate along with (8) No's slips in the name of Sri Mahalakshmi Jewellery of weighing slips

Ex.P4 : Two No's slips in the name of Siva Sai Jewellery having measurements

Ex.P5 : Original FIR

Exhibits marked for Defence: - Nil-

Material Objects Marked : - NIL -

Sd/-P.K.A.,  
J.F.C.M.,  
Spl. Mobile Court,  
Kadapa.

// TRUE COPY //

Judl. Magistrate of I Class,  
Spl. Mobile Court, Kadapa.