APHC010050532019

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3596]
(Special Original Jurisdiction)

WEDNESDAY, THE 12th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE K SURESH REDDY

THE HONOURABLE SMT JUSTICE SUMATHI JAGADAM

CRIMINAL APPEAL NO: 147/2019

Between:

1. B.VENKATA RAMANA ALIAS CHINNI, D.NO.4-201, NEAR PONNALAMMA TEMPLE, GADALA VILLAGE, KORUKONDA MANDAL, E.G. DIST.

...APPELLANT

AND

1. STATE OF AP, Rep. by its Public Prosecutor, High Court of A.P. at Amaravathi.

...RESPONDENT

Counsel for the Appellant:

1. V R REDDY KOVVURI

Counsel for the Respondent:

1. PUBLIC PROSECUTOR (AP)

CRIMINAL APPEAL NO: 148/2019

Between:

1. KODAMANCHALI RAJU, S/O RAMA RAO, AGED 30 YEARS OCC AUTO DRIVER R/O KOLAMURU VILLAGE, RAJANAGARAM MANDAL., E.G. DIST.
2. SODADASI LAKSHMAN ALIAS CHOTU, S/O RAJU AGED 20 YEARS OCC. DRIVER, D.NO.1-116, NIDIGATLA VILLAGE, KORUKONDA MANDAL, E.G. DIST.
3. APPIKONDA AYYAPPA, S/O VENKATA RAMANA AGED 19 YEARS OCC. DRIVER, R/O GADALA VILLAGE, KORUKONDA MANDAL, E.G. DIST.

...APPELLANT(S)

AND

1. STATE OF AP, Rep. by its Public Prosecutor, High Court of A.P. at Amaravathi.

...RESPONDENT

Counsel for the Appellant(S):

1. D PURNACHANDRA REDDY
2. VARREY VENKATA NAGA VISHNU TEJA

Counsel for the Respondent:

1. PUBLIC PROSECUTOR (AP)

THE HONOURABLE SRI JUSTICE K SURESH REDDY

AND

THE HONOURABLE SMT JUSTICE SUMATHI JAGADAM

CRIMINAL APPEAL NOs. 147 and 148 of 2019

COMMON JUDGMENT :- *(Per the Hon'ble Sri Justice K.Suresh Reddy)*

As both these appeals arise out of Sessions Case No.389 of 2013 on the file Court of the Judge, Family Court-cum-IX Additional District and Sessions Judge, East Godavari District at Rajamahendravaram, they are heard together and are being disposed of by way of this common judgment.

2. Accused No.1 in the above Sessions Case filed Crl.A.No.147 of 2019, whereas, A2 to A4 preferred Crl.A.No.148 of 2019. All the four accused were tried by the learned Additional Sessions Judge under the following charges:

1) First charge was under Section 302 read with 34 IPC against A1 to A4.
2) Second charge was under Section 201 read with 34 IPC against A1 to A4.
3) Third Charge was under Section 380 read with 34 IPC against A1 to A4.
4) Fourth Charge was under Section 411 IPC against A1.
5) Fifth charge was under Section 411 IPC against A4.
6) Sixth charge was under Section 411 IPC against A2.

7) Seventh charge was under Section 411 IPC against A3.

3. Substance of the charge is that on the afternoon of 23.06.2012, A1 engaged a car bearing Registration No. AP 05 TB 1800, belonging to his relative, in which A2 to A4 also joined with A1, and that all the accused, pursuant to their common intention, induced one Andaluri Venkata Lakshmi @ Kusuma (hereinafter referred to as "the deceased") to board the said car on the pretext that she would be taken to Rajanagaram for participating in television serial shooting, and, after taking her along with them, at about 5.00 p.m., A1 to A4 caused her death by strangulating her with a nylon rope, thereafter removed her gold ornaments, shifted her dead body to the Polavaram Canal at Narasapuram, where they decapitated the head and threw the headless dead body into the water of the Polavaram Canal at Seetapalli Village, and, in the course of the same transaction, took away the gold ornaments of the deceased, marked as M.Os.5 to 10, thereby committed offences punishable under Sections 302, 201, 380 and 411 read with Section 34 IPC.

