

IN THE COURT OF THE ASSISTANT SESSIONS JUDGE AT ADILABAD

Present:- Dr. Pramila Jain,
Assistant Sessions Judge, Adilabad,

Tuesday, this the 12th day of November, 2024

S.C. No. 341 of 2021

(On committal by the learned Judicial Magistrate of First Class, Utnoor, by order, dated: 22.10.2021 in P.R.C.No.29/2021 in Cr.No.50/2021 of P.S. Utnoor)

Name of Complainant	The Sub-Inspector of Police, P.S. Utnoor
Name of accused	A1) Athram Narsing Rao S/o. Bheershav, Age: 52 years, Occ: Agriculture, R/o. Towerguda, H/o. Beersaipet village of Utnoor Mandal. A2) Pendur Devshaw S/o. Bheemrao, Age: 34 years, Occ: Agriculture, R/o. Towerguda, H/o. Beersaipet village of Utnoor Mandal. A3) Kumra Maruthi S/o. Manku, Age: 41 years, Occ: Agriculture, R/o. Towerguda, H/o. Beersaipet village of Utnoor Mandal.
Nature of Offence	U/Sec. 452, 324, 307 r/w 34 of IPC
Plea of accused	Not guilty
Finding of the Court	Not guilty
Sentence /Order	IN THE RESULT , A1 to A3 are found not guilty for the offence punishable under Sections 452, 324, 307 r/w 34 of IPC and as such, they are acquitted for the same under Section 235(1) of Cr.P.C. The bail bonds of accused persons shall stand cancelled after expiry of appeal period. The MO.1 to MO.7 deposited before this Court vide C.P.No.1/2023 shall be destroyed after expiry of appeal period.

Counsel for the prosecution	Addl. P.P.
Counsel for defence	Sri Abdul Kaleem, Sri Shaik Mansheer, Advocates

This case is coming on 12.11.2024 for final hearing before me in the presence of learned Additional Public Prosecutor for the State, Sri Abdul Kaleem and Sri Shaik Mansheer, Advocates for Accused and having been heard and stood over for consideration till this day, this Court delivered the following:-

J U D G M E N T

1. The Station House Officer, Police Station Utnoor filed charge-sheet against A1 to A3 for the offences punishable under Sections 452, 324, 307 r/w 34 of IPC in Cr.No.50/2021 of P.S. Utnoor.

2. The brief facts of the case are that on 20.05.2021 at 11:15 hours the complainant Chahakati Jalapathi Rao went to the police station and lodged a Telugu written petition stating that since one year A1 to A3 were used to quarrel with Chahakati Jalapathi Rao and his mother by alleging that Chahakati Jalapathi Rao and his mother were doing black magic and threatened to kill them. In this regard on 19.05.2021 at about 19.30 hours, Chahakati Jalapathi Rao along with his wife Rambai, Son Mohan Rao, his sister Jangubai and his mother Mankubai, when they were in their house, A1 to A3 illegally trespassed into his house and dragged his mother Mankubai to outside of the house with an intention to kill her and beat her with sticks on her face and head, as a result she sustained with the severe blood injuries over her face and head. Then Chahakati Jalapathi Rao and his wife Rambai tried to rescue her from the accused persons, then the accused attacked on them

also. Later the villagers rescued them from the clutches of the accused persons. Later Mankubai was shifted to hospital in 108 ambulance for treatment, hence delay in lodging a report. Therefore he requested to take necessary action against the accused persons.

