



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3570]

MONDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE K SURESH REDDY

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

CRIMINAL REVISION CASE NO: 673/2008

Between:

1.A.NARSIMHA REDDY, S/O BHEEM REDDY, R/O CHINTHALKUNTA
(V), GATTU (M), MAHABOONAGAR DIST.

...PETITIONER

AND

1.PARLAPALLY NARSIMHA REDDY 3 OTHERS REP BY P P, S/O
LATE SHANKER REDDY, H.NO.9/1052, NTR COLONY,
YEMMIGANUR, KURNOOL DIST.

2.PARLAPALLY PARVATHAMMA, W/O LATE SHANKER REDDY,
H.NO.9/1052, NTR COLONY, YEMMIGANUR, KURNOOL DIST.

3.PARLAPALLY LALITHAMMA SREE LATHA, D/O LATE SHANKER
REDDY, H.NO.9/1052, NTR COLONY, YEMMIGANUR, KURNOOL
DIST.

4.THE STATE OF A P, REP. BY ITS PUBLIC PROSECUTOR, HIGH
COURT OF A.P., HYDERABAD.

...RESPONDENT(S):

Revision filed under Section 397/401 of CrPC praying that in the
circumstances stated in the affidavit filed in support of the Criminal Revision
Case, the High Court may be pleased to set-aside the Judgment dated
02.02.07 made in S.C.No.208 of 2006 by the Hon'ble II Addl. Sessions Judge,

Kurnool at Adoni, by convicting the respondent/accused herein for the offences punishable U/s. 498-A and 302 IPC.

IA NO: 1 OF 2007(CRLRCMP 1482 OF 2007)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone the delay of (41) days in filing the Crl.R.C., against the Judgment dated 02.02.07 made in S.C.No.208 of 2006 on the file of the Hon'ble II Addl. Sessions Judge, Kurnool at Adoni.

IA NO: 2 OF 2007(CRLRCMP 2646 OF 2007)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to dispense with the original certified copy as well as typed copy in SC.No. 208 of 2006 on the file of the II Addl. Sessions Judge, Kurnool, at Adoni, dt. 02-02-2007.

Counsel for the Petitioner:

1.Y V ANIL KUMAR

2.LEGAL AID

Counsel for the Respondent(S):

1.BUTTA VIJAYA BHASKER

2.PUBLIC PROSECUTOR

The Court made the following ORDER:

(Per Hon'ble Sri Justice K.Suresh Reddy)

Questioning the judgment of acquittal passed by the learned II Additional Sessions Judge, Kurnool at Adoni (for short, the learned Additional Sessions Judge), the *de facto* complainant / PW.1 filed the present criminal revision. The respondents 1 to 3 were tried by the learned Additional Sessions Judge under Sections 498-A and 302 IPC.

2. Substance of the charge against the accused was that prior to 29.09.2005. the accused subjected one P.Pavani (hereinafter referred to as 'the deceased'), who is none other than the wife of A.1, to cruelty demanding her an additional dowry of Rs.5,000/- from her parents, and on 29.09.2005 at about 06.00 P.M., all the accused pounced upon the deceased, poured kerosene and set fire to her, who died while undergoing treatment, thereby committed offences punishable under Sections 498-A & 302 IPC.

3. After completion of trial, the learned Additional Sessions Judge acquitted respondents 1 to 3 by judgment dt. 02.02.2007. Aggrieved by the said acquittal, PW.1, father of the deceased, filed the present revision.

4. Case of the prosecution, in brief, is as follows:

(a) The marriage between A.1 and deceased was performed in the year 2002 and during their wedlock the couple blessed with a son. It is alleged that at the time of marriage, an amount of Rs.1,75,000/-, 10 Tulas of gold, Rs.20,000/- for purchasing motor cycle and Rs.10,000/- for opening a shop, were given to A.1. For some time, A.1 looked after the deceased well.

Subsequently, A.1 used to harass the deceased. It is alleged that 15 days prior to 29.09.2005, A.1 sent the deceased to her parents' house demanding her to bring an amount of Rs.5,000/-. On the same day evening, the deceased returned home and she did not bring the amount as demanded by A.1. Immediately, all the three accused pounced upon the deceased, poured kerosene and set fire to her. Immediately, A.2 and neighbours shifted her to Government Hospital, Yemmiganur. From there she was shifted to Government Hospital, Kurnool for better treatment.

(b) PW.8 Head Constable, Yemmiganur town Police Station, having received hospital intimation Ex.P5, went to the Government Hospital, Yemmiganur and recorded a statement from the injured, which is marked as Ex.P6. He returned to the Police Station and registered a case in Cr.No.127/2005 under Section 174 Cr.P.C. He issued copies of F.I.R. to all the concerned. F.I.R. is marked as Ex.P7.

