

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

CRIMINAL APPEAL NO.277 OF 2011

Between:

Matta Rajesh

.. Appellant

and

State of A.P. rep. by its Public Prosecutor

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 22.12.2017

SUBMITTED FOR APPROVAL:

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

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1. Whether Reporters of Local newspapers may be allowed to see the judgment? Yes/No
 2. Whether the copies of judgment may be marked to Law Reporters/Journals Yes/No
 3. Whether Their Lordships wish to see the fair copy of the judgment? Yes/No

SANJAY KUMAR, J

T.AMARNATH GOUD, J

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

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% DATED 22ND DECEMBER, 2017

Matta Rajesh .. Appellant

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<Gist:

>Head Note:

! Counsel for the Appellants : Sri T.S.N.MURTHY

^Counsel for the Respondent : Public Prosecutor

? CASES REFERRED:

1. (2012) 9 SCC 408
2. (2011) 6 SCC 288
3. (1995) 5 SCC 518
4. (2002) 6 SCC 470
5. AIR 1968 SC 1050
6. (2011) 5 SCC 786
7. (2010) 9 SCC 85
8. (1995) Suppl. 2 SCC 187
9. (2013) 5 SCC 722



THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD
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J U D G M E N T

(per Hon'ble Sri Justice Sanjay Kumar)

Preceded by a media trial along with the inevitable sensationalism and political hullabaloo, drawing the attention of no less than the Home Minister of the State, conviction of the sole accused of a double murder and other offences in Sessions Case No.48 of 2010 by the learned Judge, Family Court-cum-Additional District and Sessions Judge, East Godavari District at Rajahmundry, requires minute examination. Needless to state, in such a situation, the police would be under tremendous pressure to go through the motions with paramount speed so as to produce a culprit to assuage societal conscience and quell public outrage. Therefore, utmost care and circumspection are necessary while evaluating the prosecution's case against the sole accused, built on such hurried and harried investigative processes.

Narla Srinivasa Rao (D1) and his wife, Satyavathi (D2), were killed within the precincts of their own residence at 3rd Street, Lalithanagar, Rajahmundry, on 17.09.2009 at about 8.45 PM. Matta Rajesh, the sole accused, was apprehended at the scene of the offence. He was stated to have been harassing Anusha (P.W.2), the daughter of the deceased couple, and allegedly committed the attack, injuring her and resulting in the death of her parents, as she spurned his advances.

The Sessions Court framed the following charges against the sole accused in Sessions Case No.48 of 2010:

You on 17-09-2009 at about 8-45 pm., committed house trespass through its backyard into the premises bearing D.No.23-17-13, 3rd street, Lalithanagar, Rajahmundry belonged to L.W.2 Anusha and her parents in order to commit the offence of murder

punishable with death and thereby you have committed the offence punishable U/s.449 IPC., and within my cognizance.

You at the same time and place mentioned in Charge No.1 attacked L.W.2 Anusha with a knife and hacked on her throat with such intention and knowledge and under such circumstances by that act you had caused the death of Anusha, you would have been guilty of murder and that you thereby committed an offence punishable U/s.307 IPC., and within my cognizance.

In the same time and place as mentioned above you committed murder of Narla Satyavathi, mother of Anusha when she tried to rescue her daughter when you hacked her, thereby you have committed the offence of murder punishable U/s.302 IPC and within my cognizance.

You at the same time and place mentioned above committed murder of Narla Srinivasarao, the father of Anusha when he came to the rescue of his daughter Anusha when you tried to hacked her and thereby committed an offence punishable U/s.302 IPC., and within my cognizance.'

The accused denied the charges and claimed to be tried.

During the trial, the prosecution examined 22 witnesses and marked in evidence 49 exhibits. The accused examined six witnesses, including himself, and marked 37 exhibits in evidence. Case properties were shown as M.Os.1 to 25.

