

IN THE COURT OF THE JUDICIAL MAGISTRATE OF FIRST CLASS
GUNTAKAL

Present: Sri K.VASUDEVA RAO

Judicial Magistrate of First Class

Friday, this the 07th day of April, 2017

P.R.C. No.01/2017

(Crime No.45/2016 of Guntakal I Town Police Station)

Between:

The State, represented by the Sub-Divisional Police Officer, Guntakal

... Complainant

And

1. Malkari Kiran Kumar, aged 32 years, S/o M.Govinda Raju, Occupation Private Mechanic, Caste by Katika Indian Hindu (A.1)
2. Malkari Radha Bai, aged 54 years, W/o M.Govinda Raju, Occupation House Wife, Caste by Katika Indian Hindu (A.2)
3. Malkari Govinda Rajulu, Aged 69 years, S/o late Narasimhappa, Occupation Coolie, Caste by Katika Indian Hindu (A.3)

All are residents of D.No.6/876, Benchi Kottala, Guntakal town, Anantapuram District
...accused

This case is coming on this day for final hearing before me in the presence of the Assistant Public Prosecutor for prosecution and of Sri N.Hemadri, advocate for the accused, this Court made the following:

ORDER

1. The Sub-Divisional Police Officer, Guntakal has laid charge sheet against the accused in Crime No.45/2016 for the offence under section 498-A and 304-B read with 34 of Indian Penal Code of Guntakal I Town police station.
2. Case of prosecution as per the averments of charge sheet in brief are that the parents of M.Lakshmi Rajyam @ Rajya Lakshmi, L.W.3 K.Singidikar Subash, L.W.4 Singidikar Kanya Kumari, performed her marriage with A.1 M.Kiran Kumar, on 28.5.2010 at Railway Function Hall, Hyderabad and at the time of marriage they gave cash of Rs.5,00,000/- and 15 thulas of gold besides the household articles worth Rs.1,00,000/- towards dowry. At the time of marriage A.1 was working as Scooter Mechanic, at Hyderabad and he kept his wife M.Lakshmi Rajyam @ Rajya Lakshmi, in the house of his paternal aunt Kishora Bai for some days and later he changed the name of his wife as Lakshmi Rajyam and kept his family at Boduppal, Hyderabad and lived there for four or five months and on the

advice of A.1 and A.3, he took back his wife M.Lakshmi Rajyam @ Rajya Lakshmi, to his parents' house at Guntakal and continued to work at Hyderabad. Then A.1 started to harass his wife M.Lakshmi Rajyam @ Rajya Lakshmi, physically and mentally for want of children and also to get more additional dowry and on the instigation of A.2 and A.3, A.1 use to beat her and the accused use to harass her, to get Vadi Biyyam every year by getting silk clothes, gold and cash as she was not blessed with children. She informed the same to her parents. In the month of May 2014, the parents of M.Lakshmi Rajyam @ Rajya Lakshmi, shown her to a doctor at Janani Hospital, Hyderabad, by spending Rs.40,000/- and the doctors confirmed that there is no fault in her and advised to test A.1, but A.1 refused to undergo tests. The parents of M.Lakshmi Rajyam @ Rajya Lakshmi, paid cash of Rs.50,000/- in two or three occasions by requesting the accused that they will arrange some amounts after the marriage of their another daughter Vijaya Lakshmi and on 03.3.2015 they performed the marriage of their another daughter and after the marriage, A.1 to A.3 harassed M.Lakshmi Rajyam @ Rajya Lakshmi, to get Rs.2,00,000/-. Due to unbearable harassment of A.1 to A.3 she vexed on her life and fallen under a running train and died on 4.3.2016 at 7.00 p.m., in the middle of Railway Track Plot form No.5.

3. Basing on the report given by L.W.1, L.W.18 S.M.Rahmanthulla, Sub Inspector of Police, GRP, Guntakal registered a case in crime No.25/2016 under section 174 of Cr.P.C., and submitted FIRs to the all concerned and during the course of investigation he visited the scene of offence, examined L.Ws.1 and 2 and recorded their statements.