3. Based on the contents of above report Pidi Subbarao, S.I. of Police, P.S. Uttoor, registered a case in Cr.No.50/2021 for the offence under Section 452, 324, 307 r/w 34 of IPC by issuing FIR copies to all the concerned, took up the investigation, examined and recorded the statements of Chahakati Jalapathirao and Chahakati Ram Bai, issued medical requisition to the medical officer with a request to treatment the injured persons and issue wound certificate, later visited the RIMS Hospital, Adilabad where the victim/Chahakati Mankubai was undergoing treatment, thereafter visited the scene of offence, secured the witnesses examined and recorded the statements of Chahakati Mohan Rao and Pendur Jangu Bai, observed the scene of offence carefully, secured two mediators i.e., Tekam Vasanthrao and Athram Laxman, drafted CDF along with rough sketch of crime scene in their presence and seized (i) Aadhar card of accused A1 bearing No.26214579670, (ii) 3 feet length bamboo stick, (iii) 4 feet bamboo length stick (iv) blood stained stick of length 25 CM & 3 CM width (v) blood stained earth (vi) control earth.

On 21.05.2021 at 08:00 hours Pidi Subbarao, S.I. of Police along with his staff rushed to Beersaipet bustand and apprehended the accused persons, during the course of interrogation, the accused persons voluntarily confessed

their guilty of commission of this offence, secured two mediators i.e., Yella Sepu @ Oseph and Mittapally Krishna Reddy, drafted confession and seizure panchanama in the presence of same mediators, seized 4.2 feet length bamboo stick from the possession of A1, later brought the accused persons to Police Station, effected arrest by issuing arrest Memos and informed to their relatives under Section 50 and 50(a) of Cr.P.C notices have been served, Section 41-B of Cr.P.C procedure is followed and sent A1 to A3 to judicial remand.

On 22.05.2021 Pidi Subbarao obtained the medical certificate of Chahakati Jalapathirao and Chahakati Ram Bai from the medical officer Dr. B. Mahender, Civil Asst. Surgeon, CHC, Utnoor in which he opined that injuries received by Chahakati Jalapathirao and Chahakati Ram Bai are "Simple in nature.", on 22.05.2021 visited the Towerguda, H/o. Beersipet village, secured the witnesses Pendur Bheembai, Pendur Bapurao and Pendur Jaithu, examined and recorded their statements, drafted seizure panchanama and seized Pale Pink coloured Saree with dark brown stains of Chahakati Mankubai.

On 10.06.2021 Pidi Subbarao deputed Ch. Koteswar, PC-940 to deposit the case property i.e, 1) Soil with dark brown stains, 2) Soil, 3) Pale Pink coloured Saree with dark brown stains, 4) Stick with dark brown stains, 5) Bamboos stick with dark brown stains to RFSL Karimnagar for chemical analysis and report and obtain the receipt vide RFSL(KNR)/1131 SER/201/21.

On 29.06.2021 Pidi Subbarao visited the Towerguda, H/o. Beersipet village, secured the witness Chahakati Mankubai/injured person, examined and recorded her statement, on 27.07.2021 obtained the medical certificate of the Mankubai from the medical officer/Dr. T. Krishna Kumar, Civil Asst. Surgeon, CHC, Utnoor in which he opined that the injuries received by Mankubai are "Grievous in nature."

On 27.07.2021 Pidi Subbarao received the case property and report from Dr. G. Gopinath, Regional Head & Assistant Director, RFSL Karimnagar in which he opined that "Items 1, 2, 3, 4 and 5 are analyzed. Human blood is detected on items 1, 3, 4 and 5. Blood group of blood stains on 3 and 5 is of "B" blood group. Blood group of blood stains on items 1 and 4 could not be determined. Blood is not detected on item 2 which is received as control for item 1." After completion of entire investigation Pidi Subbarao, Sub-Inspector of Police filed the charge sheet against the accused persons.

4. On filing the charge sheet, the learned Magistrate took the cognizance of the offence on file under Sections 452, 324 and 307 r/w 34 of IPC against A1 to A3 and furnished the copies of case documents to them under Section 207 of Cr.P.C and committed the case to the Hon'ble Court of Sessions, Adilabad vide P.R.C. No.29/2021. The Hon'ble Court of Sessions, Adilabad made over the case to this court to dispose of according to law vide SC No.341/2021.

