APHC010142002010

**IN THE HIGH COURT OF ANDHRA PRADESH**
**AT AMARAVATI** **[3560]**
**(Special Original Jurisdiction)**

WEDNESDAY, THE 14th DAY OF OCTOBER 2026

**PRESENT**

**THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA**

**CRIMINAL REVISION CASE NO: 745/2010**

**Between:**

1. G.V. KRANTHI KUMAR @ G. KRANTHI, MADANAPALLE, CHITTOOR DIST., S/O. G.V. CHALAPATHY RESIDING AT KURAVANKA, MADANAPALLE, CHITTOOR DISTRICT.

**...PETITIONER**

**AND**

1. THE STATE OF A P REPTD BY P P HYDERABAD, Reptd. by Public Prosecutor High Court of Andhra Pradesh, Hyderabad.

**...RESPONDENT**

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 allow the Crl.R.C. and set aside the Judgment dated 23-02-2009 made in Crl.A. No. 73 of 2009 on the file of the Court of the Sessions Division of Chittoor.

**IA NO: 1 OF 2010(CRLRCMP 1080 OF 2010**

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 dispense with the filing of the Certified copy of Judgment passed in S.C. No. 281 of 2004 on the file of the Court of the Sessions of Chittoor Division at Madanapalle dated 10-07-2009 for the present.

**IA NO: 2 OF 2010(CRLRCMP 1112 OF 2010**

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 enlarge the petitioner on bail by suspending the execution of sentence vide Judgment dated 23-02-2009 made in Crl.A. No. 73 of 2009 on the file of the court of the Sessions Division of Chittoor in modifying the award of sentence in

S.C. No. 281 / 2004 on the file of the court of the Sessions of Chittoor Division at Madanapalle dated 10-07-2009, pending disposal of the main Crl.R.C.

**Counsel for the Petitioner:**

1. M VENKATA RAMANA REDDY

**Counsel for the Respondent:**

1. PUBLIC PROSECUTOR

**The Court made the following order:**

1. Instant criminal revision case has been preferred against the judgment dated 23.02.2010, passed in Criminal Appeal No.73 of 2009 on the file of the Sessions Division, Chittoor, modifying the conviction and sentence of the petitioner recorded by the learned Assistant Sessions Judge, Madanapalle, in S.C. No.281 of 2004.
2. The petitioner was arrayed as an accused, alleged to have committed the offence punishable under Section 366-A of I.P.C. It has been alleged by the prosecution that the petitioner had kidnapped a minor girl, P.W.3, from the lawful custody of her guardian and kept her away for a period of one week.
3. Learned trial court found the petitioner guilty of the offence punishable under Section 366-A of I.P.C. and convicted him thereunder, sentencing him to undergo rigorous imprisonment for a period of five years and to pay a fine of Rs.500/-. The said judgment of conviction and sentence was carried in appeal. Learned appellate court, though confirmed the conviction under Section 366-A of I.P.C., modified the substantive

sentence from five years to three years of rigorous imprisonment. Hence, instant criminal revision case.

4. Learned counsel for the petitioner submits that the prosecution has failed to establish the ingredients of the offence punishable under Section 366-A of I.P.C. and, thereby, the conviction recorded by learned trial court and confirmed by the learned appellate court is illegal. He further submits that there are improvements and contradictions in the evidence of the prosecution witnesses and, therefore, the conviction cannot be sustained. It is the specific contention of learned counsel that the victim was not a minor at the time of the alleged incident and, thereby, the ingredients of the offence under Section 366-A of I.P.C. have not been established. In support of his contention, he relied upon the judgment of Hon'ble Delhi High Court in Sunil Kumar Sharma v. State (NCT of Delhi)[1].
5. Learned Assistant Public Prosecutor appearing for the State submits that, during trial, the prosecution has brought home the charge against the petitioner in all respects. The victim was examined as P.W.3, and her evidence properly corroborates the prosecution case. All the other witnesses also support the version of P.W.3. The medical certificate and R.F.S.L. report have been placed on record, wherefrom the age of the victim was sufficiently proved. He further submits that, though the prosecution has not specifically proved that the victim was seduced to perform illicit intercourse with another person, the intention of the

[1] 2011 Cri.L.J.4996

petitioner, being the accused in the case, has been sufficiently established.

