APHC010324122013

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

WEDNESDAY, THE 15th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

CRIMINAL APPEAL No: 110/2013

Between:

1. CHIRRA SRINU, S/O. RAMUDU, OCC: COOLIE, R/O. ANKAMPALEM VILLAGE, ATEYAPURAM MANDAL, EAST GODAVARI DISTRICT.

...APPELLANT

AND

1. THE STATE OF ANDHRA PRADESH, through Inspector of Police, Ravulapalem, E.G.District, Rept. by the Public Prosecutor, High Court of A.P., Hyderabad.

...RESPONDENT

Counsel for the Appellant:

1. B PARAMESEWARA RAO

2. LEGAL AID

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: 110 OF 2013

O R A L J U D G M E N T:

Heard Sri B.Parameswara Rao, learned Legal Aid Counsel for the appellant/accused and Ms.P.Akhila Naidu, learned Assistant Public Prosecutor representing the respondent/State.

2. The appeal is preferred by the accused challenging the order of conviction recorded by the trial Court in S.C.No.63/2012 on the file of Assistant Sessions Judge, East Godavari District at Kothapeta, vide judgment dated 10.10.2012.

3. For the sake of convenience, the parties hereinafter referred to as they were arraigned before the Sessions Court.

4. The Assistant Sessions Judge convicted the accused for the offence U/s.376 IPC and sentenced the accused to suffer rigorous imprisonment for a period of ten (10) years and to pay fine of Rs.1,000/- (Rupees One Thousand only), in default to suffer simple imprisonment for a period of three (03) months.

CASE OF THE PROSECUTION:

5. The case of the prosecution is that the victim was aged about 70 years. The accused was resident of the same village. On the date of incident, the victim and her husband were sleeping in the house. At about 12.00 or 12.30 a.m. in the mid night, victim went to backyard of the house to attend nature calls. The accused suddenly came, gagged

the victim and forcibly dragged her to a nearby coconut garden. The accused bitten the victim all over the body including breasts and private parts. He committed penetrative sexual assault and went away. After some time, the victim regained strength, came to the house. On the next day, her husband questioned why she is looking weak. Victim did not reveal the incident to her husband as it may lead to something. But, on the next day evening, she disclosed the incident to grand daughter. Immediately, it was informed to husband of the victim. He informed all the children. On the next day morning, children reached home and advised the victim to present a report to the police. Therefore, report was presented to the police.

6. Sub Inspector of Police (P.W-9) on receipt of Ex.P-1 report, registered a case in Cr.No.56/2011 for the offence U/s.376 IPC vide Ex.P-8 FIR and intimated to the Inspector of Police.

7. Inspector of Police (P.W-10) recorded statement of victim, visited scene of offence, prepared occurrence report and got the scene of offence photographed. Victim was sent to Medical Officer, Government Hospital, Kothapeta.

8. P.W-10 recovered M.Os-1 to 3 and some broken bangle pieces during investigation. He examined P.Ws-3 to 5 and other witnesses and recorded their statements. He arrested the accused on 26.06.2011 in the presence of mediators, recovered M.Os-4 and 5 from the house of accused. The accused was sent to Medical Officer

for examination. The material preserved by the Medical Officer and clothes seized from the accused were sent to Forensic Science Laboratory, Hyderabad. After receipt of report from the Forensic Science Laboratory, police report (charge sheet) was laid before the Magistrate.

9. The learned Magistrate took cognizance of the offence punishable U/s.376 IPC, registered the case as PRC 3/2012 and committed the case to the Sessions Division, East Godavari District, U/s.209 Cr.P.C. It was registered as S.C.63/2012 and made over to the Court of Assistant Sessions Judge at Kothapeta for trial in accordance with law.

10. The Assistant Sessions Judge charged the accused for the offence U/s.376 IPC. The charge was read over and explained to the accused. The accused pleaded not guilty and claims to be tried.

EVIDENCE FOR THE PROSECUTION:

11. The prosecution to substantiate the charge, examined 10 witnesses as P.Ws-1 to 10 and during their evidence, marked Exs.P-1 to P-8, and M.Os-1 to 6.

12. The accused was examined U/s.313 Cr.P.C. regarding the incriminating circumstances appearing against him from the evidence for the prosecution. He denied the same as not true and correct. No evidence was adduced for the defence.

FINDING OF THE ASSISTANT SESSIONS JUDGE:

13. The Assistant Sessions Judge on consideration of the above evidence, convicted the accused for the offence U/s.376 IPC and sentenced him to suffer rigorous imprisonment for a period of ten (10) years and to pay a fine of Rs.1,000/- (Rupees One Thousand only), in default, to suffer simple imprisonment for a period of three (03) months. Hence, the appeal came to be preferred, challenging the judgment of the Assistant Sessions Judge, Kothapeta.