5. On appearance of A1 to A3 before this Court, charges for the offence punishable under Sections 452, 324, 307 r/w 34 of IPC are framed against them, the contents of the same were read over and explained to them in their vernacular language. Accused persons denied the accusations levelled against them, pleaded not guilty and claimed to be tried.

6. During the course of trial on behalf of prosecution, PW1 to PW13 were examined, Ex.P1 to Ex.P15 and MO.1 to MO.7 were marked on its behalf. Ex.P1 is Police Report, Ex.P2 is CDF, Ex.P3 is rough sketch, Ex.P4 and Ex.P5 are the signatures of PW8 on confession-cum-seizure panchanama, Ex.P6 and Ex.P7 are the signatures of PW9 on confession-cum-seizure panchanama, Ex.P8 is the injury certificate of PW1, Ex.P9 is the injury certificate of PW2, Ex.P10 is seizure panchanama of MO.7, Ex.P11 is the injury certificate of PW3, Ex.P12 is FIR, Ex.P13 is confession cum recovery panchanama of A1 to A3, Ex.P14 is seizure panchanama of A1, Ex.P15 is RFSL report, MO.1 to MO.4 are bamboo sticks, MO.5 is blood stained earth, MO.6 is control earth, MO.7 is Saree.

7. After closing the prosecution evidence, A1 to A3 were examined under Section 313 of Cr.P.C on the incriminating material and circumstances appearing against them in the evidence of prosecution witnesses. A1 to A3 denied the same and reported no defence evidence on their behalf.

8. Heard arguments from both sides.

9. *Now the point for determination is:*

“Whether the prosecution has proved the guilt of A1 to A3 for the offence punishable under Sections 452, 324, 307 r/w 34 of IPC beyond all reasonable doubts?”

POINT:

10. In this case prosecution examined PW1 to PW13 and marked Ex.P1 to Ex.P15 and MO.1 to MO.7 in support to their case. PW1 is defacto-complainant/injured; PW2 is wife of PW1, injured and eye witness; PW3 is Victim and injured; PW4 is son of PW1; PW5 is elder sister of PW1 and eye witness; PW6 is Panch witness of CDF; PW7 is Panch witness of CDF; PW8 is Panch for confessional statement of the accused persons; PW9 is Panch for confessional statement of the accused persons; PW10 is Medical Officer; PW11 is Panch for seizure panchanama; PW12 is Medical Officer; PW13 is Investigation Officer. The Ld. APP has given up the evidence of Pendur Bheembai – Eye witness, Pendur Bapurao – Eye witness, Pendur Jaithu – Circumstantial witness, Karra Rajashekhar Reddy – Panch for seizure panchanama.

11. As per the evidence of PW1, PW3 sustained the injury on her head and right eye. Further looking into the evidence of PW2, PW3 sustained the injury on her head, nose and chin. Further PW3 who is the injured deposed that she has sustained the injury on her nose, head, back and cheeks. Whereas PW4

stated that PW3 sustained injury on the head, nose, face and cheeks as such there is a conflict in the injury sustained by PW3 from the evidence of PW1 to PW4. Further as per the evidence of PW12, PW3 on the same day brought the X-ray report of skull and on observation PW12 found the fracture on the body of left mandible, nasal bridge collapsed but the prosecution failed to file X-ray and it's report as well as C.T. Scan report before the court in order to prove that PW3 sustained the fracture on the body of left mandible and nasal bridge collapsed on which PW12 opined about it. Further looking into the Ex.P11, PW12 mentioned the basement stone as a weapon used for causing injury in column No.3 of Medical Certificate i.e., Ex.P11 but as per the evidence of PW1 to PW3, PW3 sustained the injury as the A1 to A3 hit the PW3 with sticks but not with the basement stone. Further as per the evidence of PW12, on 20.05.2021 PW12 received a requisition from S.I. of Police, Utnoor to examine PW3 but whereas looking into the Ex.P11 PW12 mentioned the date of admission of PW3 as 19.05.2021 which is prior to the requisition which shows that police has not referred the PW3 to PW12 for her medical examination. Further it shows that PW3 herself admitted in the hospital without any identification by the police before PW12. Further PW3 admitted that PW3 has not handed over any medical certificate to the police related to her injury and the same was admitted by the investigation officer i.e., PW13 in his cross examination that he has not collected any medical evidence of PW3 from PW3 hence it is doubtful whether the Ex.P11 which was issued by PW12 is belongs to the PW3 or not as there is a contradiction between the ocular evidence with

