APHC010652182010

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

[3369]

FRIDAY, THE NINETEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE T MALLIKARJUNA RAO

CRIMINAL REVISION CASE NO: 954/2010

Between:

1. KATTABATHUNI SEETHAMAHALAKSHMI, W/O MALLESHWARA RAO, FORMISIST R/O BATTIPROLU, BATTIPROLU MANDAL, GUNTUR DIST.

...PETITIONER

AND

1. THE STATE OF A P AND ANOTHER, REPRESENTED BY ITS PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH, HYDERABAD. THROUGH TENALI TALUK P.S., TENALI.
2. NANDAM VENKATA MALLESHWARA RAO, S/O SUBBA RAO, BUSINESS R/O BATTIPROLU, BATTIPROLU MANDAL, GUNTUR DIST.

...RESPONDENT(S):

Revision filed under Section 397/401 of Cr.P.C., 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 acquittal of the respondent No.2/accused, passed by the II Additional Junior Civil Judge, Tenali, Guntur Dist., in C.C.No.444/2008, dated 22.03.2010 and convict the accused for the offence U/s. 498-A of IPC by allowing this Crl.R.C.

Counsel for the Petitioner:

1. NUTHALAPATI KRISHNA MURTHY

Counsel for the Respondent(S):

1. PUBLIC PROSECUTOR
2. SRIDEVI GANTA
3. LEGAL AID

The Court made the following ORDER:

1. The Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') is filed by the petitioner/de facto complainant assailing the Judgment dated 22.03.2010 passed in C.C.No.444 of 2010 on the file of the learned II Additional Junior Civil Judge, Tenali, (for short, 'the Trial Court') whereby the Trial Court acquitted the 2nd respondent/accused for the offence punishable under Section 498A of the Indian Penal Code, 1860 (for short, 'IPC').

2. The parties to this Criminal Revision Case will hereinafter be referred to as described before the Trial Court for the sake of convenience.

3. The brief facts of the prosecution's case are that:

(a) Defacto complainant (PW.1) married the accused on 28.04.1990 as per Hindu rites and customs. PW.1 secured employment as a Pharmacist at the PHC, Vetapalem, on 10.10.1990, and the couple lived there with their two sons. Over time, the accused became addicted to alcohol and gambling, forcibly taking PW.1's earnings and squandering them. In 2002, PW.1 purchased a house at Angalakuduru village, but the accused continued to harass her physically and mentally, demanding and misusing funds from her GPF account. After her transfer to PHC Medikonduru in June 2006, the family moved to Sriramnagar, Guntur. The accused secured employment at Krushi Public School, Brodipet, Guntur, but continued abusive behaviour, coming home late, assaulting PW.1, demanding money, and bringing creditors home, causing her further humiliation. He threatened to kill her when she warned of police action. Around ten days before the incident, the accused forced PW.1 at knifepoint to sign three blank cheques (Nos. 000692, 000693, 000694) of Union Bank of India, Guntur Branch. Unable to endure further harassment, she left for her parents' house with her younger son.

(b) On 13.08.2008, around 7:00 p.m., the accused went to Angalakuduru village, demanded ₹25 lakhs, assaulted PW.1 and issued death threats. On hearing her cries, LW.2, LW.5, PWs.2 to 4, intervened and rescued her. The accused then kidnapped the children and fled. Based on PW.1's report, a case in Cr.No.157/08 under Section 498A of IPC was registered. During the investigation, PW.1 to PW.4, LW.2, LW.4, and LW.5 were examined, and their statements under Section 161 Cr.P.C. were recorded. On 23.10.2008, the accused was arrested and remanded to judicial custody.

4. The Trial Court took cognizance against the accused under section 498A of IPC. On the appearance of the accused, the copies of the prosecution documents were furnished to him as contemplated under section 207 Cr.P.C. The accused was examined under Section 239 Cr.P.C. The sum and substance of the charge was read over and explained to the accused in Telugu, to which the accused pleaded not guilty for the offence punishable under Section 498A of the IPC and claimed to be tried.

5. During the course of the trial, on behalf of the prosecution, PWs.1 to 5 were examined, and marked Exs.P1 to P3. No oral or documentary evidence was presented by the defence.

6. After the closure of the evidence of the prosecution, the accused was examined under Section 313 of Cr.P.C., concerning the incriminating circumstances appearing in the evidence let in by the prosecution, for which he denied the same and stated that he had no defence witnesses and pleaded not guilty.

7. Upon hearing both parties and considering the oral and documentary evidence, the Trial Court, by its Judgment dated 22.03.2010 in C.C.No.444 of 2008, found the accused not guilty of the offence under Section 498-A IPC and accordingly acquitted him.

8. Felt aggrieved by the aforesaid acquittal of the accused, the de facto complainant filed the present Criminal Revision Case, challenging the Judgment of the Trial Court in C.C.No.444 of 2008.

9. Now, the point that arises for consideration is:

Was the trial Court justified in acquitting the accused?