By the judgment under appeal, the Sessions Court held the accused guilty of the charges under Sections 449, 307 and 302 IPC. He was acquitted of the charges under Sections 506 and 509 IPC. He was sentenced to life imprisonment for his conviction under Section 302 IPC in relation to the two murders and payment of a fine of Rs.1,000/- for each conviction, in default of which he was to suffer two months imprisonment separately. As regards his conviction under Section 307 IPC, he was sentenced to rigorous imprisonment for four years and payment of a fine of Rs.1,000/, in default of which he was to undergo two months imprisonment. Lastly, for his conviction under Section 449 IPC, he was sentenced to rigorous imprisonment for two years along with

payment of fine of Rs.500/-, in default of which he was to suffer one month imprisonment. Hence, this appeal by the accused under Section 374(2) CrPC.

History of the prosecution's case, in brief, is as under:

The Inspector of Police, Rajahmundry Town Circle (P.W.22), received a telephonic message from the Out Post Head Constable (OPHC), Rajahmundry, about the death of two people, Narla Srinivasa Rao (D1) and his wife, Satyavathi (D2), and of an injured woman, Anusha (P.W.2), and immediately sent a Rakshak Mobile along with staff to the scene of the offence at 3rd Street, Lalithanagar, Rajahmundry. He reached the Government Headquarters Hospital, Rajahmundry, at 11.30 PM and received confirmation of the death of the couple and information of the injured (P.W.2). As P.W.2 was undergoing treatment, he recorded the statement of P.W.1. In the meanwhile, he received a message from the Head Constable of III Town Police Station, Rajahmundry, about the accused being handed over by the public with bleeding injuries. He instructed the Head Constable to take him into custody and send him for treatment. He posted guards at the scene of the offence and also at the hospital and reached III Town Police Station at 1.30 AM. He registered Crime No.277 of 2009 under Sections 450, 302 and 307 IPC. Ex.P.48 is the FIR. He secured a photographer (P.W.12) and, accompanied by P.W.1., they went to the scene of the offence at 2.30 AM. He recorded the statements of P.W.1, P.W.3 and Narla Nandini Devi (L.W.4), the younger sister of P.W.2 and P.W.3, from 3.00 AM to 5.30 AM. The observation of the scene of offence proceedings were conducted from 6.30 AM to 8.00 AM in the presence of mediators, P.W.13 and P.W.14. Blood-stained cement floor flakes (M.O.18), controlled cement flakes (M.O.19), blood-stained cement plaster pieces of the wall (M.O.22), controlled wall pieces (M.O.21), blood-stained bark of the coconut tree (M.O.22), controlled

coconut bark pieces (M.O.23), blood-stained money plant leaves (M.O.24), controlled money plant leaves (M.O.25), a blood-stained cement colour pillow (M.O.26), a blood-stained purple colour chunni (M.O.27), a blood-stained towel (M.O.28), a blood-stained jute rope (M.O.29), a blood-stained yellow colour nylon rope (M.O.30), a steel glass (M.O.31), two fifty paise coins (M.O.32), a one rupee coin (M.O.33), and a pair of black colour rexine chappals (M.O.34) were seized in the presence of the mediators. He drafted the rough sketch of the scene of the offence (Ex.P39). P.W.12 photographed the scene of the offence. He then secured the presence of P.W.4, P.W.5 and P.W. 6 and recorded their statements. Thereafter, he went to the Government Headquarters Hospital, Rajahmundry, and in the presence of Narla Ramanamma (L.W.8), P.W.7 and P.W.8, he conducted an inquest over the body of D1. P.W.13, Bagu Venkateswara Rao (L.W.25) and Madem Chinna Rao (L.W.27) were the panch witnesses for these inquest proceedings, which were held from 8.30 AM to 10.30 AM. Ex.P22 is the inquest report. The body of D1 was then sent for post-mortem examination, after seizure of his clothes and possessions. Upon the instructions of superiors and P.W.22, the Inspector of Police, CCS, Rajahmundry (P.W.21), conducted inquest over the body of D2 from 8.30 AM to 10.30 AM on 18.09.2009 at the mortuary of the Government Hospital, Rajahmundry. This inquest was conducted in the presence of P.W.14, Vasamsetti Gangadhara Rao (L.W.29), and Samanthula Venkat (L.W.30). During the course of the inquest, P.W.21 examined Lanka Bullmmai (L.W.11) and Varla Raghava Rao (L.W.12) and recorded their statements. He then sent the body of D2 for post-mortem examination. Ex.P29 is the inquest report relating to D2. P.W.12 took photographs of both the dead bodies. At 12.00 Noon, P.W.22 recorded the statement of P.W.2 and seized her clothes (M.Os.16 and 17). He returned to the Police Station and having secured the presence of

