

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF FIRST CLASS:
MUMMIDIVARAM**

PRESENT: SRI. S. SRINIVAS, B.COM.,LLM.

Judicial Magistrate of First Class, Mummdivaram

Monday, this the 17th day of April, 2023

C.C.No.39/2022

Between:

State Sub -Inspector of Police
Mummdivaram P.S.

...Complainant.

And

1) Bandaru Govind, S/o.Narasimha Murthy, age 38 years, C/ST-Yerukula, Seela Village, Kajuluru Mandal.

2) Bandaru Narasimhamurthy, S/o.Bandhaari Venkanna Late, age 72 years, C/ST-Yerukula, D.No.2-72, Meraka Veedhi Street, Seela Village, Kajuluru Mandal.

3) Bandaru Yesamma, W/o.Narasimhamurthy, age 68 years, C/ST-Yerukula, D.No.2-72, Meraka Veedhi Street, Seela Village, Kajuluru Mandal.

...Accused

This case is coming on 17.04.2023 for final hearing before this court in the presence of learned A.P.P for Prosecution and of Sri K.V.Srinivasa Rao 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, I.Polavaram Police Station filed charge sheet against the accused for the offence U/Sec. 498-A, 324, 506 IPC and Sec.3 and 4 of D.P.Act.

2. The brief averments of the charge sheet are as follows:

The complainant/Bandaru Sujatha is the legally wedded wife of accused. Their marriage was performed on 19.06.2021. At the time of marriage, parents of complainant presented Rs.1,00,000/- towards dowry, Rs.30,000/- valuable things, one sovereign of gold, 10 cents of land. After marriage, A1 started harassing her both mentally and physically by suspecting her with the active support of A2 and A3. So many times, mediation took place, but there is no change in the attitude of accused.

During their wedlock, they blessed with two sons. Meanwhile, A1 to A3 harassing her for additional dowry of Rs.1,00,000/-. In the year 2019, A1 to A3 necked out her from matrimonial home and having no other go, she went to Somudevarapalem Village, back side of the Narayanaraju Hospital for rent. On 13.02.2020 at about 08.00 pm, A1 came to rented house, suspecting her and beaten her with stick on her head and caused swelling injuries and he also tried to kill her. A1 also committed criminal intimidation by chatting and phone calls as he will kill her and children.

Basing on the report of LW1/Bandaru Sujatha, LW11/K.V.Nagarjuna, SI of Mummidivaram P.S registered a case in Cr.No.80/2021 and on completion of investigation, LW12/K.Suresh Babu, SI of Police, Mummidivaram P.S laid charge sheet against A1 to A3 for the offence U/sec.498-A, 506 IPC and Sec.3 and 4 of D.P.Act.

3. The case was taken on file against A1 to A3 Under Section 498-A, 324, 506 IPC and Sec.3 and 4 of D.P.Act.

4. After appearance of A1 to A3, copies of the case documents were furnished to the accused as required U/Sec.207 Cr.P.C and the accused were examined U/sec.239 Cr.P.C for the offence U/Sec.498-A, 324, 506 IPC and Sec.3 and 4 of D.P.Act read over and explained the acquisition against accused in Telugu for which they denied the offence, pleaded not guilty and claimed to be tried. Hence for trial.

5. The prosecution in support of it's case, examined P.W 1 and got marked Exs.P1 and P2 as detailed in the appendix of evidence.

6. The examination U/sec. 313 Cr.P.C. is dispensed with as there is no incriminating material against the accused.

7. Now the point for determination is that:

“Whether the prosecution has proved the guilt of Accused for the offence punishable U/Sec.498-A, 324, 506 IPC and Sec.3 and 4 of D.P.Act beyond all reasonable doubts or not?”

P O I N T:

8. The Learned A.P.P submitted her arguments that material witness PW.1 deposed against accused and Ex.P1 and P2 marked which are sufficient to connect the accused for the offence leveled against him and prays to punish the accused according to law.