4. After completion of trial, the learned Additional Sessions Judge convicted Accused Nos.1 to 4 under Section 302 read with 34 IPC and sentenced them to undergo Rigorous Imprisonment for ***'LIFE'*** and also to pay a fine of Rs.1000/- each, in default to suffer Simple Imprisonment for a period of three (3) months. Learned Additional Sessions Judge further convicted A1 to A4 under Section 201 read with

34 IPC and sentenced them to suffer Rigorous Imprisonment for a period of five years and also to pay a fine of Rs.1000/- each in default to suffer Simple Imprisonment for a period of three (3) months. Learned Additional Sessions Judge further convicted A1 to A4 under Section 380 read with 34 IPC and sentenced them to suffer Rigorous Imprisonment for a period of five (5) years and also to pay a fine of Rs.1000/- each, in default to suffer Simple Imprisonment for a period of three (3) months. Learned Additional Sessions Judge further convicted A1 to A4 under Section 411 IPC and sentenced them to suffer Rigorous Imprisonment for a period of one year. All the substantive sentences were directed to run concurrently.

5. Case of the prosecution, as per the allegations made in the charge sheet, briefly, is as follows:

i) A1 and A4 were residents of Gadala Village, Korukonda Mandal. A2 was a resident of Kolamuru Village, Rajanagaram Mandal. A3 was a resident of Nidigatla Village, Korukonda Mandal and they are close associates. The deceased was a resident of Lalitha Nagar, Rajahmundry. P.W.5 is the daughter, P.W.6 is the brother and P.W.7 is the sister of the deceased respectively.

ii) On 26.06.2012, at about 7.00 a.m. P.W.2, Village Revenue Assistant, came to know from the villagers that a headless dead body of a woman was floating in the Polavaram Canal. Immediately, he rushed to the spot and found the headless dead body of a female, lying

in the said canal. Thereafter, P.W.2 informed P.W.1 Village Revenue Officer, about the same. Then P.W.1, along with P.W.2, went to the spot and found the headless female dead body. Immediately, P.W.1 went to the police station and gave a report.

iii) P.W.26, the then Inspector of Police, Korukonda Circle received Ex.P1 report from P.W.1 at about 09:00 a.m. on the same day and registered a case in Crime No.82 of 2012 under Sections 302 and 201 IPC. He secured the presence of P.W.1 and recorded his statement. He went to the scene of offence along with mediators, P.W.1 and another. He found the headless female dead body in Polavaram Canal and with the assistance of P.Ws.2 and 3, he arranged for retrieval of the headless dead body of the female from the canal. He got the scene photographed and the photographs were marked as Ex.P3. He prepared a rough sketch of the scene of offence-Ex.P31. He also prepared an observation report-Ex.P2 at the scene of offence. He held inquest over the headless dead body in the presence of P.W.1 and others. Inquest report was marked as Ex.P4. During the inquest, he recorded statements of P.Ws.2 to 4 and others. He sent a requisition to the Medical Officer to conduct post-mortem examination and also requested him to preserve the tissues, blood, bones, and other material collected from the dead body for the purpose of DNA analysis.

iv) P.W.22, Civil Assistant Surgeon, Government Headquarters Hospital, Rajahmundry, conducted autopsy over the dead body. He issued post-mortem certificate-Ex.P28. However, as the dead body was in advanced stage of decomposition, P.W.22 was unable to give any opinion with regard to the cause of death.

v) While so, on 30.06.2012, at about 9.00 a.m., daughter of the deceased, P.W.5, went to the police station and gave a report stating that her mother was missing since 23.06.2012. P.W.24, Sub-Inspector of Police, III Town L&O Police Station, Rajahmundry, received Ex.P7 report from P.W.5 and registered a case in Crime No.227 of 2012 under the head "Woman Missing." He issued copies of the FIR to all the concerned. FIR is marked as Ex.P30.

vi) On the same day, i.e. on 30.06.2012, P.W.24 received wireless information regarding finding of an un-identified headless female dead body. Thereafter, he asked P.W.5 to proceed to the mortuary room at Government Hospital, Rajahmundry. On the same day, at about 11.00 a.m., P.W.5 approached P.W.26 about recovery of unidentified female dead body and identified the clothes found on the deceased as those belonging to her mother. The said clothes were marked as M.Os.1 to 3, which were worn by the deceased at the relevant point of time.

vii) During the course of investigation, P.W.26 collected mobile number of the deceased and gave a requisition to the Superintendent

of Police seeking call details pertaining to the mobile number of the deceased.

viii) On 04.07.2012, P.W.26 secured the presence of P.Ws.6, 18 and 8 and recorded their statements. On 22.07.2012, he received the call details under Ex.P32. On the basis of the call details, P.W.26 suspected the involvement of A1 in the commission of offence.