<u>P O I N T</u>*:*

10. The learned counsel for the petitioner contends that the Trial Court failed to properly appreciate the oral evidence of PWs.1 to 5 and the documentary evidence marked as Exs.P1 to P3; the PW.1's testimony clearly demonstrates that she was subjected to physical and mental harassment, was threatened with death, and her children were kidnapped when she refused to pay the accused's debts; the accused also forced her, at knifepoint during nighttime, to sign blank cheques; further, the evidence of PWs.2, 4, and 5 corroborates PW.1's version; PWs.3 and 4, being independent witnesses, testified that the accused, in a drunken state, threatened PW.1 and demanded ₹25 lakhs; despite their efforts to pacify him, the accused continued his abusive behavior; thus, the Trial Court erred in overlooking the weight of consistent and corroborated evidence and should have convicted the accused under Section 498A IPC.

11. I have heard learned counsel on either side and carefully perused the material available on record, including the oral and documentary evidence produced by the prosecution before the Trial Court.

12. It is settled law as observed by the Hon'ble Supreme Court in ***State of Maharashtra V. Jagmohan Singh Kuldip Sing Anand***[1], that "in exercise of revisional powers, this Court need not undertaken in-depth and minutest reexamination of entire evidence, when there is no error in the findings arrived by the Trial Court as well as 1st Appellate Court".

13. It is an undisputed fact that the marriage between the de facto complainant (PW.1) and the accused was solemnized on 28.04.1990 in accordance with Hindu rites and customs, in the presence of elders; following the marriage, PW.1 was blessed with two children, who, as of the date of filing the petition, were pursuing studies in Engineering and Intermediate, respectively; at the time of the marriage, PW.1 was unemployed; however, she secured employment as a Pharmacist at PHC, Vetapalem, approximately five to six months thereafter.

14. According to the prosecution's version, the accused was employed at a private institution. PW.2 (K. Lakshamamma), who is the mother of PW.1, testified that PW.1 had purchased two plots at Pragada Kotaiah Nagar and had also acquired a terraced building. It is the grievance of PW.1 that she paid various amounts to the accused from her salary as well as from her General Provident Fund (GPF) account. The prosecution contends that the accused demanded a sum of ₹25,00,000/- to discharge his debts. However, PW.1 has not produced any documentary evidence to establish that the said properties were purchased in her name using her own funds. PW.2 further deposed that the accused threatened PW.1 and demanded money from her to clear his debts. PW.4 (V.Sambrajyalakshmi) testified that he, along with PW.3 (S.Dharma Rao), visited the residence of PW.1, during which the accused allegedly threatened to kill PW.1 and demanded ₹25,00,000/- for repayment of his debts. The Trial Court rightly observed that the testimony of PW.4 does not specify the date and time of the alleged incident.

[1] (2004) 7 SCC 659

15. The Trial Court observed that PW.2 did not make any allegations against the accused regarding harassment, either physical or mental, towards PW.1. Consequently, the Trial Court found no incriminating material against the accused in the testimony of PW.2. It was further noted that the Investigating Officer failed to investigate the specific time and purpose of the alleged demand for money made by the accused. PW.1, in her testimony, alleged that she was compelled to issue blank cheques under threats made by the accused. However, as rightly pointed out by the Trial Court, no investigation was carried out with respect to the alleged issuance of cheques in favour of the accused. The counterfoils of the cheques were not produced, and PW.1 did not specify when the accused allegedly took possession of the blank cheques. Furthermore, there is no evidence on record indicating when the amounts were withdrawn or how much was withdrawn from the bank. If, in fact, the accused had taken blank cheques and encashed the amounts, the prosecution could have easily established the same through proper investigation and documentary evidence.

16. Upon a thorough appreciation of the evidence on record, the Trial Court recorded a categorical finding that the entire prosecution case appears to have been instituted with the sole intention of harassing the accused. The prosecution has failed to substantiate its allegations with either documentary or ocular evidence. Upon reading the evidence, this Court is also of the view that the disputes between the accused and PW.1 (his wife) arose primarily when the accused requested financial assistance for discharging certain debts. However, a mere demand by the husband to provide funds for repayment of debts, in itself, does not amount to harassment under the law. Furthermore, the testimony of PW.1 is not corroborated by her mother (PW.2). The Trial Court rightly observed that PW.1's evidence is silent regarding the specific details of the alleged payments made to the accused, such as the date, time, place, mode of payment, or the source of the borrowed amounts. There is also no clarity as to which properties, if any, were allegedly purchased by the accused using such funds. Crucially, no documentary evidence has been placed on record to establish that any such payments were actually made by PW.1 to the accused.

17. In this regard, the Trial Court rightly observed that, had there been any truth in the contention of PW.1, she could have furnished specific details regarding the alleged payments and produced documentary evidence to substantiate the sale transactions. Moreover, if PW.1 had indeed been subjected to harassment, as claimed, such material facts would reasonably have been reflected in the testimony of PW.2. However, the evidence of PW.1 finds no support in the deposition of her mother, PW.2.