14. Sri B.Parameswara Rao, learned Legal Aid Counsel for the appellant would argue that the judgment of the trial Court is not sustainable either on facts or in law. The learned trial Court did not appreciate the facts in proper perspective. It ignored the material contradictions on record and came to an erroneous opinion that the prosecution proved the offence. The forensic evidence would show nothing was detected on the material forwarded to the laboratory. The trial Court ignored the same and came to a wrong conclusion. Therefore, the judgment of the trial Court is not sustainable either on facts or in law.

15. Per contra the learned Assistant Public Prosecutor would argue that the testimony of the victim is consistent on all material aspects. Nothing was elicited during cross-examination of the victim to impeach her testimony in any manner as laid down U/s.155 of the Indian Evidence Act. Therefore, the testimony of the victim stands

unimpeached. The evidence of the victim was corroborated by the testimony of the doctor, who examined the victim. The delay in lodging FIR was also explained by the prosecution. Therefore, the testimony of the victim coupled with the medical evidence is sufficient to conclude that prosecution successfully bring home the guilt of the accused beyond reasonable doubt.

16. In the light of above rival contentions, the point that would arise for consideration in this Criminal Appeal is as under:

> "***Whether the judgment of the Assistant Sessions Judge, Kothapeta, is not sustainable in law or on facts***"?

17. **P O I N T**: The material on record would show that the victim and the accused belonged to the same village. The victim aged around 70 years at the time of incident in the case. The incident had occurred during mid night in a lonely place located at a coconut garden. Other than the victim, no other person witnessed the occurrence of incident.

ANALYSIS:

18. The evidence of the victim recorded before the trial Court would show that on the fateful day, at about 12.00 or 12.30 a.m. in the mid night she woke up from the bed and went to the backyard of the house to attend nature call. All of a sudden, accused came there and gagged her, then dragged her into a coconut garden located at a distance of 1(one) KM from the house of the victim.

19. The accused bitten the victim on the body including on the breasts. He committed penetrative sexual assault on the victim, causing injuries on the genitals. Later, ran away from the place of occurrence. Victim was cross-examined by the counsel for the accused before the trial Court. But nothing was elicited to say that she is unworthy of credit, bribed or received any other corrupt inducement to give evidence, nor contradicted with any former statements inconsistent with any part of her evidence, as laid down U/s.155 of the Indian Evidence Act, to conclude that the credit of the victim was impeached.

20. Perusal of the evidence of the Medical Officer (P.W-8) would show that the victim suffered contusion over right eye, abrasion on nose, abrasion on chest, both breasts having tooth marks and contusions surrounding both areolas. Examination of the genitals would also disclose that right labia majora is found with abrasion. Lower region of left labia majora also had abrasion, and finger nails of the victim found damaged. Cervical erosion is there. The Medical Officer opined that there are signs of recent vaginal penetration. Therefore, the medical evidence placed on record would corroborate the testimony of the victim concluding penetrative sexual assault.

21. The evidence of the victim would also disclose the reason for delay in lodging FIR. The victim was aged about 70 years, living with her husband. She explained that she could not explain her husband

soon after the incident, suspecting that her husband may take it wrong. On the next day, she disclosed the incident to the grand daughter. Immediately, In turn she informed the husband of the victim and then children of the victim informed about the incident. They came to the house. They advised the victim to present a report to police, as it is a heinous offence committed on victim. Therefore, the victim and her husband visited police station and presented report to Sub Inspector of Police (P.W-9), who registered the same as Ex.P-8 FIR on 23.06.2011 at 11.30 a.m. Therefore, Inspector of Police (P.W-10) conducted investigation as mentioned above. Hence, the evidence of victim corroborated by medical evidence inspires confidence in the mind of the Court to conclude that accused committed penetrative sexual assault on the victim.

22. Nothing is available on record to say that the evidence of the victim was impeached as laid down U/s.155 of the Indian Evidence Act. In those circumstances, this Court is of the considered opinion that prosecution successfully bring home the guilt of the accused beyond reasonable doubt. There are no grounds to interfere with the judgment of the trial Court. The appeal is liable to be dismissed.

CONCLUSION:

23. In the light of foregoing discussion, the judgment of the trial Court is confirmed.

RESULT:

24. In the result, the Criminal Appeal is dismissed. This judgment be certified to the trial Court as per section 405 of Cr.P.C.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE B.V.L.N. CHAKRAVARTHI

15.07.2026

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

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Whether the judgment is:

Speaking Yes/No / Reasoned Yes/No
Reportable Yes/No / Non-Reportable Yes/No.