6. He further submits that the learned trial court as well as the learned appellate court have sufficiently scanned the evidence on record and there is no scope for interference with the concurrent findings recorded by the courts below.

7. Heard learned counsel for the parties. Perused the material available on record and the decision of Hon'ble Delhi High Court relied upon by learned counsel for the petitioner.

8. In the cited case before Hon'ble Delhi High Court, the age of the victim was determined on the basis of the age of her siblings, without placing any birth certificate on record. In those circumstances, Hon'ble High Court deprecated the practice of the prosecution in determining the age of the victim merely by comparing it with the age of another person, in the absence of reliable evidence regarding her date of birth.

9. On perusal of judgment passed by learned trial court, specifically paragraphs 12 and 13, it appears that, after recovery, the victim was examined by a doctor. It was reported by the doctor that P.W.3 had recently undergone sexual intercourse. The medical report was marked as an exhibit during trial. The evidence of the doctor (P.W.5) was also considered by learned trial court. However, though no birth certificate was placed on record, the prosecution established the age of the victim through medical examination and the opinion of the competent medical

authority (orthopaedic), wherein the age of the victim was determined to be 15 years. The relevant medical certificate and R.F.S.L. report were marked as exhibits during trial. On the basis of such evidence on record, learned trial court found victim was minor at the time of alleged offence and the petitioner is guilty of the said offence.

10. On further perusal of the evidence of P.W.3, the victim girl, it appears that she stated that she was administered some sweets and food, after consuming which she became drowsy. She further stated that she remained in a drowsy condition during the relevant period, for that reason, P.W.3 could not specifically speak about the sexual intercourse allegedly committed by the petitioner or any other person during that period.

11. To establish the ingredients of the offence punishable under Section 366-A of I.P.C., it is necessary for the prosecution to prove that a minor girl under the age of eighteen years was induced to go from any place or to do any act with the intention that such girl may be, or with the knowledge that it is likely that she will be, forced or seduced to illicit intercourse with another person.

12. In the present case, the prosecution has established that the victim girl was a minor at the time of the alleged incident. The medical evidence placed on record also indicates that the victim girl had recently undergone sexual intercourse. Learned trial court, upon appreciation of

the oral and documentary evidence, recorded a finding of guilt against the petitioner, which was confirmed by learned appellate court.

13. Considering the entire material available on record and the concurrent findings recorded by courts below, I find no justification to interfere with the judgment of conviction passed by learned trial court and confirmed by learned appellate court in this case.

14. However, learned counsel for the petitioner submits that the alleged incident took place in the year 2003 and more than 23 years have elapsed since then. He further submits that the petitioner is now leading a family life and has minor children. Therefore, he prays for leniency in passing the sentence.

15. The offence punishable under Section 366-A of I.P.C. is a heinous offence. Society demands justice in such cases. At the same time, it cannot be ignored that the petitioner has suffered immense due to the long pendency of the criminal litigation. Considering the facts and circumstances of the case, the passage of more than two decades since the alleged incident and the present family circumstances of the petitioner, I am of the view that, to subserve the ends of justice, while confirming the conviction of the petitioner, the substantive sentence of rigorous imprisonment imposed by learned appellate court may be reduced.

16. Accordingly, the conviction of the petitioner for the offence punishable under Section 366-A of I.P.C., as confirmed by learned appellate court,

is hereby sustained. However, the substantive sentence of rigorous imprisonment for three years imposed by learned appellate Court is hereby reduced to rigorous imprisonment for two years. The fine amount imposed by learned trial court shall remain unaltered.

17. The period of detention already undergone by the petitioners during the entire litigation shall be set off under the provisions of Section 428 Cr.P.C., corresponding to Section 468 of B.N.S.S.

18. Under the above observation, criminal revision case is dismissed. The order suspending the sentence during the pendency of the criminal revision case shall stand vacated.

19. The petitioner is directed to surrender before learned trial court or concerned jail authorities within four weeks from the date of passing of this order to serve out the remaining portion of the sentence. Failing which, learned trial court shall take necessary steps including issuance of non-bailable warrant for securing the presence of the petitioner and for compliance with the order.

20. Let a copy of this order be served upon learned trial court for ready reference.

21. Miscellaneous petitions, if any, pending in the revision shall stand closed.

**JUSTICE SUBHENDU SAMANTA**

Dt.14.10.2026
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