9. The Learned Counsel for A1 to A3 submitted that there is no material on record from both the evidences of PW.1 who is the material witnesses. The case is compromised between complainant and accused. She herself not supported the prosecution case and deviated from her previous version before police under Ex.P2 i.e., 161 Cr.P.C statements of PW.1. Hence, prays to acquit the accused.

10. Perused the evidence of PW1. As per the version of PW1, she simply stated that some petty disputes taken place in her family life. She do not know the contents of report given by her before police and at the advice of elders only she signed on complaint. She never faced any specific harassment in the hands of her husband. Presently, she is residing along with her children at Mummidivaram separately. Ex.P1 is her signature. Coming to cross examination, she clearly says that the matter was compromised between herself and accused. The version of material witness shows that she settled with the accused out side the court in the presence of elders. Hence, the remaining witnesses on record were given up by Learned A.P.P. As there is no incriminating evidence available on record against accused, this Court dispensed with examination U/sec.313 Cr.P.C. and proceeded with further step for hearing the matter. Nothing is available on record to connect the accused for the charges leveled against him. Hence, A1 to A3 are entitled for acquittal.

12. In the result, A1 to A3 are found not guilty for the charge under Sec.498-A, 324, 506 IPC and Sec.3 and 4 of D.P.Act and are acquitted under Sec.248(1) Cr.P.C.,. The bail bonds of A1 to A3 if any shall stands cancelled after lapse of appeal time.

Dictated to the Stenographer, transcribed by her, corrected and pronounced by me in open court this the 17th day of April, 2023.

Sd/ S.Srinivas
J.F.C.Magistrate,
Mummidivaram.

Appendix of evidence
Witnesses examined.

For Prosecution:

PW1/ 17.04.2023 : Bandaru Sujatha

For Defence: None.

Exhibits marked

For Prosecution:

Ex.P1/PW1 : Signature of PW1 on report, dt.04.04.2021

Ex.P2/PW1 : 161 Cr.P.C. statement of PW1, dt.04.04.2021

For Defence: NIL

MOs markd.

-NIL-

Sd/ S.Srinivas
Judicial Magistrate of First Class,
MUMMIDIVARAM.

CALENDAR AND JUDGMENT
:IN THE COURT OF THE JUDL.FIRST CLASS MAGISTRATE:
MUMMIDIVARAM.
CALENDAR CASE NO.39/2022

Date of Offence	: prior to 04.04.2021
Complaint	: 04.04.2021
Apprehension of accused	: 28.08.2021
Released on bail	: 41(1) Cr.P.C notice served to accused on 28.08.2021
Commencement of trial	: 17.04.2023
Close of trial	: 17.04.2023
Sentence/ Order	: 17.04.2023
Reasons for delay	: Due to non production of witnesses by prosecution.

Name of the complainant:

State Sub -Inspector of Police,
Mummidivaram P.S

Name of the Accused:

1) Bandaru Govind, S/o.Narasimha Murthy, age 38 years, C/ST-Yerukula, Seela Village, Kajuluru Mandal.

2) Bandaru Narasimhamurthy, S/o.Bandhaari Venkanna Late, age 72 years, C/ST-Yerukula, D.No.2-72, Meraka Veedhi Street, Seela Village, Kajuluru Mandal.

3) Bandaru Yesamma, W/o.Narasimhamurthy, age 68 years, C/ST-Yerukula, D.No.2-72, Meraka Veedhi Street, Seela Village, Kajuluru Mandal.

Offence	: Under section 498-A, 324, 506 IPC and Sec.3 and 4 of D.P.Act IPC
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Plea of accused	: Pleaded not guilty
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Finding	: Found not guilty
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Sentence: : In the result, A1 to A3 are found not guilty for the charge under Sec.498-A, 324, 506 IPC and Sec.3 and 4 of D.P.Act and are acquitted under Sec.248(1) Cr.P.C.,. The bail bonds of A1 to A3 if any shall stands cancelled after lapse of appeal time.

Sd/ S.Srinivas
Judicial Magistrate of First Class,
MUMMIDIVARAM.

Copy submitted to the Hon'ble Chief Judl.Magistrate, East Godavari, Rajamahendravaram.