mediators, P.Ws.13 and 14, he recorded the voluntary confession of the accused between 2.00 PM and 4.30 PM. During the course of the confession, P.W.22 seized four letters written by the accused (Exs.P23 to P26) from his possession. He also seized his clothes, i.e., M.O.35 full hands shirt and M.O.36 pant. Thereupon, the accused led them to the backyard of the house of P.W.2 to show the weapon. There, the accused picked out the blood-stained kitchen knife (M.O.1) from the bushes where he had thrown it. The same was seized under Ex.P.27 seizure report, which was drafted between 5.00 and 5.30 PM. The accused signed therein and also his confession statement, *vide* Ex.P28 mediators report. After the accused was taken back to the Police Station, P.W.22 handed him over to the Sub-Inspector, Kadiyam Police Station, to take him to the hospital along with an escort for treatment of his injuries. He was then sent for remand on 19.09.2009. On that day, P.W.22 altered the provision of law from Section 450 IPC to Section 449 IPC. He recorded the statements of Thumma Sanjaya Reddy (L.W.13), Nalam Sivaramakrishna (L.W.14), P.W.9, P.W.10, and Mirthipati Durga Rao (L.W.17). He then filed a Memo before the learned III Additional Judicial Magistrate of First Class for taking the handwriting of the accused. He served a notice upon the accused to obtain his consent. On 24.10.2009, he secured sample handwriting of the accused through the Jailer, Central Jail, Rajahmundry. Exs.P40 and P41 are the specimen handwritings of the accused. He sent the same to the Forensic Science Laboratory for examination and Ex.P43 is the Forensic Science Laboratory Report certifying that the handwriting in Exs.P23 to P26 and the handwriting in Exs.P40 and 41 were of the same person. Other material objects were also sent by him to the laboratory at Vijayawada under Ex.P45 letter of advice. Ex.P47 is the report of the Regional Forensic Science Laboratory, Vijayawada. On 23.09.2009, P.W.22

secured the presence of Adabala Rama Krishna Rao (L.W.18) and P.W.15 and recorded their statements.

On 24.09.2009, P.W.22 obtained a copy of the dying declaration of P.W.2 from the Court of the III Additional Judicial Magistrate of First Class, Rajahmundry. On 28.09.2009, he recorded the statements of D.W.6, Matta Babu Rao (L.W.21) and Matta Saraswathi (L.W.22), the relations of the accused. He received the post-mortem certificates of the deceased from the hospital. But as the certificate relating to D2 did not disclose a clear opinion about the cause of death, he requested the doctor (P.W.17) to give a clear opinion. On 09.10.2009, P.W.17 did so. On 10.10.2009, the Section 164 CrPC statements of P.W.1, P.W.2, P.W.3, Nandini Devi (L.W.4) and P.W.8 were recorded by the learned V Additional Judicial Magistrate of First Class. The Section 164 CrPC statements of Adabala Rama Krishna Rao (L.W.18) and P.W.15 were also recorded by the said Magistrate on 13.11.2009. P.W.22 laid a charge sheet on 30.11.2009, which was returned on 16.12.2009. He re-submitted it after receipt of the Forensic Science Laboratory report.

Oral evidence adduced by the prosecution may now be examined.