ix) On 25.07.2012, at about 9.00 p.m., on receipt of credible information, P.W.26 apprehended A1 to A4 at Gadala Village. All the four accused were stated to have confessed before P.W.26 in the presence of mediators P.Ws.20, 21 and 25. P.W.26 interrogated the accused separately, and they confessed about the commission of offence. On the confession made by A1 to A4, M.Os.5 to 10, i.e., gold jewellery, were recovered separately from A1 to A4 under the respective panchanamas marked as Exs.P11, 15 to 17, in the presence of mediators.

x) On the confession made by A1 to A4, P.W.26, with the help of P.W.12, recovered the head of the deceased from Seetapalli under a panchanama. He also prepared an observation report-Ex.P19, at the said place. He also prepared a rough sketch of the scene of offence-Ex.P33, and took photographs, which were marked as Ex.P34. He held inquest over the head portion of the deceased in the presence of mediators, P.Ws.25 and 20 and prepared inquest report Ex.P18.

xi) P.W.26 sent the head of the deceased for post-mortem examination. P.W.22, Civil Assistant Surgeon, Government Headquarters Hospital, Rajahmundry, conducted autopsy over the head on 28.07.2012 and issued post-mortem certificate, Ex.P28.

xii) As already pointed out, P.W.22 was unable to give any opinion regarding the cause of death, as the dead body was in highly decomposed condition.

xiii) P.W.26 secured the presence of the owner of the vehicle in which the accused had travelled and recorded his statement. On 29.07.2012, P.W.26 sent the material objects to RFSL. He also seized the crime vehicle under a panchanama-Ex.P20. He took the photographs of the vehicle and the said photographs were marked as Ex.P8. He also recorded statements of P.Ws.10 and 11.

xiv) On 02.08.2012, P.W.26 took the accused into police custody. On 03.08.2012, P.W.26 secured the presence of P.Ws.21 and 25 and interrogated the accused in their presence, during which, the accused confessed about the commission of offence.

xv) On 04.08.2012, P.W.26 recorded statements of P.Ws.15 to 17. On 06.08.2012, he produced the accused before the jurisdictional Magistrate. On the requisition made by P.W.26, P.W.1 conducted Test Identification Parade in respect of M.Os.5 to 10, during which, P.W.5 identified the said gold ornaments i.e., M.Os.5 to 10 in the said Test

Identification Parade, as they belong to her mother. Test Identification proceedings were marked as Ex.P5.

xvi) During the course of investigation, P.W.26 sent the head and bones of the deceased to RFSL for the purpose of obtaining DNA profile. DNA report is marked as Ex.P29. As per the said report, the DNA profile obtained from the bones collected from the headless body was found to be consistent with the DNA profile of P.Ws.5 and 6. However, insofar as head portion is concerned, the DNA profile could not be matched with the DNA profiles of P.Ws.5 and 6.

xvii) After collecting all the documents and after completion of investigation, P.W.26 filed charge sheet.

6. In support of its case, the prosecution examined PWs.1 to 26, marked Exs.P1 to P34 and exhibited MOs.1 to 28.

7. When the accused were examined under Section 313 Cr.P.C., they denied the incriminating evidence appearing against them. Accepting the evidence of prosecution witnesses, the learned Additional Sessions Judge convicted all the Appellants as aforesaid.

8. Heard Sri R.Arun Kumar, learned counsel representing Sri V.R.Reddy Kovvuri, learned counsel for the appellant/A1, Smt.V.V.N.V.Teja, learned counsel for the appellant/A2 and Sri D.Purnachandra Reddy, learned counsel for the appellants/A3 and A4 and Sri Marri Venkata Ramana, learned Additional Public Prosecutor for the respondent/State.

9. We have carefully scrutinized the entire evidence on record.

10. Admittedly, there are no eyewitnesses to the incident and the prosecution rests its case entirely on circumstantial evidence. The learned trial Judge, having considered the evidence on record, formulated the following circumstances which, according to the prosecution, were required to be established so as to connect the accused with the commission of the alleged offence, and recorded the same in paragraphs 30 and 31 of the judgment, which read thus:

> *"30. The important points, the prosecution is to prove in the present case on hand are No.1) It has to establish the identity of the deceased. 2) The relationship in between A.1 and other accused with the deceased. 3) The MOs recovered in the case are used for commission of offence by the accused. 4) The call data and arrest of the accused basing on the call data. 5) the confession made by the accused before the VRO which lead to recovery of articles and for tracing out the head of the deceased and other M.Os in the case which are used for commission of the offence.*
> *31. If all the above links are completed to connect the chain of evidence, then it can be said that, the prosecution proved the guilt of the accused beyond all reasonable doubt."*

