APHC010163722013

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3368]**
(Special Original Jurisdiction)

WEDNESDAY, THE 29th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

CRIMINAL APPEAL No: 132/2013

Between:

1. KOLLI VENKUNAIDU, ATCHUTAPURAM (M) &ANR, S/O. CHINNA APPANNA, CULTIVATION, R/O. DOPPERLA VILLAGE, ATCHUTAPURAM MANDAL.
2. KORUPROLU RAMANA, S/O. CHINNA VENKANNA, CULTIVATION, R/O. DOPPERLA VILLAGE, ATCHUTAPURAM MANDAL.

...APPELLANT(S)

AND

1. STATE OF AP REP BY PP HYD, Rept. by the Public Prosecutor,

...RESPONDENT

Appeal under Section 372/374(2)/378(4) of Cr.P.C praying that the High Court may be pleased to present this memorandum of criminal appeal against the judgment and sentence dated 24-01-2013 in S.C.No. 25 of 2010 on the file of the Court of the Special Sessions Judge for trial of cases under SCs & STs (POA) Act, 1989, Visakhapatnam.

IA NO: 1 OF 2013(CRLAMP 226 OF 2013

Petition under Section 389CRPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the sentence in S.C.No. 25 of 2010 on the file of the Court of the Special Sessions Judge for trial of cases under SCs & STs (POA) Act, 1989,

Visakhapatnam and release the petitioners on bail, pending disposal of the Crl.A. before this Hon'ble Court.

Counsel for the Appellant(S):

1. G RAMA GOPAL

Counsel for the Respondent:

1. PUBLIC PROSECUTOR (AP)

The Court made the following:

THE HONOURABLE SRI JUSTICE B.V.L.N.CHAKRAVARTHI

CRIMINAL APPEAL No.132 of 2013

ORAL JUDGMENT:

The present appeal is preferred challenging the judgment dated 24.01.2013 passed in Sessions Case No.25 of 2010 on the file of the learned Special Sessions Judge for Trial of Cases under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Visakhapatnam.

2. The appellants herein are Accused Nos.2 and 3 in the said case. Accused No.2 was convicted for the offence punishable under Section 324 IPC and sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/-, in default to undergo simple imprisonment for one month. Accused No.3 was convicted for the offence punishable under Section 506 IPC and sentenced to undergo rigorous imprisonment for three months and to pay a fine of Rs.200/-, in default to undergo simple imprisonment for one month.

PROSECUTION CASE:

3. The prosecution case, in brief, is that PW1 is a resident of Atchutapuram Mandal. Political rivalry existed between PW1 and the accused. On the date of the offence, the accused abused PW1 on the allegation that he had abused and insulted the wife of Accused No.3. The accused, armed with sticks and a knife,

attacked PW1 and abused him by referring to his caste. Accused Nos.1 and 2 beat PW1 with sticks on his right hand and right forearm, causing injuries. Accused No.3 threatened PW1 with dire consequences by pointing a knife at him. Meanwhile, the villagers intervened and rescued PW1.

4. Thereafter, PW1 lodged Ex.P1 report before PW6, the Assistant Sub-Inspector of Police, on 21.08.2008 at about 7.30 p.m. PW6 registered a case vide Ex.P7—FIR and forwarded the same to the Special Court. Subsequently, PW7, the Assistant Superintendent of Police, conducted the investigation, visited the scene of offence, prepared a rough sketch under Ex.P8, examined PW1, PW2 and other witnesses, and recorded their statements. He also collected the caste certificates of the accused from the Tahsildar and sent PW1 to the Area Hospital, Anakapalle, for medical examination. PW4, the Civil Assistant Surgeon, examined PW1 and issued Ex.P6 wound certificate, noting deformity of the right forearm and an abrasion on the right elbow.The injuries were opined to be simple in nature. Upon completion of the investigation, PW7 filed the charge sheet before the Special Court.

5. The accused were charged for the offence punishable under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Accused No.2 was additionally charged under Section 324 IPC, while Accused No.3 was charged under Section 506 IPC.

6. The charges were read over and explained to the accused. They pleaded not guilty and claimed to be tried.

EVIDENCE FOR THE PROSECUTION:

7. To establish its case, the prosecution examined PWs.1 to 7 and marked Exs.P1 to P9.

8. The accused were examined under Section 313 Cr.P.C. with reference to the incriminating circumstances appearing in the prosecution evidence. They denied the same. No defence evidence was adduced.

9. It appears that Accused No.1 died during the pendency of the trial and, consequently, the case against him stood abated.

FINDING OF THE TRIAL COURT:

10. Upon appreciation of the evidence, the learned Special Judge found Accused Nos.2 and 3 guilty of the offences punishable under Sections 324 and 506 IPC respectively, convicted and sentenced them as stated above. Aggrieved thereby, the present appeal has been preferred.

11. Heard Sri G. Rama Gopal, learned counsel for the appellants/Accused Nos.2 and 3, and Smt. K. Priyanka Lakshmi, learned Assistant Public Prosecutor appearing for the respondent-State.

POINT FOR DETERMINATION:

12. The point that arises for consideration is:

Whether the judgment of the trial Court is sustainable either on facts or in law?

DISCUSSION:

13. PW1 is the injured witness. In his chief examination, he substantially reiterated the prosecution case by stating that Accused No.1 assaulted him with a stick, Accused No.2 kicked him, and Accused No.3 threatened him with a knife. It is pertinent to note that the learned trial Court acquitted all the accused of the charge under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and admittedly, no appeal has been preferred by the State challenging the said acquittal.

