

**THE HONOURABLE SRI JUSTICE GOPALA KRISHNA TAMADA**

**CRL.A.No.1459 of 2010**

**JUDGMENT**

This criminal appeal is filed by the appellant-State against the judgment of acquittal passed by the learned Judicial Magistrate of First Class, Suryapet, in C.C.No.538 of 2004, dated 08.12.2006.

2. The case of the prosecution, in brief, is as follows:

The marriage of *de facto* complainant-P.W.1 was performed with A1 at about one year back from the date of the complaint and at the time of marriage, her parents gave an amount of Rs.32,000/- and one and half tula gold to A1 towards dowry. Thereafter, A1 addicted to bad vices and used to harass her by demanding additional dowry of Rs.20,000/-. A2 to A4 also used to harass and beat her. Hence, she filed a complaint against them before the Police, Athmakur Police Station. On receipt of the same, a case in Crime No.61 of 2004 was registered against the accused for the offence punishable under Section 498-A IPC. After completion of investigation, the charge sheet was filed against the accused for the said offence.

3. To bring home the guilt of the accused, the prosecution examined P.Ws.1 to 7 and got marked Exs.P1 and P2. Ex.D1 was also marked on behalf of defence.

4. Learned Magistrate having considered the oral and documentary evidence found the respondents/accused not guilty of the offence under Section 420 IPC and accordingly, acquitted them. Hence, this appeal by the State.

5. Heard.

6. Having heard the submissions made by the learned Public Prosecutor and the learned counsel for the respondents and perused the judgment impugned, this Court is of the view that the trial Court has rightly come to the conclusion that the respondents have not committed the offence punishable under Section 498-A IPC. As per the evidence of P.Ws.1,2 and 6, it is clear that there are certain discrepancies, which cut the route of the case. If there are any discrepancies in the evidence of witnesses, it can definitely be said that they hit the case of the prosecution. It can be understood that if the discrepancies are minor, they need not be taken into consideration. But, as stated supra, there are several discrepancies in the evidence of P.Ws.1,2 and 6 and as such, their evidence is not consistent. Therefore, the trial Court has rightly come to the conclusion that the respondents are found not guilty of the offence under Section 498-A IPC and in my considered view, the same need not be interfered with by this Court.

7. Accordingly, the Criminal Appeal is dismissed, at the stage of admission.

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**GOPALA KRISHNA TAMADA**

Date.30.11.2010.  
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