

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

CRIMINAL APPEAL No.111 OF 2014

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Between:

Nukapangu Venkaiah

... Appellant

And

The State of A.P rep. by Public Prosecutor

... Respondent

DATE OF JUDGMENT PRONOUNCED: 13.11.2024

Submitted for approval.

THE HON'BLE SRI JUSTICE K.SURENDER

- 1      Whether    Reporters    of    Local  
         newspapers may be allowed to see the    Yes/No  
         Judgments?
- 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    Yes/No  
         Judgment?

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*K.SURENDER, J*

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

**±CRIMINAL APPEAL No.111 OF 2014**

% Dated 13.11.2024

# Nukapangu Venkaiah ... Appellant.

And

\$ The State of A.P rep. by Public Prosecutor ... Respondent

**! Counsel for the Appellant:** Sri C.Pratap Reddy, Senior Counsel  
Sri C.Sunil Anand

**^ Counsel for the Respondent:** Sri Arun Kumar Dodla,  
Addl. Public Prosecutor.

**>HEAD NOTE:**

**HON'BLE SRI JUSTICE K.SURENDER**  
**CRIMINAL APPEAL No.111 OF 2014**

**JUDGMENT:**

1. The appellant was convicted for the offence under Section 304-B of IPC and sentenced to undergo rigorous imprisonment for a period of ten years vide judgment in S.C.No.504 of 2009, dated 30.01.2014 passed by the Additional District and Sessions Judge, Miryalguda. Aggrieved by the same, present appeal is filed.

2. Briefly, the case of the prosecution is that complainant/P.W.1 is the father of the deceased. Deceased is the wife of the appellant. P.W.1 arranged her marriage with the appellant in 2007, giving Rs 1,50,000 as dowry. They lived happily after marriage in Lingagiri village. After sometime, appellant started harassing the deceased demanding additional dowry of Rs 1 lakh and sent the deceased to her father's house. PW1 expressed his inability to fulfill this demand and sent her back to her marital home. On 20.5.2009, PW1 visited Lingagiri and consulted the village Sarpanch (PW4) and other elders (PWs 5, 6, and 17). A panchayat was held, where the elders admonished the appellant, who then promised to stop the harassment, leading to a brief period of harmony.

3. However, on 20.6.2009, the appellant allegedly sent the deceased again for Rs 1 lakh. P.W.1 again expressed his inability to provide the additional dowry. The deceased returned to her husband the next day and informed P.W.1 over the phone that the harassment was continuing.

4. On 24.6.2009, PW1 sent his wife (PW2) and son, Benjamin, to the appellant's home to check on the deceased. That night, around 10:00 pm, the appellant returned home and PW2 pleaded with him to stop harassing the deceased. Later, the appellant and deceased retired to their one-room home, while PW2 and her son slept outside.

5. P.W.2 heard quarrel between the couple in the night but did not intervene, considering it a marital issue. Around midnight, the appellant informed PW2 that the deceased had committed suicide.

6. Further case of the prosecution is that P.W.1 was informed about the death of the deceased. He then went to the house and after enquiry, he went to the police station and lodged Ex.P1 complaint. The police, then went to the scene of offence and conducted scene of offence panchanama. Inquest was also

concluded. Thereafter, the body was sent for postmortem examination. Charge sheet was filed for the offences under Sections 302 and 304-B of IPC.

7. Learned Sessions Judge having examined witnesses found that the death was suicidal and accordingly acquitted the appellant for the offence under Section 302 IPC and convicted under Section 304-B of IPC.

8. Sri C.Pratap Reddy, learned Senior Counsel appearing for the appellant would submit that there is any amount of development in the statements of the witnesses before Court. In fact, the evidence was brought on record by defence to show that the deceased was suffering from ailments like abdominal pain and gynec problems. However, the said ill-health of the deceased was overlooked and the Court based its findings on the developed version of the witnesses.

9. On the other hand, learned Assistant Public Prosecutor submitted that the death was unnatural and there is no reason why she would commit suicide unless there was demand for dowry as stated by the parents. Specifically it is alleged that Rs.1.00 lakh dowry was demanded and the victim was sent to her parents house.