(c) On the same day, DW.1 Judicial Magistrate of First Class, Yemmiganur went to the Hospital and recorded a statement Ex.D2 from the injured. While undergoing treatment, the deceased succumbed to injuries on 01.10.2005 at about 08.00 A.M. Ex.P9 is the Death intimation. On 01.10.2005 at about 09.00 P.M., PW.9 - Sub-Inspector of Police, Yemmiganur Town Police Station received Inquest report Ex.P1 along with statements of PWs 1 & 2 recorded by M.R.O PW.7. Having received the Inquest report and statements of PWs 1 & 2, PW.9 altered the section of law from 174 Cr.P.C. to 498A & 302 IPC. Altered F.I.R. is marked as Ex.P11.

(d) On 02.10.2005 at about 00.30 hours, Inspector of Police, Yemmiganur Circle, having received the copy of Ex.P11, took up investigation. On the same day at about 07.00 A.M., he secured the presence of PWs 1 to 3 and recorded their statements. He visited the scene of offence and prepared an observation report Ex.P8 in the presence of mediators. On 06.10.2005, PW.10 arrested A.1 & A.2, who were remanded to judicial custody. A.3 obtained anticipatory bail. On the requisition made by the Investigating Officer, PW.6 Professor, Forensic Science, Kurnool Medical College, conducted Autopsy over the dead body. He opined the cause of death was due to 'burns'. He issued Postmortem Certificate Ex.P2. After receiving all the documents and after completion of investigation, PW.10 filed charge sheet.

5. In support of its case, the prosecution examined PWs 1 to 10, marked Exs.P1 to P11 and exhibited MOs.1 to 4. On behalf of the defence, DW.1 was examined and Exs.D1 and D.2 were marked.

6. When the accused were examined under Section 313 Cr.P.C., they denied the incriminating material appearing against them.

7. Heard Sri Y.V.Anil Kumar, learned counsel for the petitioner, and Sri Butta Vijaya Bhaskar, learned counsel for the respondents 1 to 3; and Sri Marri Venkata Ramana, learned Additional Public Prosecutor representing the 4th Respondent / State.

8. We have perused the entire material on record.

9. The relationship between the parties is not in dispute. According to the evidence of PWs 1 & 2, who are parents of the deceased, the marriage between A.1 and deceased was performed in the year 2002. The evidence of PWs 1 & 2 further disclose that the couple led happy marital life for some time and during their wedlock they were blessed with a son. PWs 1 & 2, in their evidence, further stated that 15 days prior to 29.09.2005, A.1 sent the deceased to their house with a demand of Rs.5,000/- towards additional dowry. But, they could not able to pay that amount. On the same day, the deceased returned to her matrimonial home. PWs 1 & 2 further stated in their evidence that when they enquired with the deceased while she was undergoing treatment in the Government hospital, Kurnool, she disclosed that the accused used to harass the deceased demanding additional dowry and on the fateful day, all the three accused pounced upon her, poured kerosene forcibly and set fire to her. This version was coming up for the first time during the course of inquest when PW.7-M.R.O. conducted inquest over the dead body. PWs 1 & 2 have stated about the alleged harassment and about the killing of the deceased by the accused. It is only after the death of the deceased, PWs 1 & 2 came forward and narrated the so-called version of the deceased. Even before the inquest was conducted, PW.8 Head Constable has recorded dying declaration under Ex.P6. In Ex.P6, the deceased has stated that when she was lighting the lamp, accidentally she caught fire and received burn injuries. Thereafter, DW.1 Judicial Magistrate of First Class,

Yemmiganur also recorded a dying declaration under Ex.D2. In the said dying declaration, the deceased has narrated the same version stating that she caught fire accidentally while lighting the lamp. Ex.P6 and Ex.D2 are the earliest versions given by the injured. In both these dying declarations, the deceased has specifically stated that nobody was present in the house at the relevant point of time except herself. She also stated in both these dying declarations that as there was no power supply, when she was trying to lit the lamp, kerosene fell on her and caught fire accidentally. PW.4, who is neighbor of the deceased, in his evidence has stated that on the fateful day at the relevant point of time, having heard cries, he along with his wife went to the house of the deceased and put off the flames by covering a blanket. PW.4 further stated that he sent a word to A.2 informing about the incident. As per the evidence of PW.4 coupled with the evidence of PW.8 and Ex.D2, it is consistent that the deceased caught fire accidentally. So far as the evidence of PWs 1 & 2 is concerned, no reliance can be placed on their belated version.

10. In view of the above and in the considered opinion of this Court, the learned Additional Sessions Judge has correctly appreciated the evidence on record. Hence, the judgment in Sessions Case No.208/2006 dt. 02.02.2007 passed by the learned II Additional Sessions Judge, Kurnool at Adoni did not suffer from any irregularly and illegality, and the same does not require any interference by this Court. Therefore, this Criminal Revision Case is liable to be dismissed.

In the result, this Criminal Revision Case is dismissed confirming the judgment in Sessions Case No.208 of 2006 dt. 02.02.2007 passed by the learned II Additional Sessions Judge, Kurnool at Adoni.

As a sequel, interlocutory applications pending, if any, shall also stand closed.

K.SURESH REDDY, J

TUHIN KUMAR GEDELA, J

02.02.2026
MVA