

**THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR  
AND  
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD**

**CRIMINAL APPEAL No.810 of 2012**

**JUDGMENT** : (per Hon'ble Sri Justice T.Amarnath Goud)

The appellant is the sole accused in Sessions Case No.137 of 2011 on the file of the Court of the V Additional Sessions Judge (III Fast Track Court), Nalgonda at Miryalguda. She was tried for the offences punishable under Sections 342 and 302 IPC for causing the death of one Nagaraju (deceased) on 27-08-2010 at 7.30 am. After appreciating the oral and documentary evidence on record, the learned Sessions Judge convicted the accused of the said charges, under Section 235(2) of the Cr.P.C., and sentenced her to suffer 'imprisonment for life' and to pay a fine of Rs.1,000/-, in default, to suffer simple imprisonment for six months for the offence punishable under Section 302 IPC and further sentenced to suffer rigorous imprisonment for six months and to pay a fine of Rs.100/-, in default, to suffer simple imprisonment for one month for the offence punishable under Section 342 IPC. The learned Sessions Judge directed both the sentences to run concurrently.

2. The facts, as culled out, from the evidence of prosecution witnesses, are that the deceased is the son of the accused. P.W.3 is the mother of the accused. On 27.08.2010, at about 8.00 am., while the P.W.1 was at his

house, he received information that the accused murdered her son (the deceased) by tying to a tree. On that, P.W.1 went to the spot and noticed that the accused tied the deceased to neem tree situated in front of her house with G.I wire from shoulders to legs, tied the neck to the tree with cloth and tied waist to the tree with another cloth. An electric wire is connected to the G.I wire which was rounded to the deceased from the switch board of the house of the accused. On enquiry, the accused stated that the deceased is not taking care of her, not listening to her words and not studying well and when she advised the deceased to concentrate on studies, he used to come upon her with angry and used to beat her and hence she tied the accused to neem tree situated in front of her house with a G.I wire and clothes and connected the G.I wire with an electric wire and gave connection from the switch board of her house and killed him by giving electric shock. Then P.W.1 proceeded to the Police Station and gave a report (Ex.P.1) before P.W.14 Head Constable. Basing on the said report, P.W.14 registered a case in Crime No.83 of 2010 for the offences punishable under Sections 342 and 302 IPC and issued Ex.P.9-First Information Report. Immediately thereafter, he informed about the incident to P.W.15 S.I of Police. As P.W.16, C.I of Police, was on another duty, P.W.15 took up the investigation. During the course of investigation, P.W.15 proceeded to the scene of offence and observed the scene and got photographed by P.W.10. He conducted scene

of offence panchanama in the presence of P.W.12 and another and seized M.Os.1 to 4 under a cover of panchanama. He also prepared a rough sketch of the scene. He examined P.Ws.2 to 4 and recorded their statements. Thereafter, he conducted inquest over the dead body in the presence of P.W.12 and another. Ex.P.7 is the inquest report. Thereafter, the body was sent to Area Hospital, Miryalguda, for conducting postmortem examination. P.W.13, the Civil Assistant Surgeon, Area Hospital, Miryalguda, conducted autopsy over the dead body of the deceased. Ex.P.8 is the Postmortem Examination Report. The Doctor noticed three injuries. According to him, the cause of death was “due to electrocution.” Subsequently, P.W.16, C.I of Police, took up investigation. On 01.09.2010, at about 10.00 am., P.W.9 produced the accused before P.W.16 at his office at Miryalguda. P.W.16 examined P.W.9 and recorded his statement. P.W.16 arrested the accused, interrogated her in the presence of mediators. After collecting all the relevant material, a charge sheet came to be filed, which was taken on file as P.R.C.No.110 of 2010, which on committal came to be numbered as S.C.No.137 of 2011.

3. After complying with the provisions under Section 207 Cr.P.C., charges under Sections 342 and 302 IPC were framed, read over and explained to the accused. The plea of the accused is one of total denial.

