APHC010512872009

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

FRIDAY, THE 9th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 1175 OF 2009

Between:

1. SIRIPURAPU GUMPASWAMY, S/o. Prakasarao, R/o. Gumada Village, Komarada Mandal, Vizianagaram District.

...Petitioner

AND

1. THE STATE OF A P REP BY PP, rep by the Public Prosecsutor, High Court of A.P., Hyderabad.

...Respondent

Counsel for the Petitioner: VENKATESWARA RAO GUDAPATI

Counsel for the Respondent PUBLIC PROSECUTOR

The Court made the following order:

ORDER:

The Criminal Revision Case has been preferred against the order dated 07.07.2009 passed in Crl.A.No.123 of 2004, whereby the learned Appellate Court modified the sentence imposed vide judgment dated 20.08.2004 in S.C.No.116 of 2003 on the file of the learned Assistant Sessions Judge, Parvatipuram.

2. The brief facts of the prosecution case are that the petitioner was a pastor at the R.C.M. Church in Gumada Village. The victim was also a resident of the same village and used to sweep the said church daily. The accused developed intimacy with the victim by promising to marry her and engaged in sexual intercourse with her. Thereafter, the victim became pregnant as a result of such intercourse. When she requested the petitioner to marry her, he refused and gave her certain tablets to terminate her pregnancy. The matter came to the notice of the victim's parents. A panchayat was convened, but the petitioner refused to marry her. Hence, the matter was reported to the police, and, based on the victim's report, Crime No.30 of 2003 was registered for the offences punishable under Sections 315, 417 and 376 IPC. After investigation, a charge sheet was filed, and the learned Trial Court framed charges against the accused under Sections 417, 376 and 315 IPC. During the trial, the prosecution examined P.Ws.1 to 9 and marked Exs.P1 to P7. Upon conclusion of the trial, the petitioner was found guilty of the offences

punishable under Sections 417, 376 and 315 IPC. He was convicted and sentenced to undergo rigorous imprisonment for five years and to pay a fine of Rs.1,000/- for the offence under Section 376 IPC, simple imprisonment for one year for the offence under Section 417 IPC, and rigorous imprisonment for two years for the offence under Section 315 IPC. The order of conviction and sentence was challenged before the learned Appellate Court, which confirmed the conviction and sentence imposed on the petitioner under Sections 417 and 376 IPC but set aside his conviction under Section 315 IPC. Hence, the present Criminal Revision Case.

3. Heard Sri Venkateswara Rao Gudapati, learned counsel for the petitioner, and Sri P. Somayaji, learned Additional Public Prosecutor. Perused the record and the orders passed by the learned Trial Court and the learned Appellate Court.

4. It appears that this criminal case has been pending since 2009. During the course of arguments, the learned counsel for the petitioner submitted that the petitioner had married the victim, i.e., respondent No.2, and that they were residing together as husband and wife. This Court, vide order dated 18.09.2026, directed the State to submit a status report regarding the petitioner and respondent No.2. Upon perusal of the status report, it appears that the petitioner, by name Siripurapu Gumpaswamy, married the victim, i.e., respondent No.2, in the year 2011. Subsequent to their marriage, they have

been residing peacefully as husband and wife at Gumada Village, Komarada Mandal, Parvatipuram Manyam District, Andhra Pradesh, and they have been blessed with a daughter.

5. It is to be noted that the crime was registered against the petitioner on the allegation that he induced the victim to engage in sexual intercourse with him on the false promise of marriage. Though the learned Trial Court convicted the petitioner, it subsequently came to the notice of this Court that the petitioner had married the victim/respondent No.2 and that they were living happily as husband and wife. The subsequent conduct of the petitioner indicates that he fulfilled the promise of marriage allegedly made to the victim at the time of the commission of the offence.

6. Therefore, at this stage, without entering into any further discussion on the merits of the matter, this Court deems it appropriate to consider the exceptional circumstances that have arisen subsequent to the commission of the alleged offences, particularly the marriage between the petitioner and respondent No.2. Considering the same, this Court takes a lenient view in the matter, having regard to the peculiar facts and circumstances of the case. Present situation of this case invite interference of this Court to maintain peace in the family of the victim and equilibrium in the society at large

7. In the exceptional circumstances of the present case, the conviction and sentence imposed on the petitioner for the offences punishable under

Sections 417 and 376 IPC are set aside, and the petitioner is acquitted of the said charges. It is made clear that this order is confined to the exceptional circumstances of the present case and shall not be treated as a precedent.

8. Accordingly, the Criminal Revision Case is disposed of. There shall be no order as to costs. As a sequel, miscellaneous petitions, if any, pending in this Criminal Revision Case shall stand closed.

SUBHENDU SAMANTA, J

Date: 09.10.2026
JLSR

102

THE HON'BLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE No:1175 of 2009

09.10.2026

JLSR