P.W.1, a Court employee, stated that D1 and D2 along with their three daughters used to reside in a portion of the house opposite his house and in the portion adjacent thereto, the accused and his family used to reside. He said that on 17.09.2009 at about 8.30 PM, while he was watching television in his house, P.W.3 and Nandini Devi (L.W.4), the second and third daughters of D1, came to his house and told him that the accused had stabbed their father, mother and sister (P.W.2). When he rushed out and was going to their house, the house-owner (P.W.10) also joined him. By the time they went to the house, D1 and his wife (D2) were lying on the ground. The accused was trying to run away from the place. P.W.10 and another person, a neighbour of P.W.2, caught

hold of his hands. D1 also caught hold of the accused when he was trying to jump the back wall of the house. D2 was lying on the ground with bleeding injuries. P.W.2 was also bleeding from her neck, while D1 had blood on his body. P.W.10 and the neighbour of P.W.2 brought the accused, who was on the wall, to the side. They tied his hands behind his back and several persons, including the relatives of D1, rushed there. Somebody telephoned for a 108 Ambulance which came within fifteen minutes. D1, D2 and P.W.2 were boarded into the ambulance and taken to the Government Hospital, Rajahmundry. P.W.1 said that he followed the ambulance and the doctor at the Government Hospital declared that D1 and D2 were dead. P.W.2, even though she had an injury on her throat, was conscious. The Inspector of Police came to the hospital and P.W.1 said that he gave a statement to him, which was reduced to writing. He identified Ex.P1 as the said statement. On the same day at 2.30 AM, i.e., early hours of 18.09.2009, the police recorded his statement. He said that at the time he moved into the rented house at 3rd Street, Lalithanagar, the families of the accused and D1 were living opposite him in separate portions. Relations between the two families were cordial. About six months prior to the incident, D1 came to him while he was at the Court and told him that the accused was teasing his daughter (P.W.2) and asked him as to where he had to complain to the police. P.W.1 said that he advised him to approach the III Town Police Station. D1 gave a report to the police and the police arrested the accused, but on the same or the next day, he was released on bail. The police got the family of the accused vacated from the portion.

In his cross-examination, P.W.1 said that the house behind the house of D1, belonging to one Varanasi Vamshi, was in a dilapidated condition for the last ten years and that it had a compound wall on all sides with a gate on the southern side. The only entrance to that house

was from the southern side and on all other sides, i.e., east, north and west, there were houses. He stated that till the sisters of P.W.2 came and informed him, he did not know that the accused had stabbed P.W.2 and her parents. He said that the portion of D1 consists of three rooms and in the kitchen, some articles were found in pell-mell condition and rice was also scattered. He however did not observe any such thing in the middle room. He did not observe any blood-stains in the kitchen. D2 was lying on the ground between the kitchen wall and the coconut tree. P.W.10 and he simultaneously entered into the backyard. While the accused was about to jump the wall, P.W.10 caught hold of him and thereafter, D1 also caught hold of him. He denied the suggestion that as he was a Court employee and his house was opposite the house of the deceased, the Inspector of Police cited him as a witness after due deliberations and consultations. He stated that the backyard of the house of Varanasi Vamshi was filled with wild bushes, trees and stones. He stated that he did not know whether there was any love affair between the accused and P.W.2. He denied knowledge of the version put forth by the accused as to what had happened on the fateful night. He denied the suggestion that he was deposing falsely despite knowing that the said version was true.

P.W.2, being an injured eye-witness and the daughter of the deceased couple, is crucial for the prosecution. She stated thus: Previously, they were residing in the house bearing D.No.23-17-13 at 3rd Street, Lalithanagar, Rajahmundry, as tenants of P.W.4, while the accused and his parents resided in the adjacent portion. They resided in the said house for about 2½ years. The family of the accused was residing in the adjacent portion even before they shifted there. She and her sister used to treat the accused as a brother and also tied Rakhi. The accused however used to express his love for her and insisted on

