

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1630 OF 2018

SAREPALLI SREENIVAS & ORS. Appellants

VERSUS

STATE OF ANDHRA PRADESH Respondent

J U D G M E N T

Uday Umesh Lalit, J.

1. This appeal by special leave is directed against the judgment and order dated 29.03.2018 passed by the High Court of Judicature at Hyderabad for the States of Telangana and Andhra Pradesh in Criminal Appeal No.97 of 2013.
2. Accused no.3 is stated to have expired during the pendency of this appeal i.e. on 04.11.2020. Therefore, the proceedings in relation to accused no.3 stand abated.
3. The basic facts leading to the initiation of prosecution against accused persons have been set out in paragraphs 1 and 2 of the judgment of the High Court and for facility, we may reproduce said portion as under:

- “i) Accused No.1 is the husband of one Sridevi (hereinafter referred to as “the deceased”), while accused Nos.2 and 3 are parents of accused No.1 and accused Nos.4 and 5 are the married sisters-in-law of the deceased. PW.1 is the mother of the deceased, PW.2 is the brother of the deceased and PW.3 acted as an elder, for the marriage of accused No.1 with the deceased, which took place on 27.05.2005. At the time of marriage, cash of Rs.2.00 lakhs dowry and Rs.25,000/- towards adapaduchu katnam was paid. The parents of the deceased also gave silver plate, silver tumbler and silver wedding card. At the time of marriage, accused No.1 was working as an Electrical Operator in Railways, Guntakal. After the marriage, the deceased joined her husband in Dharmavaram, Kovvur Mandal, West Godavari District. It is said that accused No.1 and the deceased used to come to the house of PW.1 and to the house of accused Nos.2 and 3 during first 10 days of the marriage. For about nine months thereafter the deceased was kept in the house of her parents. During that period, accused No.1 did not visit the house of PW.1. It is said that prior to the said marriage, there was an alliance to the deceased, in which the parents agreed to give dowry of Rs.4.00 lakhs. Having come to know about the same, the accused started demanding the deceased to bring Rs.2.00 lakhs, thinking that there was a deposit of Rs.2.00 lakhs in the name of the deceased. Further, the family of the deceased own a house in Rajahmundry which was named as “Sridevi Nilayam”. Thinking that the deceased would get a share in the house, the accused were demanding the deceased to get a share in the said house. It is said that accused Nos.1 to 5 used to harass the deceased to bring Rs.2.00 lakhs and also a share in the house at Rajahmundry.
- ii) The evidence on record also shows that elders including the family members of the deceased were requesting the accused No.1 to take back the deceased, as the mother of the deceased, who is a widow, was not in a position to give anything more. Thereafter, accused No.3 is said to have gone to the house to bring back the deceased to his house. At that time, sare saman were arranged. Accused No.3 is said to have demanded that the sare saman should be brought and handed over to them at Guntakal. When the same was informed to elders, they asked accused No.3 to take the sare saman, instead of asking PW.1 to bring them and deliver at their house. Accused No.3 took sare saman to Guntakal along with the deceased. This incident of accused No.3 taking back the deceased to their house took place about five months prior to the date of incident. It appears that accused No.2 also accompanied accused No.3 when he went to the house of PW.1. The evidence further discloses that when accused No.1 set up a house at Guntakal, accused Nos.2 to 4 went to Guntakal. On the said occasion, accused Nos.2 and 4 are alleged to have beat the deceased on the ground that she did not bring cash of Rs.2.00 lakhs and a share in the building. The son of PW.1 by name Sridhar, who was examined as PW.2, accompanied

the deceased, stayed for two days in the house of accused No.1 at Guntakal and thereafter returned to his house. The deceased lived with accused No.1 for five months in Guntakal. At that time, accused No.4 was also living with accused No.1. During the said period, the accused No.4 harassed the deceased on the ground that she did not bring Rs.2.00 lakhs and a share in the building. The evidence on record shows that accused Nos.2, 3 and 5 used to harass the deceased on phone, with a demand to bring Rs.2.00 lakhs and a share in the building. On 15.08.2006 at about 4.30 a.m., PW.1 received a phone call from Ramachandra Rao (not examined), asking her and her son PW.2 to come over to Dharmavaram. On receipt of the said information, PWs.1,2,8 and Prasad went to Dharmavaram to the house of accused. By the time they reached, accused Nos.1 to 5 were sitting in the varanda of their house. They noticed the deceased in a corner of small room, in a standing posture, with the help of a stick kept at her waist. After they opened the door the deceased fell down. They found the deceased dead and her tongue protruding out of the mouth. They also noticed bleeding from nose. The deceased was wearing a jacket and without any saree and a petty coat. They found burn injuries on the private parts and also on the face. The accused were pretending that the deceased committed suicide by pouring kerosene on her and setting herself on fire. Immediately thereafter, ie., on 15.08.2016 PW.1 lodged a report with PW.12-the Sub-Inspector of Police, which came to be registered as Crime No.80 of 2006 for the offence punishable under Section 304-B IPC. Ex.P1 is the report and Ex.P8 is the first information report. PW.12 handed over the investigation to S.D.P.O., Kovvur. As per the instructions of S.D.P.O., Kovvuru, PW.12 gave a requisition to PW.11-the Mandal Revenue Officer, Kovvur, to conduct inquest over the dead body of the deceased.