11. Insofar as the first circumstance, namely, the identity of the deceased, is concerned, the prosecution has relied on the scientific evidence, particularly Ex.P29-DNA report, to establish that the bones collected from the headless dead body were genetically consistent with DNA profiles of P.Ws.5 and 6, who are admittedly the daughter and brother of the deceased respectively. Thus, the said scientific evidence lends support to the prosecution case that the headless female dead

body recovered from the Polavaram Canal was that of the deceased. In fact, the identity of the headless dead body is not seriously in dispute. It is also an admitted fact that the said dead body was not recovered at the instance of any of the accused; on the contrary, it was P.Ws.1 and 2 who, on 26.06.2012, noticed the headless dead body floating in the Polavaram Canal at Narasapuram and brought the same to the notice of the police, pursuant to which the investigation was set in motion. Therefore, having regard to the scientific evidence available on record and the fact that the identity of the deceased is not in dispute, we are of the considered view that the prosecution has successfully established the first circumstance.

12. Insofar as the second circumstance, namely, the alleged relationship between A1 to A4 and the deceased, is concerned, we find that the prosecution has not adduced any cogent or legally admissible evidence to establish the same. Though the prosecution has put forward a case that the deceased had engaged A1 to cause the death of her husband, no evidence has been brought on record to substantiate such allegation or to establish any nexus between the deceased and the accused. The said version, therefore, remains a mere assertion unsupported by any independent or substantive evidence.

13. Except the alleged confessions said to have been made by the accused before the Investigating Officer, P.W.26, which, in any event,

cannot be relied on except to the limited extent permissible in law, the prosecution has not placed any material whatsoever to establish either the relationship between the accused and the deceased or the alleged motive for the accused to eliminate the deceased. In the absence of any substantive evidence establishing such relationship or motive, the second circumstance formulated by the learned trial Judge, therefore, remains unproved. Accordingly, we are of the considered view that the prosecution has failed to establish the second circumstance beyond reasonable doubt.

14. Insofar as the third circumstance, namely, the recovery of material objects, used in the commission of offence, is concerned, the prosecution has failed to adduce any evidence connecting the said material object with the accused or with the commission of the offence. Those material objects were admittedly recovered from Seetapalli Canal and not from the possession or at the instance of any of the accused. Thus, the mere recovery of material objects from the canal, without any cogent evidence connecting the same either with the accused or with the commission of the offence, does not in any manner advance the case of the prosecution or incriminates the accused. Consequently, the third circumstance also remains unestablished.

15. Insofar as the fourth circumstance, namely, the call data relied on by the prosecution to connect A1 with the deceased, is concerned, the prosecution examined P.W.8, who is stated to be the owner of the

mobile phone used by A1 to contact the deceased. The specific case of the prosecution is that A1 had taken the mobile phone belonging to P.W.8 and, by using the said phone, made calls to the deceased.

16. P.W.8 in his evidence has stated as follows:

> "**Examination in chief by Prosecution by Addl.P.P.** :-
>
> About 5 years back in my marriage function A1 Venkataramana took my cell phone. Witness volunteers I have no prior acquaintance with him. 4 or 5 days thereafter A1 returned my cell phone to me. Police examined me.
>
> **Cross-examination by the counsel for A1, A2 and A4** :-
>
> On 13.06.2012 A1 took my cell phone. 4 days there after he returned my cell phone to me. One month thereafter police examined me in Korukonda PS. It is not true to suggest that I did not state before police that A1 did not taken mycell phone on the date of my marriage. It is not true to suggest that I did not give my cell phone to A1 and that I am speaking falsehood. "

17. A careful scrutiny of the testimony of P.W.8 would disclose that he himself stated that he had no prior acquaintance with A1 and that A1 had taken his mobile phone on 13.06.2012 and returned the same within four days. Thus, even according to the evidence of P.W.8, the mobile phone was returned by A1 well before the date of the occurrence, which took place on 23.06.2012. In such circumstances, the evidence of P.W.8 does not establish that A1 was in possession of, or had access to, the said mobile phone on the date of the occurrence or that he had used it to contact the deceased. Consequently, the call data relied on by the prosecution does not furnish a connecting circumstance against A1. We are, therefore, of the considered view

that the prosecution has failed to establish the fourth circumstance as well.

18. Even the call data collected by P.W.26 under Ex.P32 does not, in any manner, connect the accused with the commission of the offence, particularly when the mobile phone in question admittedly did not belong to A1. On the contrary, it is the specific evidence of P.W.8 that the said mobile phone belonged to him. Therefore, the call details pertaining to the said mobile number, by themselves, cannot be relied on to establish that A1 had used the said mobile phone to contact the deceased or that he was in any manner connected with the alleged occurrence. Thus, Ex.P32 also fails to provide any incriminating circumstance against the accused.