14. During cross-examination, PW1 denied the suggestion that Atchutapuram Police had registered Crime No.80 of 2008 on 21.08.2008 on the report lodged by the wife of Accused No.3 for the offences punishable under Sections 354 and 323 read with Section 34 IPC against PW1 and PW2. He also denied the suggestion that he had omitted to state before the police that Accused No.1 beat him with a stick, Accused No.2 kicked him, and Accused No.3 threatened him with a knife. He further denied the defence suggestion that he had attempted to

outrage the modesty of Satyavathi, the wife of Accused No.3, and that when the villagers intervened and rescued her, he attempted to flee, fell into a roadside drainage canal, and sustained injuries.

15. PW2 was examined as an eyewitness. In cross-examination, he admitted that the accused are his relatives. He denied the suggestion that disputes had arisen between his maternal uncle and Accused No.2 regarding their shares in a mango garden and that, owing to political rivalry, PW2 had instigated PW1 to file a false case. He also denied the suggestion that Satyavathi, the wife of Accused No.3, had lodged a complaint alleging that PW1 attempted to outrage her modesty, resulting in the registration of a case under Section 354 IPC.

16. Thus, the defence version is that disputes existed between PW2 and Accused No.2 regarding a mango garden and that PW2, due to political rivalry, supported PW2. Since PW1 belongs to a Scheduled Caste whereas the accused do not, PW2 allegedly induced PW1 to file a false case to settle scores. According to the defence, on the date of the incident PW1 attempted to outrage the modesty of Satyavathi, the wife of Accused No.3, and when the villagers intervened, PW1 fell into a roadside drainage canal while attempting to escape and sustained injuries. The present case, according to the defence, was lodged only as a counterblast to the complaint filed by Satyavathi. PW1 and PW2 denied the said suggestions.

17. PW6, the Assistant Sub-Inspector of Police who registered the FIR, admitted in cross-examination that Crime No.80 of 2008 was registered under Sections 354 and 323 read with Section 34 IPC against PW1, PW2 and others on the report lodged by Satyavathi, the wife of Accused No.3.

18. PW7, the Investigating Officer, admitted that he had received a report from the accused against PW1 and registered a case. Though he denied the suggestion that it had been intentionally referred as false, he also stated that no counter-case had been referred as false. However, the judgment of the learned trial Court itself discloses that Crime No.80 of 2008 was tried by the learned Assistant Sessions Judge, Yelamanchili, wherein PW2 was one of the accused, and the case ultimately ended in acquittal.

19. The above facts clearly establish that, on the very same date of the incident, the wife of Accused No.3 also lodged a report before the police, which was registered as an FIR and investigated. PW1 and PW2 were arrayed as accused in the said case. The allegations therein were that PW1 assaulted the wife of Accused No.3 at the instigation of PW2. Though the said case ultimately ended in acquittal, the fact remains that both a case and a counter-case arose out of the same occurrence.

20. Unfortunately, neither the prosecution nor the defence brought this fact to the notice of the trial Court at the appropriate stage so as to have both cases

tried together. No steps were taken to transfer the counter-case to the file of the Special Court to avoid conflicting findings and to determine who the aggressor was, whether either party acted in exercise of the right of private defence, or whether the occurrence was the result of a free fight.

21. The fact remains that the incident did not occur in the manner deposed to by PW1 and PW2. It appears that some other happenings took place on that day in the village, but PW1 and PW2, for the reasons best known to them, suppressed the real incident and came forward with a coloured version, disclosing only half the truth while suppressing the other half relating to the report presented by Satyavathi, the wife of Accused No.3. In fact, PW1 and PW2 went to the extent of denying the registration of the case and the filing of the charge sheet against them based on the report presented by Satyavathi. This conduct clearly shows that PW1 and PW2 were not willing to depose the true facts before the trial Court and that their intention was to secure the conviction of the accused in the present case at any cost.

22. Therefore, it is not at all safe to rely solely on the testimony of PW1 and PW2 without corroboration from independent witnesses. However, the learned trial Court, despite having knowledge of the existence of the counter-case, ignored the same merely on the ground that it had ended in acquittal. The fact that the counter-case ended in acquittal is not the criterion for assessing the credibility of PW1 and PW2. The important issue is the suppression of the truth

relating to the counter-case. Such suppression leads to the conclusion that PW1 and PW2 were not willing to disclose the whole truth and that their intention was to secure the conviction of the accused at any cost. If that be so, it would not be safe to rely solely on their testimony to conclude that the prosecution has proved the charges against Accused Nos.2 and 3 for the offences punishable under Sections 324 and 506 IPC, respectively.

CONCLUSION:

23. Therefore, this Court is of the considered opinion that the prosecution has failed to prove the charges against Accused Nos.2 and 3 beyond reasonable doubt. Consequently, the conviction and sentence recorded by the learned trial Court cannot be sustained either on facts or in law.

RESULT:

24. Accordingly, the Criminal Appeal is allowed and the judgment dated 24.01.2013 passed in Sessions Case No.25 of 2010 by the learned Special Sessions Judge for Trial of Cases under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Visakhapatnam, is set aside.

25. The appellants/Accused Nos.2 and 3 are acquitted of the offences punishable under Sections 324 and 506 IPC, respectively.

26. The bail bonds, if any, executed by them shall stand cancelled.

27. The fine amount, if paid, shall be refunded to the appellants in accordance with law.

28. Let a copy of this judgment be transmitted to the trial Court forthwith as required under Section 405 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 388 of the Code of Criminal Procedure, 1973).

As a sequel thereto, interlocutory applications, if any, pending in this Criminal Appeal shall stand closed.

JUSTICE B.V.L.N. CHAKRAVARTHI

29th July, 2026
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THE HONOURABLE SRI JUSTICE B.V.L.N. CHAKRAVARTHI

CRIMINAL APPEAL No: 132 of 2013

29th July,2026

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