marrying her. She expressed her unwillingness and asked him not to follow her, but he continued to harass her and started threatening her by making phone calls. After her examinations in March, 2009, she informed her parents of the accused teasing her. In turn, they informed the parents of the accused. Though his parents admonished him, the accused did not mend his behaviour and was threatening her father by making telephone calls from a coin-box. They informed the house-owner, P.W.4, and also P.W.1, of the behaviour of the accused. They chastised him, but even thereafter, the accused continued on the same lines and they advised her father to report the matter to the police. On 28.05.2009, they gave a complaint in the Legal Services Authority, Rajahmundry, and also to the III Town Police Station. Ex.P2 is the report given by her father to the police. Ex.P3 is the complaint given by her father to the Legal Services Authority. The police registered a crime and arrested the accused. Later, he was enlarged on bail. One month thereafter, the accused and his family vacated the adjacent portion. On 04.09.2009, she gave a report to the police that even after vacating the adjacent portion, the accused was threatening them by making phone calls and was following them, wherever they went. He was also intimidating her and her parents to kill. Ex.P4 is the report given by her on 04.09.2009 to the III Town Police Station. Immediately, the police called the accused and his parents. They brought elders, Adabala Rama Krishna Rao (L.W.18) and P.W.15. Before the Sub-Inspector, the parents and the brother of accused along with the elders assured her that there would not be any problem from the accused and that they were sending him to Chennai. A 'Poochikattu' (undertaking) was executed to that effect by the accused. Her parents and she also signed therein. Ex.P5 is the undertaking. Thereafter, she used to attend spoken English classes at Ramakrishna Mission as usual with her sister, P.W.3. On 17.09.2009 at about 7.40

PM, she returned along with her sister from Ramakrishna Mission. By that time her father had telephoned her mother saying that he would come home early and all of them could go to the house of her maternal grandmother. At 8.30 PM, she went to the bathroom, while her sisters, P.W.3 and Nandini Devi (L.W.4), were having dinner. When she was returning from the bathroom and was about to go to kitchen, the accused jumped the wall of the backyard and from behind, he closed her mouth with one hand uttering foul words and stabbed her on the right side of her throat with a kitchen knife. P.W.2 identified M.O.1 as the said kitchen knife. She raised cries that the accused was killing her and her mother rushed to the place. When her mother tried to catch hold of the knife, the accused stabbed her on the left side of the chest. On hearing their cries, her father came there followed by her sisters. The accused stabbed her father in the right arm-pit. Thereupon, her father asked her sisters to go away saying that the accused would stab them also. They went away and brought P.W.1 from the opposite house. Her cousin brother (P.W.8) also came there at that time along with P.W.1. On seeing P.W.1 and P.W.8, the accused tried to escape by jumping the backyard wall. P.W.1 and P.W.8 tried to catch hold of him, but the accused got himself released from their hold and jumped the wall. On hearing their cries, the persons who gathered there caught hold of the accused. P.W.1, P.W.8 and the people who had gathered there took her and her parents in an ambulance to the Government Hospital, Rajahmundry. The doctor there told them that her parents were dead. After asking her as to what had happened, he gave her a sedative injection. She categorically stated that the accused attempted to kill her and killed her parents as she refused his love and as they had given a report to the police against him. Her dying declaration was recorded by the Magistrate on the morning of 18.09.2009. She identified Ex.P6 as the said dying declaration. Her

blood-stained clothes and her parents' clothes were seized by the police. She identified M.O.2, M.O.3 and M.O.4 as the clothes of her father. She identified case properties, M.Os.2 to 17. She said that she was an inpatient in the hospital for about twelve days.

