

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL APPEAL No.897 of 2008

JUDGMENT:

1. This appeal is filed by the complainant challenging the Judgment dated 20.12.2007 passed in S.C.No.3 of 2007 by the Special Judge for Trial of Offences under SCs & STs (POA) Act, 1989, Prakasam Division, Ongole.

2. When this matter has been taken up, there is no representation on behalf of the appellant. Since the matter pertains to the year 2008, this Court proceeded to dispose of the case on merits.

3. The case of the complainant is as follows:

The complainant belongs to Scheduled Caste whereas the accused belongs to Dudekula community. The complainant got a house site and she spent Rs.18,000/- to get a bore well. When foundation was laid to construct a house therein, the accused and one Mastan lent Rs.20,000/- to the complainant and obtained her thumb impressions on empty stamped papers and empty pronote forms and obtained the original patta as a pledge for the above said amount. Subsequently, the complainant offered to repay the amount to Mastan in order to take back the patta from Mastan. Then, the Mastan told her that the documents were handed over to the accused. When the complainant approached the accused and requested to return the patta, he grew wild and abused her in the name of her caste and beat her and her husband with hands and legs. On 9.12.2001 she gave report to the police, basing on which a case was registered. Later, the police referred the matter as false. Therefore, the complainant filed a private complainant before the III Additional Judicial Magistrate of First Class, Ongole. The learned Magistrate recorded the sworn the statement

of the complainant and her husband and took the case on file and committed the same to the learned Special Judge.

4. The learned Special Judge framed charges under Section 323 IPC and Section 3(1)(x) of the SCs & STs (POA) Act against the accused, read over and explained to him, for which he pleaded not guilty and claimed to be tried.

5. During the course of trial, P.Ws.1 to 3 were examined and Exs.P1 to P3 were marked on behalf of the prosecution. No oral or documentary evidence was adduced on behalf of the accused.

6. On appreciation of oral and documentary evidence, the trial Court found the accused not guilty for the charges under Section 323 IPC and Section 3(1)(x) of the SCs & STs (POA) Act, acquitted him. Aggrieved by the same, the complainant filed the present appeal.

7. The trial Court acquitted the accused on the following grounds:

P.Ws.1 to 3 changed their version from stage to stage. They did not specifically state the words alleged to have been uttered by the accused. P.W.2, who is an independent witness, turned hostile and she gave a different version than that of P.W.1 and P.W.3. P.Ws.1 and 3 gave contradictory versions in Exs.P1 to P3 and in their evidence. There is no corroborative evidence on record to believe the case of the complainant.

8. This Court has also gone through the evidence on record. It is evident that the complainant did not state the date and time of offence. P.Ws.1 and 3 did not state specifically the words alleged to have been uttered by the accused. It is the case of the complainant that the accused beat her with hands and legs. Except the bald statement of the

complainant, there is no evidence on record to substantiate the same. The complainant did not adduce any cogent evidence to prove her case. In view of the discrepancies in the evidence of P.Ws.1 and 3, the trial Court disbelieved their version.

9. Considering the facts and circumstances and the findings of the trial Court, this Court is not inclined to interfere with the judgment under appeal.

10. Accordingly, the Criminal Appeal is dismissed. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Dated: 27th August, 2016

Nn

JUSTICE RAJA ELANGO



THE HONOURABLE SRI JUSTICE RAJA ELANGO



CRIMINAL APPEAL No.897 of 2008

27.8.2016

Nn