4. To substantiate its case, the prosecution examined P.Ws.1 to 16 and got marked Exs.P.1 to P.9 and M.Os.1 to 4. After the closure of evidence, the accused was examined under Section 313 Cr.P.C., with reference to the incriminating circumstances appearing against her, in the evidence of the prosecution witnesses, to which he denied. No oral or documentary evidence was adduced on her behalf in support of her defence.

5. Relying upon the evidence of P.Ws.1, 2, 3, 4, 7 and 9, the learned Sessions Judge convicted the accused for the offences punishable under Section 302 and 342 IPC as stated supra. Challenging the same, the present appeal is filed.

6. Learned counsel for the appellant mainly contended that there are no eye witnesses to the incident. The circumstances relied upon by the prosecution do not form chain of events so as to connect the accused with the crime. It is urged that these circumstances relied upon by the prosecution are not supported by any legal evidence and, as such, the same cannot be made the basis to convict the accused. She further urged that the Sessions Judge erred in taking into consideration the evidence of P.W.6 who stated that on the date of incident, he saw the accused chasing the deceased, and, on her request, he caught hold the deceased and handed over to the accused and went away. On the said evidence, applying the last seen theory, by the learned

Sessions Judge, is fatal to the case. She further urged that the learned Sessions Judge erred in believing the evidence of P.Ws.1 and 9 in the absence of any corroborating evidence. The prosecution did not prove the motive of the accused in killing the deceased.

7. Learned Public Prosecutor would submit that the evidence of the prosecution witnesses i.e., P.Ws.1, 2, 3, 4, 7 and 9 clearly establishes that the accused killed the deceased and the motive behind killing him is due to objection of the deceased to the illegal intimacy of the accused with the villager.

8. It is an admitted fact that the deceased is the son of the accused. As seen from the evidence on record, P.Ws.1, 2 and 9, in their evidence, deposed, in one voice, about the incident and the confession made by the accused before them that as the deceased was not caring to her and was adamant, she killed her by connecting live electric wire to him. P.Ws.3 to 5, in their evidence, deposed that as the deceased was objecting the accused for her illegal contacts, and in order to get rid off him, she killed the deceased. P.Ws.6 and 8 are the circumstantial witnesses. P.W.6 deposed that, on the date of incident, he saw the accused chasing the deceased, and, on her request, he caught hold the deceased and handed over to the accused and went away. In order to appreciate the same,



it would be useful to extract the evidence of P.Ws.1, 2, 3, 4, 7 and 9 with regard to motive and incident, which is as under:

9. P.W.1, in his evidence, deposed as under:

“...When I was present in my house at about 8.00 am., I came to know that the accused Shivamma killed her son. Then, I went there and saw the dead body of the deceased hanging to a neem tree. His body was tied up with an electric wire and plugged into the switch board. I can identify the said wire. Then I informed the Police about the incident. I enquired with the accused as to how the incident taken place for that the accused replied as follows:

“He is not caring me, he is very adamant due to that I killed him by connecting live electric wire to him.”

10. P.W.2, in his evidence, deposed as under:

“...The house of accused situated opposite to my house. I know about the incident. I went there and saw the deceased tying with MO-1 wire and plugged into a plug in the house. Then, I questioned the accused as to how the incident has taken place for which she replied that the deceased is very adamant and he is not caring me and due to that she killed him by connecting live electric wire.”

11. P.W.3, in her evidence, deposed as under:

“...On the date of incident, I was not present in the village and I am at Dirsalugudem, which is my brother's village. I was with the accused while I was Damacracherla. Two moths prior to the death of the accused, I left our village.

I was told that the accused killed the deceased as he is not caring her and he is not prosecuting his studies. Police examined me. The accused is having illegal intimacy with one of the person in the village,

for that, I warned her to discontinue the illegal intimacy with that person and the deceased also several times told her to discontinue the illegal contacts with that person, but the accused did not mend her ways. I am of the opinion that due to that the accused might have killed the deceased.”

12. P.W.4, in his evidence, deposed as under:

“...At about ten months ago, when I was present in my house at Rudraram at about 10.00 am., I received a phone call from Damaracherla informing that the accused killed her son Nagaraju by using live wire. Then, myself and PW-3 went there and saw the dead body of the deceased, which is lying on the ground. I came to know that the accused is having illegal contacts with one person in the village, for that the deceased and PW-3 warned her to discontinue, but the accused did not pay heed their words.”

