

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF FIRST CLASS
AT: BOATH**

Present:- **Mounika Ponnappalli**
Junior Civil Judge-cum-
Judicial Magistrate of First Class, Utnoor
FAC: Junior Civil Judge-cum-
Judicial Magistrate of First Class, Boath

(Dated this the 10th day of January, 2025)

C.C. 337 of 2019
(Cr. No.92 of 2019 of Boath P.S)

Between:

The State of Telangana, through,
Sub-Inspector of Police, Boath P.S,
Adilabad.

...Prosecution

// A n d //

- A1: Mohd. Sumair, S/o. Sk. Mahemood,
Age; 31 years, Occ: Private Teacher.
- A2: Ayesha Begum, W/o. Shaik Mahmoov,
Age: 53 years, Occ: Homemaker.
- A3: Sk. Mahemood, S/o. Mohammad Hussain,
Age: 53 years, Occ: Rtd. Private Employee.
- A4: Shaik Afroz, S/o. Shaik Mohammad,
Age: 32 years, Occ: Household.
- A5: Md. Junaid, S/o. Shaik Mohammad,
Age: 27 years, Occ: Rtd. Private Teacher.

All are Residents of H.No.8-66, Ramnagar,
Dasnapur of Mawala Mandal, Adilabad District.

...Accused No. 1 to 5.

This case is coming before me for final hearing on 10.01.2025 in the presence of the Learned APPO Sri. H.Shridhar, for the State and Sri Abdul Khaleem, the Learned counsel for the Accused and having stood over for consideration till this day, the Court delivered the following:

:-J U D G M E N T:-

01. The Sub Inspector of Police, Boath Police Station had filed the charge sheet against the persons who are shown as Accused in Crime No.92 of 2019 for the offences punishable U/Secs.498 (A) r/w 34 of Indian Penal Code (herein after referred as IPC) and Secs. 3 and 4 of Dowry Prohibition Act.

02. The case of the prosecution in brief as per charge sheet is as follows:

The Defacto complainant had lodged report against the Accused persons herein by alleging that, she got married to A1 on 14.05.2015 and they led happy marital life for a span of one year. Thereafter, the Accused A1 to A5 used to harass Lw.1 for want of additional dowry and also tortured her mentally and physically on several occasions.

Based on the report given by the complainant, Sub-Inspector of Police, Boath had registered a case in Crime No. 92 of 2019 for the offences punishable U/Secs.498 (A) r/w 34 of IPC and Secs. 3 and 4 of DP Act against the Accused persons and after completion of entire investigation, he filed charge sheet against the Accused.

03. This court took the cognizance for the offences punishable U/Secs.498 (A) r/w 34 of IPC and Secs. 3 and 4 of DP Act against the Accused

and issued summons to Accused. On appearance of the Accused, copies of case documents were furnished to them as contemplated U/Sec.207 Cr.P.C.

04. The Accused A1 to A5 are examined under Section 239 Cr.P.C, for which Accused denied the charge sheet allegations, thereafter contents of charges are framed against the Accused persons for the offences punishable U/Secs.498 (A) r/w 34 of IPC and Secs.3 and 4 of DP Act were read over and explained to them in their vernacular language for which, they pleaded not guilty and claimed to be tried.

05. In support of its case, the prosecution had examined Pws.1 and 2 and got marked Ex.P1 and P2, during the course of trial.

06. After closing the evidence on prosecution side, the Accused are examined under Section 313 of Cr.P.C. They denied the incriminating evidence made against them in the testimony of the prosecution witnesses and reported no defence evidence. Neither Accused persons nor any witnesses are examined on behalf of the Accused persons.

07. Heard the learned APP for the prosecution and the learned counsel for the Accused person and also perused the documents available on record.

08. Now the point arises for consideration is :-

“Whether the prosecution had been able to prove the guilt of the Accused for the offences punishable U/Secs.498 (A) r/w 34 of IPC and Secs. 3 and 4 of DP Act, beyond all reasonable doubt ?”

09. In order to establish the guilt of the Accused, the prosecution had relied upon the evidence of Pw.1 who is the Complainant/Victim, Pw.2 who is the father of Pw1. The Exhibits marked through prosecution during the course of trial are that Ex.P1 is the Report, Ex.P2 is the Bond Paper, Dt: 18-11-2015.

POINT :

To prove its case, the prosecution relied upon the evidence of Pws.1 and 2

10. Though, the Pws. 1 and 2 had deposed as against the accused in their chief examination evidence, however, in their further cross examination, the Pws.1 and 2 had categorically deposed in one voice before the court that, they have compromised the case with the accused persons for Rs.2,50,000/- , out side the court amicably. Further,the Pws.1 and 2 had deposed that the Accused persons had returned the gold, silver, clothes, household articles, Jahaz Articles and also one Motorcycle to them and they had received the same. The Learned APP had given up the evidence of Lws.3 to 8 and since the material witnesses had compromised the case with the accused out side the court, this court had closed evidence of Lws.9 and 10 who are the official witnesses, as there will be no use even if they were examined.