that of medical evidence. Further looking into the evidence of PW4, PW4 deposed that A1 to A3 attacked PW4 with a bamboo sticks and injured him they also beat the parents i.e., PW1 and PW2 and injured them while attacking they threatened PW4 with dire consequences but the same was not deposed by PW1 and PW2 even it was not stated by the victim i.e., PW3 before the Court. Further looking into the evidence of PW4, PW4 deposed that previously also on two or three occasions A1 to A3 came to their house and warned the PW4 alleging that PW3 was practicing sorcery but the same was not deposed by PW1 and PW2 even it was not deposed by PW3 herself also. Further looking into the evidence of PW4, PW4 stated that PW3 sustained the injuries on her head, nose, face and on cheeks and on hues and cries their villagers gathered and called 108 ambulance but the prosecution failed to examine any of the villagers in order to prove the same, on another hand PW4 admitted that the same was not deposed by him before police authority.

Further as per the evidence of PW1, PW3 and PW4 accused hit them by suspecting that they were practicing a sorcery on A1 to A3 and their family members but the prosecution failed to examine any of the villagers in order to prove that they were doing sorcery on the accused and their family members. Further on another hand as per the evidence of PW1 LW5/Pendur Bheembai and LW6/Pendur Bapurao who were present and witnessed the incident but the prosecution failed to examine them eventhough they are eye witnesses to the incident and neighbour of PW1.

Further as per the evidence of PW10, PW1 sustained the blunt injury on his back and shoulder and PW2 sustained the blunt injury on left hand as A1 to A3 beat him with the sticks and PW10 examined them and issued Ex.P8 and Ex.P9 but looking into the Ex.P9 PW2 received the injury from wooden rod but whereas PW2 stated that she sustained the injury as the accused hit on her hand with sticks as such there is a contradiction between the ocular evidence with that of the medical evidence. Further as per the Ex.P8 PW10 mentioned the age of the injury is approximate two hours prior to the injury but the incident occurred on 19.05.2021 whereas PW10 received the requisition from S.I. of Police, Utnoor P.S to examine PW1 and PW2 on 20.05.2021 and on 20.05.2021 PW10 examined the PW1 and PW2 which is nothing but one day after the incident then how can it is possible that the age of the injury sustained by PW1 is two hours prior to the injury. As such it is doubtful whether the Ex.P8 and Ex.P9 issued by PW10 is belongs to PW1 and PW2 as there is a contradiction in the ocular evidence with that of medical evidence.

As such there are lot of contradictions, omissions and improvements in the evidence of PW1 to PW5, hence in view of above discussed circumstances the evidence of PW1 to PW5 cannot be believable to prove the guilt of Accused beyond all reasonable doubt.

