

IN THE COURT OF JUDICIAL MAGISTRATE OF FIRST CLASS, GUDIVADA

Present Smt.**M.Sudha Rani**
Judicial Magistrate of First Class, Gudivada

Monday, the 01st day of July, 2024

CALENDER CASE NO.932/2022

Between:

State: Sub-Inspector of Police,
Nandivada Police Station.

...Complainant

And

Kandula Suresh, S/o Kannaiah, aged about 32 Years, ST Colony, Nandivada Village and Mandal

... Accused

This case is coming on 27.06.2024 for final hearing before me in the presence of Learned Assistant Public Prosecutor for complainant-State and Sri S.Dastagiri, Learned Counsel for accused, and the matter 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, Nandivada Police Station, filed charge sheet against the accused in Cr.No.221/2022 on its file for the offence punishable under sections-498-A, 326, 324, 342 of Indian Penal Code (in short IPC).
2. Brief facts of the charge sheet are as follows :

P.W.2/Kandula Lakshmi's marriage was performed with the accused about 3 years back and during their wedlock, they were blessed with a female child. Subsequently, accused subjected P.W.2 to cruelty suspecting her fidelity. On 19.11.2022, accused quarreled with P.W.2. On the morning of 20.11.2022 at 9.00 a.m, P.W.2 who is mother of P.W.1 asked the accused to permit her to take P.W.2 to home for 4 days stay, but the accused denied, raised dispute, picked up quarrel, abused P.W.1 in filthy language. When P.W.1 raised objection, accused grew wild, fisted blows, took a stick, bet her indiscriminately and caused injuries to head and left arm. When, P.W.2 came to the rescue, accused bet her with stick, caused injuries. Their relatives shifted them to AGH, Gudivada for treatment. Basing on the statement of P.W.1, police registered a case against the accused in Crime No.221/2022 under Secs.324 and 323 of IPC and took up investigation. Basing on the statements of witnesses, police added Secs-498-A, 342 of I.P.C.

(ii) During the course of investigation, LW.11 examined the witnesses and recorded their statements. After completion of investigation L.W.11/SI of police filed charge sheet against the accused.

3. The case was taken cognizance by this court for the offence U/secs.498-A, 326, 324 and 342 of IPC against the accused.

4. On appearance of accused, copies of documents were furnished to him as contemplated U/Sec.207 of Cr.P.C. Accused was examined U/Sec.239 Cr.P.C. for the allegations levelled against him from the charge sheet contents, for which he denied. Charges framed for the offence under Sections- 498-A, 326, 324 and 342 of IPC against accused, read over and explained to him in Telugu, for which he pleaded not guilty and claimed to be tried.

5. On behalf of prosecution, P.Ws.1 and 2 were examined and got marked Exs.P1 and P.2. The learned APP given up the evidence of L.Ws.3 to 11/M.Satyavathi, B.Sony, S.Venkateswaramma, S.Lakshmi, M.Durga Rao, Y.Rama Krishna, Dr.Vidyadhari, K.R.M Rao and M.Chiranjeevi. Consequently prosecution side evidence is closed.

6. As there is no incriminating evidence appeared against accused, Sec.313 Cr.P.C examination is dispensed with. No defence.

7. Heard arguments of learned APP for the prosecution and the learned counsel for accused.

8. Now the point that arose for determination is as follows:-

Whether the prosecution has proved the guilt of accused beyond all reasonable doubt for the offence punishable under Secs.498-A, 326, 324 and 342 of IPC ?