In the said circumstances, the findings of the learned Sessions Judge regarding involvement of the appellant has to be upheld.

10. P.Ws.1 and 2 stated that Rs.1,50,000/- dowry was given at the time of marriage and also stated that there was demand for additional dowry of Rs.1.00 lakh, which was informed by the deceased. The deceased then left to in-laws house. Thereafter, P.W.2/mother went to the house of the appellant. The incident happened when the mother/P.W.2 was present in the house. P.W.2 further admitted that the appellant had called them four or five days prior to the incident and informed that the deceased was experiencing abdominal pain. Accordingly, P.W.2 and her son went to meet the deceased in the hospital.

11. The deceased had consumed sleeping pills on account of the appellant arriving late on their wedding night which was nearly two years prior to suicide. Though the case of the prosecution is that P.Ws.4, 5, 6 and 17, who are the village elders were present when a panchayat was held regarding the deceased consuming sleeping pills on the wedding night, have all turned hostile to the prosecution case.

12. The conduct of the deceased in consuming sleeping pills immediately after marriage only for the reason of the appellant arriving late on the wedding night gives rise to suspicion regarding the normal behavioral attitude of the deceased. Consuming sleeping pills only for the reason of coming late is not normal and reflects the hyper sensitive approach to normal situations and such near fatal reaction of consuming sleeping pills is uncalled for, when the appellant arrived late.

13. The swallowing of sleeping pills by deceased immediately after marriage for flimsy reason, cannot form basis to infer that there was cruelty on part of the appellant.

14. During the course of trial, it is the case of the appellant that the deceased had suicidal tendencies and previously attempted suicide in the college and school. However, the said suggestions were denied by P.W.2/mother. Further, it is the case of the appellant that the deceased was suffering from ill-health due to abdominal pain and irregular periods. P.W.10 is the Doctor, who held inquest over the dead body of the deceased. In his cross-examination, P.W.10 admitted that the deceased along with her

husband stayed in his house for five days for treatment at Kadimi hospital, Nalgonda and the deceased underwent treatment as she did not conceive.

15. Ex.X1 was marked through D.W.1, who is neighbor of the appellant's house. He speaks about the deceased quarrelling with the appellant for coming late on 27.05.2009. Since the MRO called appellant, who was working VRO, the appellant went on his work and reached the house late. The deceased quarreled for the said reason and went into the bath room and consumed some sleeping pills. She came out and informed D.W.1 and others. Immediately, she was taken for medical treatment at Huzurnagar hospital. After the said incident, deceased's parents were called and panchayat was held. The evidence of D.W.1 corroborates with the version of P.W.2/mother of the deceased stating that five days prior to committing suicide by the deceased, she went and saw the deceased in Huzurnagar hospital.

16. In Ex.X1, which is set of medical records pertaining to son of D.W.1 which is at page 1 only and from page 2 onwards, patient name Sudha Rani/deceased shows that the deceased was suffering



with irregular periods and there is also TB report dated 07.08.2008. Further, in Ex.X1, bunch of medical record, report is available which reveals that deceased was suffering from chronic Endocervicitis, which treatment is for irregular periods for prolonged period.

17. Apart from P.Ws.1 and 2, there is no other independent evidence regarding any kind of harassment that was meted out to the deceased. In fact, as already discussed, there were trivial issues, such as husband coming late to the house, deceased consuming sleeping pills on the very first night immediately after marriage and also five days prior to her committing suicide. Such attitude or tendency to consuming sleeping pills on trivial issues can only be looked at as the deceased being hyper sensitive, reacting to normal situations abnormally.

18. The allegation regarding the demand for additional dowry of Rs.1.00 lakh appears to have been made up subsequently. In the back ground of the deceased threatening or hyper sensitive attitude of consuming sleeping pills, it is highly improbable that demand for additional dowry would have been made and pursuant to such

demand, deceased would have been harassed. For the foregoing discussion, prosecution has failed to prove any of the ingredients of Section 304-B of IPC.

19. Accordingly, Criminal Appeal is allowed. Since the appellant is on bail, his bail bonds shall stand cancelled. Consequently, miscellaneous applications, if any, shall stand closed.

Date: 13.11.2024  
kvs

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**K.SURENDER, J**