

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

\*\*\*\*\*

**Criminal Appeal No. 1442 OF 2010**

Between:

Veeru Singh S/o. Rajan Singh  
and another.

... Appellants/  
Accused

And

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

Respondent/

...

Complainant

DATE OF JUDGMENT PRONOUNCED:

21.07.2023

Submitted for approval.

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

- |   |  |        |
|---|--|--------|
| 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 |

---

***K.SURENDER, J***

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

+ CRL.A. No. 1442 OF 2010

% Dated 21.07.2023

# Veeru Singh S/o. Rajan Singh  
and another.

...Appellants/  
Accused

And

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

Respondent/

...

Complainant

**! Counsel for the Appellant:** Sri P. Vamshidhar Reddy

**^ Counsel for the Respondents:** Public Prosecutor for State

**>HEAD NOTE:**

**? Cases referred**

<sup>1</sup> (2019) 14 SCC 430

**THE HONOURABLE SRI JUSTICE K.SURENDER****CRIMINAL APPEAL No.1442 OF 2010****JUDGMENT:**

1. The appellants are convicted for the offence under Sections 498-A and 306 of IPC and sentenced to undergo rigorous imprisonment for two years and five years respectively.

2. Briefly, the case of the prosecution is that P.W.1, who is the father of the deceased, filed a complaint/Ex.P.1 on 24.06.2006 at 10:30 p.m. alleging that he performed his daughter's marriage 6½ years prior to the said date. On 23.06.2006, the deceased went to the house of P.W.1 and informed that these appellants are harassing her mentally for the past two months asking her to bring additional dowry. On the very same day, she returned home. On the next day i.e., on 24.06.2006, the neighbors informed that the deceased committed suicide by consuming poison.

3. P.W.1 is the father and P.W.2 is the brother of P.W.1 who narrated the contents of the complaint during their evidence. P.W.3 is the independent witness who was living

in the same Basti. He gave evidence that twice or thrice he has admonished the appellants for torturing the deceased for additional dowry.

4. Learned Sessions Judge having considered the evidence on record convicted the appellants as stated above.

5. Sri P.Vamshidhar Reddy, learned counsel appearing for the appellants would submit that neither the complaint nor the statements made by P.Ws.1 to 3 make out any of the ingredients of Sections 306 or 498-A of IPC. The entire evidence of P.W.3 regarding admonishing the accused for harassing the deceased was a complete omission in the statement made under Section 161 Cr.P.C. and admitted by Investigating Officer/P.W.9. He relied on the judgment of the Hon'ble Supreme Court reported in ***State of Madhya Pradesh vs. Shriram And Another***<sup>1</sup> wherein the Hon'ble Supreme Court in the facts of that case, found that the allegations made during trial were improvements and not stated in the complaint. In the said circumstances, the said improvements were eschewed from consideration and the

---

<sup>1</sup> (2019) 14 SCC 430

Hon'ble Supreme Court found that no offence under Section 498-A or 306 of IPC were made out. The Hon'ble Supreme Court was dealing with an appeal against an acquittal.

6. On the other hand, learned Public Prosecutor would submit that P.W.3 who is an independent witness has clearly stated that there were differences and the accused used to harass the deceased for additional dowry for which he had admonished them. On the basis of said independent witness, the conviction has to be confirmed.

7. A solitary statement is made that deceased went to the house on 23.06.2006 and informed P.W.1 that the appellants were harassing her for additional dowry. Either the mode of harassment demanding for additional dowry nor any details were given either in the complaint/Ex.P.1 or in the statement before the Court. To attract an offence under Section 306 of IPC, it is incumbent on the prosecution to prove active abetment for commission of said act. The evidence of P.Ws.1 and 2 is hearsay in nature. Only for the reason of deceased committing suicide, presumption cannot be drawn under Section 113 of the Indian Evidence Act. To draw

presumption, the prosecution has to lay foundation and convince the Court that there was harassment or that the deceased was subjected to such kind of harassment which amounts to abetting her to commit suicide. Not even a single incident was narrated. Only on the basis of P.Ws.1 and 2 evidence, making a bald statement regarding information received from the deceased, it cannot be inferred that the appellants had treated the deceased cruelly or abetted her to commit suicide.

8. The evidence of P.W.3 is of no avail since entire evidence during the course of trial was an omission and proved through the evidence of Investigating Officer/P.W.9. In the said circumstances, when none of the ingredients of either Section 306 of IPC or 498-A of IPC are made out, the appeal succeeds, accordingly, the appellants are acquitted.

9. Accordingly, the Criminal Appeal is allowed. The bail bonds shall stand cancelled. Miscellaneous applications pending, if any, shall stand closed.

---

**K.SURENDER, J**

Date: 21.07.2023

**Note:**

**LR copy to be marked**

**(B/o) dv**