It is the evidence of PW13 that PW13 visited the scene of offence situated at Towerguda village, conducted scene of offence panchanama, drawn rough sketch, seized Aadhar Card, MO.1, MO.2, MO.3, MO.5 and MO.6 by securing the presence of PW6 and PW7 but looking into the evidence of

PW7, PW7 deposed about the seizure of MO.1 to MO.6 in his presence which is nothing but contrary to the evidence of investigation officer as such it is doubtful whether the police has seized MO.1 to MO.3, MO.5 and MO.6 in the presence of PW7 or not. On another hand PW6 became hostile and did not support the prosecution version. Further it is the evidence of PW13 that PW13 apprehended A1 to A3, on enquiry A1 to A3 confessed to have committed this offence and in pursuance of confessional statement of A1, A1 led PW13, his staff, PW8 and PW9 to the backyard of his house, there A1 produced MO.4 which was kept on pandal as such PW13 seized MO.4 from the possession of A4 under the cover of panchanama by securing the presence of PW8 and PW9 but PW8 and PW9 became hostile and did not support the prosecution version as such the prosecution failed to prove the confession of the accused and seizure of MO.4 before the panchas. Further it is the evidence of PW13 that on 22.05.2021 PW13 visited the Towerguda village and examined and recorded the statements of LW5/Pendur Bheembai, LW6/Pendur Bapurao and LW7/Pendur Jaithu, seized the pink colour saree from the possession of PW1 under the cover of seizure panchanama i.e., Ex.P10 by securing the presence of PW11 and LW13/Karra Rajashekhar Reddy but looking into the evidence of PW11 who is a panch for seizure of MO.7 deposed that one person handed over the saree to the police and police took the saree under the cover of panchanama in his presence but whereas looking into Ex.P10 on asking by the panchas PW1 shown the MO.7 to the panchas themselves and in their presence police seized the MO.7 but inspite of it PW11 deposed that one

person handed over the MO.7 to the police without specifying the name of PW1. Further PW11 cannot say the date and month of panchanama conducted by the police inspite of his presence at the time of conducting the panchanama as such it all creates a doubt with regard to presence of PW11 at the time of seizure of MO.7 under the Ex.P10. Furthermore the prosecution failed to examine LW13/Karra Rajashekhar Reddy who is another pancha for the seizure of MO.7 under Ex.P10. Further looking into the scene of offence panchanama dated: 20.05.2021 i.e., Ex.P2, the PW13 seized three bamboo sticks from the place of offence but PW13 has shown only one three feet bamboo stick in the rough sketch which was same admitted by the investigation officer. Further except reiterating the averments of charge sheet nothing much incriminating evidence is elicited against the accused from the evidence of PW13 as such the evidence of PW13 is of nominal importance.

12. On considering the material available on record and testimonies of material witnesses, it does not establish any nexus between the Accused persons and the alleged incident of attempt to kill PW3, further it does not establish any overt acts of accused persons and intention of accused persons to kill PW3. Further it does not establish that the Accused persons criminally trespassed into the house of PW1 after preparation of hurt to PW1 to PW3 and tried to kill PW3. Further it does not establish that the Accused persons voluntarily caused hurt to PW1 to PW3 and caused bleeding injuries. Hence, it

can be said that the accused persons are no way concerned with the said alleged incident.

13. In view of the above discussion, this Court is of the opinion that there is no convincing evidence to bring home the guilt of A1 to A3, hence it can be said that the prosecution miserably failed to prove the charge under Sections 452, 324, 307 r/w 34 of IPC against A1 to A3 beyond all reasonable doubts. Hence A1 to A3 are entitled for acquittal. Therefore, this point is answered accordingly.

14. IN THE RESULT, A1 to A3 are found not guilty for the offence punishable under Sections 452, 324, 307 r/w 34 of IPC and as such, they are acquitted for the same under Section 235(1) of Cr.P.C. The bail bonds of accused persons shall stand cancelled after expiry of appeal period. The MO.1 to MO.7 deposited before this Court vide C.P.No.1/2023 shall be destroyed after expiry of appeal period.

Typed to my dictation by the Stenographer, corrected and pronounced by me in the open Court on this the 12th day of November, 2024.

Assistant Sessions Judge,
Adilabad.