18. Apart from levelling omnibus, and generalized allegations, the prosecution has failed to discharge its burden of proof by producing corroborative material evidence in support of its version. Mere assertions cannot substitute the foundational legal requirement of admissible evidence, particularly in a criminal trial, where the standard of proof is proof beyond a reasonable doubt.

19. The prosecution's version is critically undermined by the absence of both direct and circumstantial evidence. There is a conspicuous lack of credible witness testimony that independently supports the prosecution's version. The case rests, instead, on vague statements and uncorroborated depositions, none of which satisfy the legal threshold necessary to sustain a conviction. Moreover, the prosecution appears to rely more on conjecture than on demonstrable facts. In the absence of material particulars, such as specific dates, documents, or independent corroboration, the allegations remain unsubstantiated. The lack of evidentiary specificity not only weakens the prosecution's case but renders it susceptible to serious doubt.

20. Now, it is relevant to refer to the decision of the Hon'ble Supreme Court in ***Ganesha v. Sharanappa*[2],** wherein it was held that:

> *"In a case where the finding of acquittal is recorded on account of misreading of evidence or non-consideration of evidence or perverse appreciation of evidence, nothing prevents the High Court from setting aside the order of acquittal at the instance of the informant in revision and directing fresh disposal on merit by the trial court. In the event of such direction, the trial court shall be obliged to reappraise the evidence in light of the observation of the Revisional Court and take an independent view uninfluenced by any of the observations of the Revisional Court on the merit of the case. By way of abundant caution, we may herein observe that interference with the order of acquittal in revision is called for only in cases where there is manifest error of law or procedure and in those exceptional cases in which it is found that the order of acquittal suffers from glaring illegality, resulting into miscarriage of justice. The High Court may also interfere in those cases of acquittal caused by shutting out the evidence which otherwise ought to have been considered or where the material evidence which clinches the issue has been overlooked. In such an exceptional case, the High Court in revision can set aside an order of acquittal but it cannot convert an order of acquittal into that of an order of conviction. The only course left to the High Court in such exceptional cases is to order."*

21. Further, in ***Bindeshwari Prasad Singh v. State of Bihar*[3]**, the Hon'ble Supreme Court held at paragraph No.12 as follows:

> *"12. … Sub-section (3) of Section 401 in terms provides that nothing in Section 401 shall be deemed to authorize a High Court to convert a finding of acquittal into one of conviction. The aforesaid subsection, which places a limitation on the powers of the Revisional Court, prohibiting it from converting a finding of acquittal into one of conviction, is itself indicative of the nature and extent of the revisional power conferred by Section 401 of the Code of Criminal Procedure. If the High Court could not convert a finding of acquittal into one of conviction directly, it could not do so indirectly by the method of ordering a retrial. It is well settled by a catena of decisions of this Court that the High Court will ordinarily not interfere in revision with an order of acquittal except in exceptional cases where the interest of public justice requires interference for the correction of a manifest illegality or the prevention of gross miscarriage of justice. The High Court will not be justified in interfering with an order of acquittal merely because the trial court has taken a wrong view of the law or has erred in appreciation of evidence. It is neither possible nor advisable to make an exhaustive list of circumstances in which exercise of revisional jurisdiction may be justified, but decisions of this Court have laid down the parameters of exercise of revisional jurisdiction by the High Court under Section 401 of the Code of Criminal Procedure in an appeal against acquittal by a private party."*

---

[2] (2014) 1 SCC 87

[3] 2002 SCC (Cri) 1448]

22. It is a well-established principle of criminal jurisprudence that the benefit of the doubt must always be given to the accused. Guilt cannot be inferred from suspicion alone, nor can liability be imposed on the strength of unverifiable allegations. Accordingly, in the absence of credible and corroborated evidence, the prosecution's case fails to inspire confidence and falls well short of the evidentiary standard required for a conviction.

23. After evaluating the evidence, this Court finds no evidence upon which the Trial Court can hold the accused guilty of harassing the complainant. Accordingly, after a careful and conjoint reading of the entire material on record, this Court is of the view that the prosecution has failed to prove the charge under Section 498A of the IPC against the accused.

24. Given the discussions above and findings and considering the entire facts and circumstances of this case, this Court is of the considered view that the learned Judge of the Trial Court has rendered a judicious and well-reasoned judgment, duly considering the material on record and the arguments advanced on behalf of both parties. The impugned Judgment is not perverse or illegal, and no interference is warranted. The Criminal Revision Case, therefore, deserves dismissal.

25. In the result, the Criminal Revision Case is ***dismissed***, confirming the Judgment dated 22.03.2010 passed in C.C.No.444 of 2008 on the file of the learned Additional Junior Civil Judge, Tenali.

Interim orders granted earlier, if any, shall stand vacated, and the miscellaneous applications pending, if any, shall stand closed.

JUSTICE T. MALLIKARJUNA RAO

Date: 19.09.2025.
SAK

THE HONOURABLE SRI JUSTICE T. MALLIKARJUNA RAO

CRIMINAL REVISION CASE NO: 954 of 2010

Date: 19.09.2025

SAK