

C.C. 154/2015 st 06-04-2021

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

PRESENT:- Sri. S. Srinivas,
Judicial Magistrate of First Class, Mummidivaram.

Tuesday, this the 6th day of April, 2021
C.C.No.154/2015

Between:

The Sub- Inspector of police,
Mummidivaram, P.S..

... Complainant.

Versus

1. Manupudi Radhasadhi, S/o Ramudu,
A/33 Years C/ Yerukula, r/o Kalaavapuvvu
Centre near water tanka Nalam Vari Street Mndapet
2. Manupudi Maridamma, W/o Ramudu. A/60 Years
C/ Yerukula, r/o Kalaavapuvvu, Centre near water tanka
Nalam Vari Street Mndapet
3. Manupudi Maridamma, W/o Ramudu. A/60 Years
C/ Yerukula, r/o Kalaavapuvvu, Centre near water tanka
Nalam Vari Street Mndapet

... Accused.

This case is coming on 30-03-2021 for final hearing before this court in the presence of learned A.P.P for Prosecution and of Sri K.Tatam Raju advocate 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, Mummidivaram, Police station has filed Charge sheet against the accused in Cr.N0.90/2018 for the offence punishable U/s.498-A IPC 3& 4 D.P.Act. against the accused.
2. The brief averments of the prosecution case are as follows:

LW1 Bandaru Karuna Kumari W/o Pallarao is a resident of Market street Mummidivaram. Her marriage was performed with pallarao about 20 years back. During the marital life, she blessed with three children. Her husband is running a shop at market street, Mummidivaram and eking out his livelihood. Recently i.e., from the last 02 or 03 months there arose all feelings in between her and her husband. Her

husband developed illegal contacts with another woman and harassing her and beat. Her husband is trying to get rid of her at any cost and demanding her to bring additional dowry amount from her parents and also informed that he dislike her . On 15-06-2018 morning her son didn't come to the house in time and taking advantage

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of the same, her husband beat her with hands indiscriminately and also kicked her with his legs on her abdomen in morning at about 8-00 A.M. When her mother in law and father-in-law caught hold of her firmly, she struggled and in the meantime her husband came running and kicked her with his legs on her abdomen. Then Amaladasu Prasad caught hold of her firmly and handed over to her husband and on that her husband again beat her with his hands indiscriminately due to which she received abrasion injuries on her person. Her husband squeezed her neck .As her husband developed illegal contacts with another woman, her husband beat her and harassed her. On seeing her lying with injuries,. Her daughter Jyothi immediately shifted her to Govt. Hospital Mummdivaram and admitted her in the hospital for treatment.

When the LW1 B. Karuna Kumari was admitted in Community Health Centre, Mummdivaram the duty doctor sent hospital intimation to SHO Mummdivaram PS .On receipt of the same LW8 Dr. Anil Kumar, Civil Assistant Surgeon, the HC 21265 of Mummdivaram PS visited the Hospital and recorded the statement of the injured /complainant on 15-06-2018 at 12.0 P.M.

During the course of investigation L.W.9 D. Yedukondalu, HC 2264 examined the victim /Complainant and mother at the police Station as LW 1 B. Karuna Kumari L.W2 B. Jyothi and recorded their detailed 161 (3) Cr.PC. Later the Hc visited the scene of offence, examined it minutely and prepared its rough sketch. At the scene of offence the Hc 2264 secured and examined LW 3 to 7 by namely G. Ramakrishna, D.

Varalakshmi. G.Prasadarao, M. Musatayya Apparao, M. Yesu, and recorded their detailed statement.

Subsequently LW10 B.Prabhakararao, the SI of police, Mummidivarma PS took up investigation of the case. During the course of investigation.

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In fact the husband of LW1 B. Karuna kaumari, by name Bandaru Pallarao is only harassed LW1 B. Karuna kaumari, for additional dowry amount and the parents of A1 i.e., A2 and A3 are not responsible and they are no way connected. Likewise A4 Amaladasu Prasad did not abet A1 to commit the offence and hence section 109 IPC is also not attracted as per the evidence of LWs 3 to 7 by namely G. Ramakrishna, D. Varalakshmi. G.Prasadarao, M. Musatayya Apparao, M. Yesu, who are the neighbours and witnesses to the occurrence. LW1 B. Karuna kaumari, while lodging the complaint. Mentioned the names of their in-laws and A4 Amaladasu Prasad who is the close associate of her husband i.e., A1 in the FIR that with their support, her husband i.e., A1 harassed her for the money but in fact the in-laws of LW1 B. Karuna kaumari, A2 and A3 and A4 are not responsible for the harassment.

As seen from the evidence of LW 3 to 7 by namely G. Ramakrishna, D. Varalakshmi. G.Prasadarao, M. Musatayya Apparao, M. Yesu role of A2 and A3 is not established anywhere and they are way connected to the case A1 Bandaru pallarao who is the husband of LW1 B. Karuna Kumari is only responsible for the harassment. As such the names of A2 and A3 were deleted from the accused column and also section 109 IPC is also deleted from the case after obtaining orders from the superior officers.

On 09-10-2018 L.W.10 B.Prabhakararao, the SI of police Mummidivaram P.S. Served notices on to the accused A1 and instructed him to attend the Court as and when ordered.

As per the evidence of LW1 to 7 By namely G. Ramakrishna, D Varalakshmi, G. Prasadarao , M. Musalayya Apparao, M. Yesu, .Dr. Anil Kumar the offence U/sec. 498-A and Sec.3 and 4 are clearly made out against the accused A1 During the subsequent investigation LW11 M.V.V. Ravindra Babu, received orders from superior

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officer vide Cr.No. 084/SDPO- A/2018.