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

FOR PROSECUTION

PW1: Chahakati Jalapathirao / Defacto-
complainant and injured

FOR DEFENCE

-None-

- PW2: Chahakati Ram Bai / Wife of PW1, injured and eye witness
- PW3: Chahakati Mankubai / Victim, injured and mother of PW1
- PW4: Chahakati Mohan Rao / Son of PW1
- PW5: Pendur Jangu Bai / Elder sister of PW1 and eye witness
- PW6: Tekam Vasanthrao / Panch witness of CDF
- PW7: Athram Laxman / Panch witness of CDF
- PW8: Yella Sepu @ Oseph / Panch for confessional statement of accused
- PW9: Mittapally Krishna Reddy / Panch for confessional statement of accused
- PW10: Dr. B. Mahender / Medical Officer
- PW11: Gundugula Rajendra / Panch for seizure panchanama
- PW12: Dr. T. Krishna Kumar / Medical Officer
- PW13: Pidi Subbarao / Investigation Officer

EXHIBITS MARKED**FOR PROSECUTION:-**

- Ex.P1: Police Report
- Ex.P2: CDF
- Ex.P3: Rough sketch
- Ex.P4: Signatures of PW8 on confession-cum-seizure panchanama
- Ex.P5:
- Ex.P6: Signatures of PW9 on confession-cum-seizure panchanama
- Ex.P7:
- Ex.P8: Injury certificate of PW1
- Ex.P9: Injury certificate of PW2
- Ex.P10: Seizure panchanama of MO.7
- Ex.P11: Injury certificate of PW3
- Ex.P12: FIR

FOR DEFENCE

- Nil -

Ex.P13: Confession cum recovery panchanama
of A1 to A3

Ex.P14: Seizure panchanama of A1

Ex.P15: RFSL report

MATERIAL OBJECTS

MO.1 to MO.4: Bamboo sticks

MO.5: Blood stained earth

MO.6: Control earth

MO.7: Saree

Assistant Sessions Judge,
Adilabad.

IN THE COURT OF THE ASSISTANT SESSIONS JUDGE AT ADILABAD.

CALENDAR AND JUDGMENT

S.C.No. 341 of 2021

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|----|-------------------------------|---|---|
| 1. | Date of offence | : | 19.05.2021 |
| 2. | Date of complaint | : | 20.05.2021 |
| 3. | Date of appearance of accused | : | 02.05.2022 |
| 4. | Committal order | : | 22.10.2021 |
| 5. | Date of commencement of trial | : | 09.01.2023 |
| 6. | Date of closure of trial | : | 13.03.2023 |
| 7. | Date of Judgment | : | 12.11.2024 |
| 8. | Explanation if delay if any | : | --- |
| 9. | Complainant | : | The State of Telangana
through Sub-Inspector of
Police, PS Utnoor |

10. Accused :

A1) Athram Narsing Rao S/o. Bheershav, Age: 52 years, Occ: Agriculture, R/o. Towerguda, H/o. Beersaipet village of Utnoor Mandal.

A2) Pendur Devshaw S/o. Bheemrao, Age: 34 years, Occ: Agriculture, R/o. Towerguda, H/o. Beersaipet village of Utnoor Mandal.

A3) Kumra Maruthi S/o. Manku, Age: 41 years, Occ: Agriculture, R/o. Towerguda, H/o. Beersaipet village of Utnoor Mandal.

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|-----|------------------|---|--------------------------------------|
| 11. | Offence | : | U/sec.452, 324, 307 r/w 34 of
IPC |
| 12 | Finding of Court | : | Found not Guilty |
| 13. | Sentence/order | : | |

IN THE RESULT, A1 to A3 are found not guilty for the offence punishable under Sections 452, 324, 307 r/w 34 of IPC and as such, they are acquitted for the same under Section 235(1) of Cr.P.C. The bail bonds of accused persons shall stand cancelled after expiry of appeal period. The MO.1 to MO.7 deposited before this Court vide C.P.No.1/2023 shall be destroyed after expiry of appeal period.

Assistant Sessions Judge,
Adilabad