

HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Appeal No.190 of 2004

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JUDGMENT :

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State preferred the present Criminal Appeal by invoking the provisions under Section 378 (3) & (1) of the Code of Criminal Procedure (in short 'Cr.P.C.') challenging the judgment dated 19-08-2002 rendered in S.C.No.28 of 2002, whereby and whereunder the learned Assistant Sessions Judge, Adilabad, acquitted the accused/respondents herein for the offences punishable under Sections 395, 342 and 412 I.P.C. and Section 25(1)(a) of Arms Act.

The brief facts of the case of the prosecution are as follows :

On 01-03-1985 around 2.15 PM, A4, A5 along with three others armed with revolvers entered into the Andhra Bank, Adilabad Branch and after threatening the said Bank staff and the customers, committed dacoity and collected cash of Rs.12,75,110/- from the cash counters and strong room of the said bank and also snatched away cash of Rs.76,660/- from a customer who came to remit the said amount in the Bank and after committing dacoity, by wrongfully confining the entire bank staff and customers in the strong room of the bank by bolting its doors from out side, accused fled away with the stolen booty in a car. In support of its case, Prosecution has examined P.Ws.1 to 19 and got marked Exs.P1 to P13. No evidence was adduced on behalf of accused.

The grounds raised by the State are that the trial Court has not considered the evidence adduced by the prosecution and also the trial Court should not have acquitted the accused on the basis of delay in conducting the investigation.

This Court perused the record and heard the arguments.

Admittedly, in the entire case, none of the witnesses examined by the Prosecution identified the respondents/accused before the trial Court. This Court is of the view that it is always the duty of the Prosecution to connect the crime with the criminal. In this case, even though the Prosecution established the crime, the Prosecution could not able to connect the crime with respondents/accused concerned. Hence, the order of acquittal awarded by the trial Court need not be interfered.

Hence, the Criminal Appeal is dismissed. Consequently, the miscellaneous petitions pending, if any, in this Criminal Appeal shall stand closed.

JUSTICE RAJA ELANGO

26th November, 2015

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