13. P.W.7, in her evidence, deposed as under:

“...I was informed by the villagers that the accused is having illegal intimacy in the village and as the deceased objected for the same and in order to get rid of him she killed the deceased.”

14. P.W.9, in his evidence, deposed as under:

“ While I was in my house, the accused came to me on 1-9-2010 and informed me at about 7-00 AM., as the deceased is behaving mischievously and then she connected with live electric wire to him and due that he died. Then I informed the same to the police.”

15. Insofar as the motive aspect, the evidence of P.W.5 establishes the same. In his evidence, P.W.5 deposed as under:

“ As the deceased is objecting the accused for her illegal contacts and in order to get rid off him, she killed her son.”

16. Insofar as the last seen theory, the evidence of P.W.6 establishes the same. In his evidence, P.W.6 deposed as under:

“ On 27.08.2010 while I was going to the college, I saw the accused chasing the deceased and she requested me to catch him in that I caught hold of the deceased and handed over to her and I went away from that place to my college. On the evening when I returned from college, I was informed that the accused killed the deceased by connecting the live wire and due that he died.

As the deceased is objecting the accused to discontinue the illegal contacts and in order to get rid off him she killed her son.”

17. Though all the four witnesses were cross examined, at length, nothing useful was elicited to discredit their testimony. As seen from the evidence on record, during the course of cross examination, P.Ws.1 to 5 denied the suggestion that the accused is mentally disabled person. The statement made by the accused before P.Ws.1, 2 and 9 is an extrajudicial confession statement confirming that she connected the deceased with a life G.I wire and due to that he died. There is no basis to say that the deceased was mentally challenged, but, in the cross examination, some of the witnesses said that the deceased was only a mischievous person. P.W.7 is the daughter of the accused and sister of the deceased. She has not supported the version of the accused that the deceased was mentally challenged, but has confirmed that the deceased was a mischievous person and used to



create gallata in the village. Whatever may be the reasons, the accused has no right to cause the death of the deceased on the ground that he is mentally challenged or not caring her or of adamant attitude. The accused, knowing fully well about the action she is proposed to do and with full sound mind, has tied the deceased to the neem tree with G.I. wire with an electric wire from shoulders to legs, tied the neck to the tree with cloth, tied waist to the tree with another cloth and gave connection from the switch board. As a consequence, the deceased got electrocuted and died.

18. The cause of death of the deceased as deposed by P.W.13 gets corroboration from Ex.P.8 – the postmortem Report. The motive behind the crime is that the accused has deserted her husband; her daughter was staying in a hostel pursuing her education in a Nursing College; in the village, the deceased and the accused were only staying together; the deceased was objecting the accused from having illegal intimacy with a person in the village; and to get rid of the son, she committed the above crime.

19. As per the evidence of P.W.6, who saw the accused chasing the deceased, while he was on the way to college in the morning hours, he caught hold of the deceased, at the request of the accused, and handed over him to the accused and that the crime has happened at about 8.00 am on the same day. In the light of the last seen theory and upon the

circumstantial evidence and upon the confession made before P.Ws.1, 2 and 9, this Court comes to the conclusion that the accused has killed the deceased by giving electric shock, in order to clear her way to continue her illegal intimacy with a person in the village. We see no grounds to interfere with the judgment passed by the learned Sessions Judge.

20. Accordingly, the Criminal Appeal is dismissed confirming the judgment dated 18.08.2011 in Sessions Case No.137 of 2011 on the file of the Court of THE V Additional Sessions Judge (III Fast Track Court), Nalgonda at Miryalguda. The bail granted during the pendency of the criminal appeal shall stand cancelled. The appellant/accused shall surrender forthwith before the Superintendent, Special Prison for Women, Chanchalguda, Hyderabad. In the event she fails to do so, the trial Court shall initiate steps in accordance with law to apprehend the accused. Consequently, miscellaneous petitions, if any, pending shall stand closed.

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**C.PRAVEEN KUMAR, J**

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**T.AMARNATH GOUD, J**

22.12.2017  
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