11. As seen from the evidence of Pws.1 and 2, they had completely turned hostile and failed to support the case of prosecution. The Sec. 161 Cr.P.C. statements of Pws.1 and 2 are entirely different from their further cross examination evidence which they had deposed before this Court. There is no evidence available on record which could connect the accused to the alleged incidents which the Pws.1 and 2 had deposed in their respective chief

examinations before this court. It is evident from the record that, though, the Pws.1 and 2 had contested the case as against the accused at the beginning of the trial, however, they themselves testified in their respective further cross examination that, they have compromised the case with the accused out side the court and intends to withdrawal of the case against the accused persons voluntarily, with free will and consent.

From the discussion made supra and on considering the changed circumstances in between the parties, it is overwhelmingly clear that, the prosecution had miserably failed to prove its case as against Accused for the offences Punishable U/Secs.498 (A) r/w 34 of IPC and Secs. 3 and 4 of DP Act. Accordingly, the point is answered in favour of Accused persons and against the prosecution.

IN THE RESULT: The Accused A1 to A5 are found not guilty for the offences punishable U/Secs.498 (A) r/w 34 of IPC and Secs.3 and 4 of DP Act and accordingly, they are acquitted U/Sec.248 (1) of Cr.P.C. The bail bonds of the Accused persons, if any shall be cancelled after lapse of appeal time as per Section 437-A Cr.P.C. There is no case property in this case, as such no order had been passed with regard to case property.

(Typed to my dictation on computer by Stenographer, corrected and pronounced by me in the open court this 10th day of January, 2025.)

**FAC: Judicial Magistrate of First Class,
Boath.**

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

For Prosecution:

Pw.1: Anjum Parveen, Complainant.

Pw.2: Mohd. Habeebuddin, Father of Pw.1.

For Defence:

-None-

EXHIBITS MARKED

For Prosecution:

Ex.P1 is the Report

Ex.P2 is the Bond Paper, Dt:18.11.2015.

For Defence:

-Nil-

MATERIAL OBJECTS

-Nil-

**FAC: Judicial Magistrate of First Class,
Boath.**

**CALENDAR AND JUDGMENT
IN THE COURT OF JUDICIAL MAGISTRATE OF FIRST CLASS: BOATH**

C.C.NO. 377 OF 2019

1.	Name of the Police Station		Boath
2.	Description of the accused		A1: Mohd. Sumair, S/o. Sk. Mahemood, Age; 31 years, Occ: Private Teacher. A2: Ayesha Begum, W/o. Shaik Mahmoov, Age: 53 years, Occ: Homemaker. A3: Sk. Mahemood, S/o. Mohammad Hussain, Age: 53 years, Occ: Rtd. Private Employee. A4: Shaik Afroz, S/o. Shaik Mohammad, Age: 32 years, Occ: Household. A5: Md. Junaid, S/o. Shaik Mohammad, Age: 27 years, Occ: Rtd. Private Teacher. All are Residents of H.No.8-66, Ramnagar, Dasnapur of Mawala Mandal, Adilabad District.
4.	a)	Date of Occurrence	Prior to 17-08-2019
	b)	Date of Complaint	17-08-2019
	c)	Date of Apprehension	20-09-2019- A1 22-09-2019- A2 to A5
	d)	Date of Release on bail	-
	e)	Date of Commencement of trial	18-12-2024
	f)	Date of Close of trial	03-01-2025
	g)	Date of Judgment	10-01-2025
5.	Offence		U/Secs. 498 (A) r/w 34 of IPC and Secs. 3 and 4 of DP Act.
6.	Finding		Not guilty

7.	<u>Sentence or order</u> : The Accused A1 to A5 are found not guilty for the offences punishable U/Secs.498 (A) r/w 34 of IPC and Secs.3 and 4 of DP Act and accordingly, they are acquitted U/Sec.248 (1) of Cr.P.C. The bail bonds of the Accused persons, if any shall be cancelled after lapse of appeal time as per Section 437-A Cr.P.C. There is no case property in this case, as such no order had been passed with regard to case property.	
8.	Explanation for delay	No delay

**FAC: Judicial Magistrate of First Class
Boath.**

P.S. Boath

C.C.No. 377 of 2019

A1: Mohd. Sumair, S/o. Sk. Mahemood.
A2: Ayesha Begum, W/o. Shaik Mahmoov.
A3: Sk. Mahemood, S/o. Mohammad Hussain.
A4: Shaik Afroz, S/o. Shaik Mohammad.
A5: Md. Junaid, S/o. Shaik Mohammad.

U/Secs. 498 (A) r/w 34 of IPC and
Secs. 3 and 4 of DP Act.

Dt. 10.01.2025.

Accused No. 1 to 5 are called present.

Judgment pronounced

(vide separate one)

IN THE RESULT : The Accused A1 to A5 are found not guilty for the offences punishable U/Secs.498 (A) r/w 34 of IPC and Secs. 3 and 4 of DP Act and accordingly, they are acquitted U/Sec.248 (1) of Cr.P.C. The bail bonds of the Accused persons, if any shall be cancelled after lapse of appeal time as per Section 437-A Cr.P.C. There is no case property in this case, as such no order had been passed with regard to case property.

JFCM