4. On the request of L.W.18, L.W.15 M.Yellamma, Tahsildar, Guntakal conducted inquest in the presence of the blood relatives of the deceased M.Lakshmi Rajyam @ Rajya Lakshmi, and forwarded the dead body of M.Lakshmi Rajyam @ Rajya Lakshmi, for autopsy and also he requested the SP Railways, Guntakal for onward transfer to Guntakal I Town on the point of jurisdiction. As per the orders of the S.P.Anantapuram L.W.20 Ch.Ravi Kumar, Sub Divisional Police Officer, Guntakal instructed L.W.19 B.V.Nagesh Babu, Sub Inspector of Police, to register the case and accordingly, L.W.19 registered case in crime No.45/2016 under section 304-B

read with 34 of Indian Penal Code and submitted Express FIR copies to all concerned and a copy to L.W.20 for further investigation.

5. After receiving the case records, on 17.4.2016, L.W.20 verified investigation conducted by L.W.18 and he secured the presence of L.Ws.1 and 2 and examined them and recorded their statements. On 20.4.2016, L.W.20 Ch.Ravi Kumar, Sub Divisional Police Officer, Guntakal has secured the presence of L.Ws.3 to 11 and recorded their statements.

6. L.W.20 Ch.Ravi Kumar, Sub Divisional Police Officer, Guntakal filed a memo before the Honourable Judicial Magistrate of First Class, Guntakal for adding section 498-A of Indian Penal Code and on 4.5.2016, L.W.19 produced A.1 and A.3 before him and he arrested them and sent for Judicial Remand. L.W.16 Dr.Md. Arshad, Civil Assistant Surgeon, Government Hospital, Guntakal conducted autopsy over the dead body of M.Lakshmi Rajyam @ Rajya Lakshmi, and issued postmortem report and Final Opinion after receipt of RFSL report opining cause of death might be due to severe head injury causing brain hemorrhage, cardiac and respiratory arrest. A.2 was granted anticipatory bail from the Honourable VI Additional Sessions Judge, Gooty vide CrI.M.P.No.432/2016 dt.19.5.2016 and he surrendered before the Honourable Judicial Magistrate of First Class, Guntakal. Hence the Charge.

7. On 2.2.2017 cognizance of offences under section 498-A, 304-B read with 34 of Indian Penal Code was taken against A.1 to A.3.

8. After appearance of A.1 to A.3 copies of documents were furnished to accused under section 207 Criminal Procedure Code, when accused were questioned regarding means, accused stated that they have means to engage counsel at the Court of Sessions.

9. Upon hearing on both sides and on perusal of the available record, as prima facie case under section 498-A, 304-B of Indian Penal Code of is made out, out of which offence under section 304-B of Indian Penal Code is exclusively triable by the Court of Sessions. Hence, this court is inclined to commit the case to Sessions Division, Anantapuram.

10. In the result, case is committed to the Court of Sessions, Anantapuram division under section 209 (a) Criminal Procedure Code. A.1 is ordered to be enlarged on bail as per the orders in Cr.M.P.No.520/2016 dated 1.6.2016, A.2 is ordered to be enlarged on bail as per the orders in Cr.M.P.No.432/2016 dated 19.5.2016 and A.3 is ordered to be enlarged on bail as per the orders in Cr.M.P.No.431/2016 dated 19.5.2016 by the Hon'ble VI Additional District & Sessions Judge, Gooty and they are ordered to be continued on bail, during and until conclusion of the trial, under section 209(b) Criminal Procedure Code. The case records and properties are to be submitted to the Court of Sessions, Anantapuram Division under section 209(c) Criminal Procedure Code. The fact of committal of the case is notified to the Public Prosecutor under section 209(d) Criminal Procedure Code.

Typed to my dictation, by the Personal Assistant , corrected and pronounced by me in open Court on this the 07th day of April, 2017.

Judicial Magistrate of First Class
Guntakal

Appendix of Evidence

No oral or documentary evidence is adduced on either side.

J.M.F.C./GTL.