

**HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD**

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**Criminal Appeal No.844 OF 2009**

Between:

Vodnala Satyanarayana.

... Petitioner.

And

State of A.P.,  
Rep.by its Public Prosecutor,  
High Court, Hyderabad.

... Respondent.

DATE OF JUDGMENT PRONOUNCED: 04.08.2022

Submitted for approval.

**THE HON'BLE SRI JUSTICE K.SURENDER**

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|---|--|--------|
| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2 | Whether the copies of judgment may be marked to Law Reporters/Journals     | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

\* THE HON'BLE SRI JUSTICE K.SURENDER

+ CRL.A. No.844 of 2009

% Dated 04.08.2022

# Vodnala Satyanarayana

... Petitioner

And

\$ State of A.P.,  
Rep.by its Public Prosecutor,  
High Court, Hyderabad

..Respondent.

! **Counsel for the Appellant:** C.Sharan Reddy,

^ **Counsel for the Respondent:** Public Prosecutor

>HEAD NOTE:

? Cases referred

<sup>1</sup> 2010 (2) ALD (Crl.)811 (SC)

2 2013 AIR SCW 1746

**HON'BLE SRI JUSTICE K.SURENDER**  
**CRIMINAL APPEAL No.844 OF 2009**

**JUDGMENT:**

1. The appellant/accused is convicted for the offence under Section 304-B IPC and sentenced to undergo RI for seven years and also convicted and sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of Rs.1,000/-for the offence punishable under Section 498-A of IPC , in default, to suffer two months simple imprisonment, vide judgment in S.C.No.433 of 2006, dated 31.07.2009 passed by the III Additional Sessions Judge(FTC),Asifabad. Aggrieved by the same, the present appeal is filed.

2. The case of the prosecution is that the marriage of the deceased with the appellant was performed on 09.11.2000. Dowry of Rs.1,25,000/-, 5 tulas of gold, 15 tulas of silver, TV and other articles were given. The deceased and the appellant lived happily for one year and thereafter, the appellant started harassing the deceased for additional amount of Rs.50,000/-. Due to the persistent demand, P.W.1 gave an amount of Rs.35,000/-and thereafter Rs.30,000/- 20,000/- on three different occasions. On

04.01.2006, the appellant allegedly beat the deceased for additional dowry and she was asked to get another Rs.10,000/-. Accordingly, P.W.1 gave an amount of Rs.5,000/-and sent her home. However, he came to know that on 05.01.2006 the deceased died and having killed the deceased, the appellant and his parents were trying to cover up the murder by stating it to be a case of suicide for which reason the action was said to be taken against the appellant and others. The police after investigation filed chargesheet for the offences under Sections 304-B read with Section 34 IPC against appellant and the acquitted accused (A2 and A3).

3. Learned counsel for the appellant submits that though there is an allegation of demand of money and PW.1 gave his daughter the amount on three different occasions, there is no allegation that subsequent to such demand of money, there was any kind of ill-treatment. Mere demanding money will not amount to an offence under Section 304-B of IPC.

4. Counsel further submits that the appellant entered into the witness box and examined himself as D.W.1. His case is that after marriage on 09.11.2000, they lived cordially and the deceased was

suffering from abdominal pain and was treated over a period of time. She was operated for appendicitis at Priyadarshini Hospital and the operation was performed on 15.01.2005. However, the abdominal pain did not subside. Proof of her abdominal pain and she being treated in different hospitals was filed by D.W.1 as Ex.D6 to D17 and the deceased must have committed suicide due to unbearable abdominal pain and failure to conceive. The learned Public Prosecutor except stating all the documents were prepared for the purpose of case, there is no other cross examination to suggest falsity of any of the documents filed by D.W.1.

5. The complaint under Ex.P1 dated 06.01.2006 was filed after the death of the deceased on 05.01.2006. In the said complaint, though it is alleged that dowry was given at the time of marriage, P.W.1 did not state anything about any additional dowry being given except an amount of Rs.5,000/- two days prior to her death. Even according to P.Ws.1 and 2, the parents of the deceased, the allegation of harassment was stated by the deceased and never there was any demand directly made by this appellant. P.Ws.1 and 2, the parents, P.W.3 is the brother have stated about the dowry

being given and additional amount given to the deceased. Except making bald allegations that there was constant harassment for additional dowry, no specific instances are given by P.Ws.1 to 3.

6. The other independent witness PW.4 turned hostile to the prosecution case. P.Ws.7 and 8 who were the neighbours, independent witnesses were declared hostile to the prosecution case.

7. Learned counsel for the appellant, in support of her contentions, relied upon the following judgments; i) **Amar Singh v. State of Rajasthan**<sup>1</sup>, at para 23 it was held that merely using word harassed or tortured would not describe the exact conduct of the accused and it would not amount to harassment or torture; ii) **Vipin Jaiswal v. State of A.P.**<sup>2</sup>, the Hon'ble Supreme Court held that demanding in connection with the marriage would be demand and subsequently for purchase of any computer to start business, it cannot be said that it would amount to dowry demand.

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<sup>1</sup> 2010 (2) ALD (Cri.)811 (SC)

<sup>2</sup> 2013 AIR SCW 1746

8. The appellant entered into the witness box and marked Exs.D7 to D17, which are the discharge summary, MRI scan screening reports, ultra sonography of pelvis and other tests from various hospitals and scanning centers. It cannot be said that all the documents and the scanning reports filed by the appellant are all fabricated. Though witnesses from the concerned hospitals or scanning centers were not examined to prove the documents, it would suffice to produce those documents as the appellant was present and he had taken the deceased to the hospitals, scanning centers and also purchased medicines. In the said circumstances, the evidence produced by the appellant cannot be disbelieved.

9. Further the fact that the deceased was suffering from abdominal pain and having several ailments being treated at different hospitals was deliberately suppressed. The parents of the deceased P.Ws.2 and 3 admitted that deceased underwent appendicitis operation and she also taking treatment for abdominal pain and other ailments. It is for the investigation not to suppress any information that comes to its knowledge. The continuous treatment of the deceased, her appendicitis operation was known

to the prosecution witnesses and admittedly to the Investigating Officer.

10. For the reason of suppression of material facts and P.Ws.1 to 3 making improvements from their earlier statements regarding payment of money being given to the appellant on three different occasions, this Court is of the opinion that benefit of doubt has to be extended to the appellant.

11. In the result, the judgment of trial Court in S.C.No.433 of 2006 dated 31.07.2009 is set aside and the accused is acquitted. Since the appellant is on bail, his bail bonds stand cancelled.

12. Accordingly, Criminal Appeal is allowed.

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**K.SURENDER, J**

Date: 04.08.2022

Note: LR copy to be marked.

B/o.kvs

**HON'BLE SRI JUSTICE K.SURENDER**

CRIMINAL APPEAL No.844 of 2009

Date: 04.08.2022.

*kvs*

