

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.1053 of 2006

ORDER:

Aggrieved over the order of acquitting the accused persons by the learned II-Additional Sessions Judge, Karimnagar at Jagtial, by his judgment dated 14.03.2006 in S.C.No.559 of 2004, the present revision case is filed by PW.2 in the said Sessions Case – wife of the deceased.

Certain relevant facts require advertence. The deceased, Chintha Dharmapuri in this case, belonging to Kammarpalli village, was Z.P.T.C. member from Congress Party. PWs.1 to 3 are his brother-in-law, wife and daughter, respectively. Accused Nos.1 and 2 also belong to the same village with political background and there appears to be enmity between them, whereas accused Nos.5 and 6 are strangers to the village. It is alleged that on 23.01.2002, when the deceased was in the company of PW.5 consuming toddy, accused Nos.5 and 6, claiming themselves to be PWG naxalites under their leader by name, Swamy Anna, stating that the said Swamy Anna requires his presence, took him forcibly under the impression that the deceased was a police informer and, on account of his passing on information, one Jyothi and Shivarajam were encountered in Lalitha Peetham in the outskirts of the said village. It appears, the said Chintha Dharmapuri was found killed and that is how the crime was registered against the accused persons and trial had taken place.

The learned Sessions Judge examined as many as 19 witnesses and marked 24 documents on behalf of the prosecution and even M.Os.1 to 6 were also marked.

The learned Sessions Judge, having found the material witnesses PWs.5 and 6, being the eye-witnesses according to the prosecution, turning hostile and their sticking to their earlier versions when recalled by summoning and examined again and also the other witnesses being circumstantial witnesses and the mediators also turning hostile so far as the confessional statement of accused Nos.6 and 2 are concerned, held that the prosecution failed to prove the charges alleged against the accused persons.

Sri Ravi Shankar Jandhyala, learned counsel for the revision petitioner, fairly submits that there is not much material worth the name to upset the findings recorded by the court below and he has pointed out the reasoning adopted by the learned Sessions Judge in tendering findings.

Learned counsel for both sides would submit that during trial, accused Nos.3 and 4 had expired and when appeal has been pending, accused No.6 also died.

From a perusal of the judgment rendered by the learned Sessions Judge, it is clear that what has been stated by the learned counsel for the revision petitioner is found to be correct. PWs.5 and 6, who are the material witnesses, on whose evidence the entire prosecution case rests in establishing the charges beyond all reasonable doubt, turned hostile destroying the case totally. Even the panchayatdars examined as two sets of witnesses i.e., PWs.10 and 11 as one set, and PWs.12 and 13 as

another set, in relation to the confessional statement said to have made by accused Nos.6 and 2, respectively, also completely turned hostile. Though, PWs.2 and 3, who are the wife and daughter of the deceased, attempted to improve the case by speaking to the presence of accused nos.5 and 6, but, however, their evidence was not believed by the learned Sessions Judge for the reason that for the first time, they had an occasion to see accused Nos.5 and 6 when they came to their house with a stranger and the span of time being only 20 minutes for them and to recognize them in court hall after a considerable length of time, was too difficult, more particularly, when they were strangers to PWs.2 and 3 and, observing so, thereby, the learned Sessions Judge did not believe their evidence. Thus, even looking at the evidence as well as the findings recorded by the learned Sessions Judge, it is to be held that absolutely there is no material at all to set aside the order of acquittal recorded against the accused persons. There is no merit in the criminal revision case.

The Criminal Revision Case is, therefore, dismissed confirming the judgment passed by the court below.

Miscellaneous Petitions, if any, pending in the present revision case, stand closed.

A. SHANKAR NARAYANA, J

08.12.2017

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