



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3560]

TUESDAY, THE 21st DAY OF JULY 2026

PRESENT

THE HON'BLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 1643/2009

Between:

1

...PETITIONER

AND

1.

2. THE STATE OF A P, REP. BY ITS PUBLIC PROSECUTOR HIGH COURT OF A.P., HYDERABAD.

...RESPONDENT(S):

Revision filed under Section 397/401 of CrPC praying that in the circumstances stated in the affidavit filed in support of the Criminal Revision Case, the High Court may be pleased to present this Memorandum of Criminal Revision Case to this Hon'ble Court against the Judgment in CrI.A.No.320 of 2006 dt.31-12-2007 on the file of the Court of the III Additional Sessions Judge, Guntur against C.C.No.80/2004 dt.29-6-2006 on the file of the Court of the V Addl.Munsif Magistrate, Guntur, Guntur District.

IA NO: 1 OF 2009(CRLRCMP 1486 OF 2009

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone the delay of 190 days in presenting the CrI.R.C. of 2009 before

this Hon'ble Court agaisnt the Judgment in CrI.A.No.320 of 2006 dt.31-12-2007 on the file of the Court of the III Additional Sessions Judge, Guntur.

Counsel for the Petitioner:

1.MD SALEEM

Counsel for the Respondent(S):

1.T BALASWAMI

2.PUBLIC PROSECUTOR

The Court made the following:

THE HON'BLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 1643/2009

ORDER:

1. The instant criminal revision case has been preferred against judgment, dated 31.12.2007, passed in Crl.A.No.320 of 2006 on the file of learned III Additional Sessions Judge, Guntur, whereby learned appellate court set aside the judgment of conviction, dated 29.06.2006, passed against the first respondent in C.C. No.83 of 2004 on the file of V Additional Munsiff Magistrate, Guntur.
2. The petitioner, being the de facto complainant, and the wife of the first respondent, initiated prosecution against the first respondent (A.1) and one (A.2), who is the sister of the first respondent, alleging commission of offences punishable under Section 498-A of the Indian Penal Code, 1860 (for short, '**I.P.C.**') and Sections 3 and 4 of Dowry Prohibition Act, 1961.
3. After hearing the parties, learned Magistrate convicted A.1 for the offences punishable under Section 498-A of IPC and Sections 3 and 4 of the Dowry Prohibition Act, while acquitting A.2 of all the charges.
4. Aggrieved by the order of conviction, A.1 preferred Crl.A.No.320 of 2006 before learned III Additional Sessions Judge, Guntur.
5. Learned appellate court, after re-appreciating the evidence on record, found that the allegations against A.1 and A.2 on the same set of facts and evidence. Having found A.2 not guilty of the alleged offences and

acquitted her, the appellate court held that there was no legal basis to sustain the conviction of A.1 alone in the absence of independent evidence distinguishing his role. Hence, the conviction and sentence imposed upon A.1 was set aside. Aggrieved thereby, the de facto complainant has filed the present criminal revision case.

6. Heard learned counsel for the petitioner at length and perused the material available on record.
7. It appears that the prosecution case was initiated on the basis of the report of de facto complainant, wherein A.1 and A.2 were both arrayed as main perpetrators of the offences under Section 498-A of IPC and Sections 3 and 4 of Dowry Prohibition Act. It was specifically alleged that A.1, at the instigation of A.2, subjected the petitioner to mental cruelty and demanded dowry.
8. After thorough perusal of impugned order, it appears learned trial court has acquitted A.2 but convicted A.1 on the strength of same evidence. However, learned appellate court, on reappraisal of the evidence, found that the allegations against both the accused were inseparable and based on the same evidence. In such circumstances, once the evidence was held insufficient to establish the guilt of A.2, the conviction of A.1, based on the very same evidence and allegations, could not be sustained in the absence of any independent incriminating material exclusively against him. The findings recorded by learned appellate

Court in paragraphs 15 and 16 of the impugned judgment disclose proper appreciation of the evidence.

9. This Court finds no illegality or impropriety in the reasoning adopted by learned appellate court and hence, the criminal revision case is devoid of merit and the same is hereby dismissed.
10. Miscellaneous petitions, if any, pending in this revision case shall stand closed.

JUSTICE SUBHENDU SAMANTA

Dt.21.07.2026
BV

Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No