

**THE COURT OF THE JUDICIAL MAGISTRATE OF I CLASS SPECIAL
MOBILE COURT:: NELLORE.**

**Present: - Smt.N.Lavanya,
Judicial Magistrate of I Class Special Mobile Court,Nellore.**

Dated, this the Twelfth(12th) day of May, 2023

C.C. No.113/2022

State: Sub-Inspector of Police,
Disha Women Police station,Nellore.

... Complainant

Vs

1. Eega Jaswanth S/o Srinivasulu,
aged 28 years, Sivalayam street,
Kovur village and mandal,
N/o RF Road China Padugupadu, Kovur,
SPSR Nellore District.

2. Eega Padmavathi, W/o Srinivasulu,
aged 54 years, Sivalayam street,
Kovur village and mandal,
N/o RF Road China Padugupadu, Kovur,
SPSR Nellore District.

..Accused No.1 & 2

This case coming for final hearing before me in the presence of the learned Assistant Public Prosecutor for the complainant and Sri. BV.Madhusudana Rao, advocate for accused and upon 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

1. The Sub-Inspector of Police, Disha Women police station, Nellore filed charge sheet against the accused No. 1 & 2 in Crime No.210/2021 for the offence under sections 498-A & Sec. 3 & 4 of DP Act.

2. The brief averments of the prosecution case are as follows: -

Alladi Althuri Poojitha @ Ega Poojitha marriage was celebrated with A1 on 25.11.2020. At the time of marriage as per the desire of A1 & A2 her parents gave Rs.5.70 lakhs, 20 sovereigns of gold and 1 Kg Silver Articles towards dowry and bared Rs.10 lakhs for marriage expenses. A1 working in Railway Department. After celebrated

her marriage she had stepped into her marital house and led her marital life only few days. Later A1 & A2 started harassment both mentally and physically by way of suspected her fidelity with the instigation of A2. Later both A1 & A2 instruct to bring additional dowry of Rs.10 lakhs by way of sold the property belongs to her parents and A1 taken over her bank pass book, ATM Aadhar card, clothes etc by forcibly and necked from house. Later her parents made negotiations but did not change in his attitude. Due to unbearable harassment LW.1 gave report in Women PS on 24.8.2021.

3. On appearance of accused No.1 & 2 before this court, copies of documents as contemplated under Sec.207 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C') were furnished and when they are examined under Sec.239 Cr.P.C about the substance of allegations in the charge sheet, the accused denied the same and hence charges under sections 498-A IPC & Sec. 3 & 4 of DP Act is framed, read over and explained to them in Telugu for which they pleaded not guilty and claimed to be tried.

4. To prove its case, the prosecution has examined PWs.1 & 2 got marked Exs.P.1 to P3. PWs.1 & 2 are examined turned hostile and not supported the prosecution case. Hence LWs. 4 to 8 given up by the learned Assistant Public Prosecutor.

5. As there is no incriminating material against accused examination under section 313 Cr.P.C is dispensed with.

6. Heard both sides.

7. Now the point for determination is:

Whether the prosecution is able to prove the guilt of the accused beyond all reasonable doubt for the offences alleged against them?

POINT: -

8. It is the evidence of PW.1 in support of the case of the prosecution, the victim/defacto complainant got examined as PW.1. She is the material witness to this case, has not supported the case of prosecution, PW.1 deposed that they lived happily for some time and later misunderstandings arose between her husband and herself in that connection elders got obtained her signature on some white paper except that she did not know anything. PW.1 further deposed that A.1 & A2 never subjected her to any cruelty and they never took any dowry at the time of marriage and later never demanded any additional dowry and that she has no objection to acquit A.1 & A2 from this case. She further deposed that police never examined her and recorded her statement. PW.1 completely turned hostile without deposing any incriminating material against accused persons. She compounded this case with them out of the court at the instance of elders. The learned Assistant Public Prosecutor declared the witness as hostile and got examined the witness(PW.1) with permission of the court. But failed to elicit any useful information except marking of Exs.P1 & P2 which are signature on statement of PW.1 and U/s 161 Cr.P.C statements of PW.1. PW.2 deposed that he did not know anything about the present case or its facts and police never examined and recorded his statement. Ex.P3 is the 161 (3) Cr.P.C statement of PW.2. As the material witnesses turned hostile the learned Assistant Public Prosecutor has given up all further prosecution witnesses contending that no purpose would be served by examining them.

9. In cases of this sort,when the material witnesses have given up go by to the case of prosecution, the prosecution can no longer

edifice the case against the accused for the offences charged. There is no material evidence to attract the offences charged against the accused. Thereby this court determined the point holding that the prosecution failed to establish the guilty of the accused for the offences Under sections 498-A IPC & Sec. 3 & 4 of DP Act beyond all reasonable doubt.

10. In the result, this court found the accused A.1 & A2 not guilty for the offences punishable Under sections 498-A IPC & Sec. 3 & 4 of DP Act and accordingly, they are acquitted under section 248(1) Cr.P.C. The bail bonds Accused if any shall remain in force for a period of six months as per Sec.437-A Cr.P.C in this case no property is produced, hence no property order is passed.

Typed to my dictation by the Stenographer, corrected and pronounced by me in the open court this the 12th day of May, 2023.

Judicial Magistrate of I Class Special
Mobile court, Nellore.

APPENDIX OF EVIDENCE **WITNESSES EXAMINED**

Prosecution:

Defence: None.

P.W.1 : Althuri Poojitha @ Eega Poojitha

PW.2 : Althuri Damodara Rao

EXHIBITS MARKED:

Prosecution:

Ex.P1: Signature of PW.1 in her complaint.

Ex.P2: Sec.161(3) Cr.P.C statement of PW.1

Ex.P3: Sec.161(3) Cr.P.C statement of PW.2

MATERIAL OBJECTS MARKED

-NIL-

J.M.F.C.SPL.MOBILE,
NLR.

