

SUPREME COURT OF INDIA**Bench: Justices B.R. Gavai and Sandeep Mehta****Date of Decision: 15th May 2024**

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). ____ OF 2024

(Arising out of SLP (Criminal) No(s). 2122 of 2024)

Dasari Srikanth**Appellant****Vs****State of Telangana****Respondent****Legislation and Rules:**

Sections 354D, 506-Part I of the Indian Penal Code (IPC), 1860

Section 11, 12 of the Protection of Children from Sexual Offences Act, 2012
(POCSO Act)

Article 142 of the Constitution of India

Subject: Criminal appeal challenging the conviction and sentence for offences under Sections 354D and 506-Part I IPC, reduced by the High Court, with the appellant and the complainant having married each other during the pendency of the appeal.

Headnotes:

Criminal Law – Conviction Quashed – Appeal by the accused against High Court’s judgment upholding conviction under Sections 354D and 506-Part I IPC – Appellant and complainant married during the appeal’s pendency – Supreme Court invoked Article 142 of the Constitution of India to quash the conviction to preserve matrimonial harmony – Impugned judgments set aside, and appellant acquitted [Paras 1-12].

Marriage and Conviction – During the appeal, appellant and complainant solemnized marriage – Compliance affidavit confirmed the marriage – Supreme Court considered the potential adverse impact of upholding the conviction on the matrimonial relationship – Powers under Article 142 exercised for quashing the conviction [Paras 4-9].

Decision – Appeal Allowed – Held – The Supreme Court quashed and set aside the judgments of the High Court and the trial court – Appellant acquitted of the charges under Sections 354D and 506-Part I IPC – Pending applications disposed of [Paras 10-13].

Referred Cases: None.

J U D G M E N T

Mehta, J.

1. Leave granted.
2. This appeal is preferred by the appellant for assailing the judgment dated 27th June, 2023 passed by the High Court of the State of Telangana at Hyderabad partly allowing the Criminal Appeal No.178 of 2021 preferred by the appellant, upholding his conviction for offences under Sections 354D and 506-Part I of the Indian Penal Code, 1860(hereinafter being referred to as the ‘IPC’), but reducing the sentence of imprisonment for both the offences to three months.
3. The accused appellant was tried by the Special Fast Track Court, Suryapet(hereinafter being referred to as ‘trial Court’). Vide judgment dated 9th April, 2021, the trial Court acquitted the accused appellant for the offences under Section 11 read with Section 12 of the Protection of Children from Sexual Offences Act, 2012(hereinafter being referred to as ‘POCSO Act’) but at the same time, convicted and sentenced him for offences under Sections 354D and 506-Part I IPC as follows:
 - i) Under Section 354D IPC: Rigorous Imprisonment for 2 years and a fine of Rs. 1000/-(in default to undergo Simple Imprisonment for one month)
 - ii) Under Section 506 Part I IPC: Simple Imprisonment for 6 months and a fine of Rs. 500/-(in default to undergo Simple Imprisonment for 15 days)

4. As stated above, the High Court reduced the sentences awarded to the accused appellant to three months on both counts. A pertinent plea has been raised in this appeal that the appellant and the complainant(victim) have married each other on 6th August, 2023 as per the Hindu rites and customs and that the marriage has also been registered in the Office of Registrar of Hindu Marriages and Sub Registrar, Kodad, District Suryapet, Telangana. An affidavit of the complainant affirming this fact was placed on record. Accordingly, vide order dated 16th April, 2024, we directed the learned Standing Counsel for the State of Telangana to verify the fact regarding the marriage of the appellant and the complainant from the concerned police station.
5. Ms. Devina Sehgal, learned counsel representing the State has filed a compliance affidavit sworn by the Sub-Inspector of the police station concerned who has verified the fact that the appellant and the complainant have solemnized marriage with each other and the marriage was registered as per the Hindu Marriage Act, 1955 at the Office of Registrar and Sub Registrar, Kodad, Suryapet District, Telangana on 23rd, September, 2023. The copy of the marriage certificate is annexed with the said affidavit.
6. As is evident from the record, the appellant was initially charged for the offences under Sections 354D and 506 of IPC and Section 11 read with Section 12 of POCSO Act. However, the learned trial Court did not find the offences under the POCSO Act proved and acquitted the accused appellant from the said charges. 7. The offences under Section 354D IPC and Section 506 IPC are personal to the complainant and the accused appellant. The fact that the appellant and the complainant have married each other during the pendency of this appeal gives rise to a reasonable belief that both were involved in some kind of relationship even when the offences alleged were said to have been committed.
8. Since, the appellant and the complainant have married each other, the affirmation of the judgment rendered by the High Court would have the disastrous consequence on the accused appellant being sent to jail which in turn could put his matrimonial relationship with the complainant in danger.
9. As a consequence, we are inclined to exercise the powers under Article 142 of the Constitution of India for quashing the conviction of the accused appellant as recorded by the learned trial Court and modified by the High Court.

10. As a result, the impugned judgment dated 27th June, 2023 passed by the High Court and judgment dated 9th April, 2021 passed by the trial Court are hereby quashed and set aside.
11. The appellant is acquitted of the charges.
12. The appeal is allowed in these terms.
13. Pending application(s), if any, shall stand disposed of.

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