L.W.8 Dr. Anil Kumar, the medical officer that treated for the injured LW1 B. Karuna Kumari issued wound certificate opining that the injuries are simple in nature.

The evidence on record show that the accused who is the husband of LW1 B. Karuna Kumari harassed her both physically and mentally developed illegal contacts with another woman tried to get rid of LW1 B. Karuna Kumari and started harassing her and demanded her to bring additional dowry amount from the parents of LW1B. Karuna Kumari .

Therefore the accused noted above is liable for punishment under the above section of law. Hence charge.

3. The case was taken on file against the accused Under Sec. 498-A IPC 3& 4 D.P.Act
4. The prosecution in support of its case, examined PW. 1 and got marked Ex P1 and 2, Marked as detailed in the appendix of evidence.
5. After appearance of the accused , copies of the case documents was 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, IPC 3& 4 D.P.Act for which he denied the offence, pleaded not guilty and claimed to be tried. Hence for trial.
6. To prove the case of the prosecution, the Investigating officer cited 11 witnesses. Out of them 1 witness was examined as P.W.1, who is LW1 B. Karuna

Kumari,W/O Pallarao A/37 Years C/Yerjula Multivariate Village Mandal is the Victim/ defacto complainant in this case.

The APP learned given up LW2 to L.W11 by namely B. Jyothi, G. Ramakrishna, D Varalakshmi, G. Prasadarao , M. Musalayya Apparao, M. Yesu, Dr.

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Anil Kumar , D. Yedukondalu, B.Prabhakararao, SI of police M.V.V.Ravindra Babu, Ex.P.1 and 2 were marked.

7. As there is no incriminating evidence against the Accused , Section 313 Cr.P.C. Examination is dispensed with and on hearing both sides the matter is thus posted for Judgment.

8. Heard arguments on both sides.

9. Now the point for determination is that :-

“Whether the prosecution has proved the guilt of accused for the offence punishable 498-A,IPC 3& 4 D.P.Act beyond all reasonable doubts or not?”

POINT:

10. Heard both the sides.

11. The learned APP submitted her arguments that evidence of complainant as PW1 and eye witnesses is clear and convincing with regard to the harassment faced by PW1 in the hands of accused. With these submissions prays to punish the accused according to law.

12. The learned counsel for the accused submitted his arguments that accused never demanded additional dowry and never taken any dowry from the complainant. Both are living together and the matter between them compromised. Hence PW1 turned hostile and not supported the prosecution case. With these submissions prays to acquit the accused.

13. Perused the evidence of PW1 as well as record. In this matter PW1 is the

complainant. PW1 not stated anything incriminating against the accused. Further stated that PW1 and A1 are living together without any troubles and a compromise entered between both the parties in the presence of elders.

14. To prove a case U/Sec. 498-A IPC there must be clear and convincing evidence

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from the side of prosecution witnesses to show that “Cruelty” exists from the side of accused. Some petty disputes taken place in our family life and she intimated the same to her parents. Otherwise there must be illegal demand from the side of accused in the manner of threatened for any valuable security. There is no such material available from the side of prosecution witnesses attracting the said ingredients of Sec. 498-A IPC. Hence accused is entitled for acquittal as prosecution failed to prove guilt of the accused beyond all reasonable doubt or not.

15. In the result, accused found not guilty and acquitted U/Sec. 248(1) Cr.P.C. for the offences U/Secs. 498-A IPC and 3 and 4 of D.P. Act. The bail bonds of the accused shall stands cancelled.

Typed to my dictation to the steno typist, corrected and pronounced by me this the 6th day of March, 2021.

**J.F.C. Magistrate.
Mummidivaram.**

APPENDIX OF EVIDENCE

WITNESSESS EXAMINED ON BEHALF OF :

PROSECUTION :

P.W.1/ B. Karuna Kumari

DEFENCE:

-None-

EXHIBITS MARKED ON BEHALF OF:

PROSECUTION

EX.P1 : Signature report.

EX.P2: 161 statement of PW1

MATERIAL OBJECTS MARKED
NIL

J.F.C. MAGISTRATE,
MMD.

CALENDAR AND JUDGMENT

District of East Godavari

Calendar of cases tried by **Sri. S. Srinivas** J.F.C.Magistrate, Mummidivaram.

Date of Offence : 15-06-2018

Date of Report or Complaint : 20-06-2018

Date of Apprehension of accused :01-05-2019

Date of release on bail : Station bail

Date of Commencement of trial : 30-03-2021

Date of Close of trial :30-03-2021

Date of sentence of Order : 06-04-2021

Explanation of delay and remarks : Due to non-production of
Prosecution witnesses

**JUDGMENT IN CALENDAR CASE NO. 96/2019 ON THE FILE OF THE JUDL.
MAGISTRATE OF FIRST CLASS COURT, MUMMIDIVARAM.**

Details of Accused:

Bandaru Pallarao S/o Nageswararao,
A/40 Years C/ Yerukula, Market Street.
Mummidivaram Nagar Panchayat.

Offence : U/Sec 498-A IPC 3& 4 D.P.Act

Plea of accused : Not Guilty

Finding : Found Not Guilty

Sentence : In the result, accused found not guilty and acquitted
U/Sec. 248(1) Cr.P.C. for the offences U/Secs. 498-A IPC and 3 and 4 of D.P. Act. The
bail bonds of the accused shall stands cancelled.

JFCM
MMD

Copies submitted to:

The Hon'ble Chief Judicial Magistrate, Rajamahendravaram.