- iii) PW.13-the S.D.P.O., Kovvur Sub-Division, after collecting copy of the first information report, proceeded to the scene of offence ie., house of accused No.3, bearing Door No.2-2 (2) in Dharmavaram Village. He observed the scene of offence in the presence of PW.9 and others and got prepared a scene of offence panchanama. During scene observation, he seized MOs. 6 to 10 from the scene. Ex.P5 is the scene of offence panchanama. He also prepared a rough sketch of the scene, which is placed on record as Ex.P10. He got the scene of offence photographed through one Srinivasa Rao, which are placed on record as Ex.P9. On the same day at about 1.30 to 3.30 p.m., PW.11-the Mandal Revenue Officer, conducted inquest over the dead body of the deceased in the presence of PW.9 and another. Ex.P6 is the inquest report. During inquest, he examined Pws.1 to 3 and others. Thereafter, the dead body was sent for postmortem examination.
- iv) PW.10-the Deputy Civil Surgeon, Community Health Centre, Kovvur, conducted autopsy over the dead body and issued Ex.P7-

postmortem certificate. According to him, the cause of death was “due to cardio respiratory failure due to shock and asphyxia due to smothering”. He also observed that the burn injuries on the body are postmortem burn injuries. On the same day PW.13 arrested accused Nos.1 to 5 at the house of accused No.3 and brought them to police station. After receipt of the postmortem report, the section of law was altered from 304-B to 302, 498-A and 201 IPC. After completing the examination of all the witnesses and after collecting all the documents, PW.13 filed a charge sheet before the Court of II Additional Judicial Magistrate of First Class, Kovvur, who inturn committed the case to the Sessions Division under Section 209 of Cr.P.C., wherein it came to be numbered as S.C.No.1 of 2007.”

3. In support of its case, the prosecution examined 13 witnesses, PWs 1, 2 and 3 being the witnesses pertaining to dowry related harassment meted out to the deceased. According to PW1 - mother of the deceased, at the time of marriage, cash in the sum of Rs.2,00,000/- (Rupees Two Lakhs Only) was given by way of dowry and Rs.25,000/- were given to the sisters of accused no.1 – husband. Certain jewellery and other items were also given at the time of marriage. The mother also deposed about the harassment narrated by the deceased and the demands made by accused no.1 – husband.

The witness was cross-examined at length but nothing substantial could be elicited from her cross-examination.

4. PW2 - brother of the deceased reiterated the basic factual parts deposed to by PW1 – mother. The witness also stated about dowry related harassments faced by the deceased. His cross-examination also did not lead to anything substantial to discredit the testimony of the witness.

5 PW3 - co-brother of accused no.3 also supported the case of the prosecution and deposed about the demands and harassment.

6. PW4 – a neighbour deposed that on the intervening night of 15.08.2006, he had heard shouts and cries coming from the house of accused no.3 and next day morning it was stated by the accused that the deceased had died of burn injuries.

7. The medical evidence on record is quite clear that the deceased was strangled first and after the life was extinguished, the body was subjected to post-mortem burn injuries.

8. Considering the entirety of material on record, the Trial Court convicted all five accused of the offences punishable under Sections 302, 498A, 201 read with 34 of the Indian Penal Code, 1860 (“IPC” for short) and sentenced them to suffer life imprisonment as substantive sentence under Section 302 IPC with other sentences for subsidiary offences.

9. The appeal preferred by the convicted accused was dealt with by the High Court vide its judgment and order presently under challenge. The High Court found that the case against the husband and the parents-in-law of the deceased was clearly made out while two sisters of the husband, who were ordinarily not residing at the same place, were entitled to benefit of doubt. Granting such benefit to accused nos.4 and 5, the High Court acquitted them

of all the charges but affirmed the conviction and sentences recorded against accused nos.1 to 3.

10. In this appeal, we have heard Ms. Gouri Karuna Das Mohanti, learned Advocate for the appellants, and Mr. Mahfooz Ahsan Nazki, learned Advocate for the State.

11. The evidence on record clearly shows that the deceased was done to death by strangulation and thereafter an attempt was made to camouflage the death as one which arose out of burn injuries. The evidence of PWs 1, 2 and 3 is quite consistent, cogent and firmly establishes not only the demands for dowry but dowry related harassments that the deceased was subjected to.

12. Considering the entirety of material on record, in our view, it is not possible to take a different view than the one that weighed with the Courts below. We, therefore, dismiss this appeal.

13. It must also be stated that accused no.2 – mother-in-law was given the facility of bail considering her medical condition.

14. We, therefore, direct:

- a. Accused no.2 shall surrender within seven days from today, failing which the bail-bonds furnished at the time of her release on bail shall stand forfeited and accused no.2 shall be taken in

custody forthwith.

- b. Since accused no.2 has certain medical issues, we direct the Jail Authorities to extend to accused no.2 all medical facilities.
- c. The accused shall undergo the sentences awarded to them.

15. With these observations, the appeal is dismissed.

.....J.
(UDAY UMESH LALIT)

.....J.
(S. RAVINDRA BHAT)

.....J.
(PAMIDIGHANTAM SRI NARASIMHA)

New Delhi;
April 06, 2022