9. **POINT:-**

To support the case of prosecution, P.Ws.1 and 2 were examined and got marked Exs.P.1 and P.2. P.W.1 gave statement before the police that accused is her son-in-law, P.W.2 is her daughter and the accused used to harass P.W.2 both physically and mentally, and the same was informed to her by P.W.2 and that on 23.11.2022, she went to the house of P.W.2 and accused, by that time accused

abused P.W.1 in filthy language, dragged her by caught hold of her hair and bet her indiscriminately with stick and that accused also bet P.W.2 with a stick and later they were shifted to AGH, Gudivada, wherein the police recorded her statement. Coming to the evidence of P.W.1 before the court, she did not whisper the contents of her statement given to the police and she simply deposed that she received injuries by fall on the ground and she do not know anything about the case. The case of prosecution was suggested to P.W.1, and she denied it as false, and therefore her Sec.161 Cr.P.C statement is marked as Ex.P.1.

10. P.W.2 who is daughter of P.W.1 also did not whisper about the harassment of her husband ie., accused and she simply deposed that she do not know anything about the case. The case of prosecution was suggested to P.W.2, and she denied it as false, and therefore her Sec.161 Cr.P.C statement is marked as Ex.P.2.

11. Since the material witnesses to the case did not support the case of prosecution, the learned APP given up the evidence of remaining witnesses. Therefore, it can be said that there is no evidence against accused to prove the alleged offence. Prosecution failed to establish its case against the accused beyond reasonable doubt and accused is entitled for acquittal.

12. **In the result**, accused is found not guilty for the offences U/Secs-498-A, 326, 324 and 342 of IPC and accordingly, he is acquitted U/Sec.248 (1) of Cr.P.C. Bail bonds of the accused, if any, shall be in force for further period of six months from the date of judgment as per Section 437-A of Cr.P.C, and thereafter shall stand cancelled. No property is produced in this case and hence, no property order is passed.

Typed to my dictation by the Stenographer, corrected and pronounced by me in the open court on this the 301st day of July, 2024.

Sd/Smt M.Sudha Rani.,
Judicial Magistrate of First Class,
Gudivada.

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

For Prosecution:

PW1/27.06.2024 : B.Pandurangamma

PW2/27.06.2024 : K.Lakshmi

For Defence:

-None-

EXHIBITS MARKED

For Prosecution:

For Defence:

Ex.P1/PW1 :Statement of P.W.1 recorded U/Sec 161 (3) - Nil-
of Cr.P.C

Ex.P2/PW2 : Statement of P.W.2 recorded U/Sec 161 (3)
of Cr.P.C

MATERIAL OBJECTS MARKED

--- NIL ---

Sd/Smt M.Sudha Rani.,
Judicial Magistrate of First Class,
Gudivada.

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JFCM, GDV

CALENDAR AND JUDGMENT

IN THE COURT OF JUDICIAL MAGISTRATE OF FIRST CLASS :: GUDIVADA_

C.C.No.932/2022

Date of offence	:	Prior to 20.11.2022
Date of report or complaint	:	20.11.2022
Date of apprehension of the accused	:	01.12.2022
Date of Release on bail	:	---
Date of commencement of trial	:	27.06.2024
Date of close of trial:	:	27.06.2024
Date of sentence or order	:	01.07.2024
Explanation of delay or remarks	:	No delay
Name of the Complainant	:	State: Sub-Inspector of Police, Nandivada P.S.
Name of the accused	:	

Kandula Suresh, S/o Kannaiah, aged about 32 Years, ST Colony, Nandivada Village and Mandal

Offence	:	U/Secs-498-A, 326, 324 & 342 of IPC
Finding	:	Found not guilty.
Sentence	:	

In the result, accused is found not guilty for the offences U/Secs-498-A, 326, 324 and 342 of IPC and accordingly, he is acquitted U/Sec.248 (1) of Cr.P.C. Bail bonds of the accused, if any, shall be in force for further period of six months from the date of judgment as per Section 437-A of Cr.P.C, and thereafter shall stand cancelled. No property is produced in this case and hence, no property order is passed.

Sd/Smt M.Sudha Rani.,
Judicial Magistrate of First Class,
Gudivada.

SUBMITTED TO:

THE HON'BLE I ADDITIONAL DISTRICT & SESSIONS JUDGE, KRISHNA, MACHILIPATNAM.

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JFCM, GDV