19. Insofar as the fifth circumstance, namely, the alleged confession made by the accused before P.Ws.21 and 25, is concerned, the evidence of P.W.26, the Investigating Officer, assumes significance. P.W.26 has categorically admitted that all the four accused were taken into police custody on 02.08.2012 and that, on the following day, i.e., 03.08.2012, they were interrogated in the presence of P.Ws.21 and 25. In view of the admitted legal position that the accused were in police custody at the time when the alleged statements were made, the said statements cannot, by any stretch of imagination, be characterised as extra-judicial confessions. A confession made while the maker is in police custody cannot acquire the character of an extra-judicial

confession merely because it was allegedly made in the presence of independent persons. Therefore, the confession relied on by the prosecution does not furnish a legally admissible circumstance against the accused. Consequently, the fifth circumstance also remains unestablished.

20. In view of the foregoing discussion and the facts and circumstances of the case, we are of the considered view that the prosecution has failed to establish any circumstance connecting the appellants with the offences of murder and theft of M.Os.5 to 10. However, insofar as the recovery of M.Os.5 to 10 is concerned, the prosecution has succeeded in establishing that the said gold ornaments were recovered from the possession of A1 to A4 pursuant to the disclosure statements made by them. The recoveries were effected from their respective houses, in the presence of mediators, under the cover of panchanamas marked as Exs.P11, P15 and P17, and the said recoveries were witnessed by P.Ws.20 and 21. No material has been elicited in the evidence of P.Ws.20 and 21 so as to discredit their testimony with regard to the said recoveries, and their evidence receives corroboration from the contemporaneous panchanamas, Exs.P11, P15 and P17. Therefore, insofar as the recovery of M.Os.5 to 10 from the possession of A1 to A4 is concerned, the prosecution evidence inspires confidence. At the same time, it is significant to note that the said recoveries were effected more

than one and a half month after the incident. Nevertheless, the possession of the stolen gold ornaments by the appellants, coupled with their recovery from their respective houses pursuant to the disclosures made by them, is sufficient to establish the ingredients of the offence punishable under Section 411 IPC. Accordingly, the appellants/A1 to A4 are liable to be convicted under Section 411 IPC, whereas the prosecution has failed to establish their guilt in respect of the offence of murder.

21. In view of the foregoing discussion and the conclusions arrived at hereinabove, the convictions and sentences imposed on the appellants by the learned Judge, Family Court-cum-IX Additional District and Sessions Judge, East Godavari District at Rajamahendravaram, for the offences under Sections 302, 201 and 380 read with Section 34 IPC cannot be sustained and are, accordingly, liable to be set aside. However, insofar as the conviction and sentence imposed on the appellants under Section 411 IPC are concerned, we find no valid ground warranting interference with the same.

22. In the result, both the Criminal Appeals are allowed in part. The convictions and sentences recorded against the appellants/Accused Nos.1 to 4, *vide* judgment dated 22.01.2019 in Sessions Case No.389 of 2013 on the file of the Court of the Judge, Family Court-cum-IX Additional District and Sessions Judge, East Godavari District at Rajamahendravaram, for the offences under Sections 302, 201 and

380 read with Section 34 IPC, are hereby set aside. The fine amount, if any, paid by the appellants shall be refunded to them.

23. However, the conviction and sentence recorded by the learned Judge, Family Court-cum-IX Additional District and Sessions Judge, East Godavari District at Rajamahendravaram, against the appellants/Accused Nos.1 to 4 for the offence under Section 411 IPC is hereby confirmed.

24. The appellants/Accused Nos.1 to 4 have been undergoing imprisonment since 22.01.2019 and, as they have already undergone the sentence of imprisonment imposed on them under Section 411 IPC, they shall be set at liberty forthwith, if they are not required in connection with any other crime or case.

Consequently, miscellaneous petitions, if any, pending shall stand closed.

JUSTICE K.SURESH REDDY

JUSTICE SUMATHI JAGADAM

Dt.12.08.2026
Asr

THE HON'BLE SRI JUSTICE K.SURESH REDDY

AND

THE HONOURABLE SMT JUSTICE SUMATHI JAGADAM

JUDGMENT

CRIMINAL APPEAL NOs.147 and 148 of 2019

(per Hon'ble Sri Justice K.Suresh Reddy)

Date: 12.08.2026
Asr