In her cross-examination, P.W.2 denied that the letters shown to her were written by her expressing her love for the accused. She said that M.O.1 kitchen knife did not belong to them and was the knife used by the accused to stab them. She denied the suggestion that she and the accused loved each other for two years and that they also had physical contact. She denied the suggestion that her parents came to know of this and gave a false complaint to the police, forcing her to give a false statement to the police. She said that the accused never wrote letters to her. She said that on 17.09.2009 at 3.30 PM, she, her mother and her sister, Nandini Devi (L.W.4), went to the house of her maternal grandmother and returned at about 5.45 PM. She admitted that in her dying declaration, she had stated that three or four people came along with the accused and that she did not know their names. She said that she did not know whether the accused suffered any cut injury on his hand during the incident. She stated that the entire incident took place within five to ten minutes. She denied the version put-forth by the accused as to what had happened on the fateful day. She denied the suggestion that she along with her relatives gave a false version to the police upon consultations and deliberations, suppressing the true facts. In her further cross-examination, P.W.2 said that she along with her father went to the Government Hospital in a 108 Ambulance and her mother was brought in the same ambulance in the second trip. She denied the suggestion that she and her father went to the hospital by an Auto. She said that the ambulance came to their house within fifteen minutes after she sustained the injury. The Sessions Court sustained the

objection of the prosecution when P.W.2 was sought to be questioned as to her character. She however denied the suggestion that she had sexual intercourse five times with the accused. She denied Ex.D8 portion of her Section 161 CrPC statement to the effect that she and her sister returned from Ramakrishna Mutt in the evening. She said that the accused stabbed her father on the left side, below the arm-pit, and that he was not stabbed below the right arm-pit.

P.W.3, the younger sister of P.W.2, stated that the accused was previously residing in their adjacent portion with his parents, brother, sister-in-law etc. The owner of the said house, P.W.4, resided upstairs. As a neighbour, the accused used to come to their house and they treated him as their brother. When the accused teased her sister (P.W.2), she had informed their parents and they, in turn, informed the parents of the accused. In spite of that, the accused continued to tease P.W.2 by calling her on the phone. Her father gave a police complaint on 28.05.2009 and he was arrested and thereafter enlarged on bail. In spite of the criminal case, he continued to tease her sister. Subsequently, the accused and his family vacated the adjacent portion. Even after vacating, the accused used to move in their area and used to telephone P.W.2, observing the absence of her father in the house. Again, on 04.09.2009, her father gave a police report. The accused used to threaten her father that he would kidnap P.W.2 and pour acid on her. The elders on behalf of the accused effected a compromise assuring that they would send the accused out of the State. On 17.09.2009, she and her younger sister, Nandini Devi (L.W.4), returned home at 4.45 PM. She, her parents and her sisters went to the house of her maternal grandmother and returned home at about 6.00 PM. Then, she and P.W.2 went to the spoken English class and returned at about 7.30 PM or 8.00 PM. P.W.2 went to the bathroom at about 8.15 PM or 8.30 PM. They heard the cries of P.W.2

that the accused was murdering her. Her mother rushed towards the bathroom. On hearing the cries of her mother, her father also rushed towards the bathroom. She and her sister, Nandini Devi (L.W.4), followed him. By the time they went there, the accused was stabbing her father on the left side of the chest with a knife. He had stabbed her mother on the left side of the chest and she was lying on the ground bleeding. Her father cautioned her and her sister to go away as the accused would kill them also. She and her sister, Nandini Devi (L.W.4), went to P.W.1 who resided opposite their house and informed him. He rushed to their house. Her brother, P.W.8, also joined P.W.1 on the way. The accused, on seeing them, tried to jump over the back wall of their house. Her parents and her sister, P.W.2, were taken to the Government Hospital, Rajahmundry, in a 108 Ambulance. They also went to the hospital. There, they were informed that her mother and father had died. She and her sister, Nandini Devi (L.W.4), returned home. At about 2.30 or 3.00 AM (early hours of 18.09.2009), the Circle Inspector of Police examined her. She identified M.O.1 as the knife used by the accused to stab her parents and P.W.2.

In her cross-examination, P.W.3 stated that she did not attend spoken English classes in Ramakrishna Mission, but used to accompany P.W.2. She said that they returned from the house of her grandmother by 6.15 PM. She further stated that because she wanted to go to her maternal grandmother's house, her father came home to take her there. Otherwise, he would have come late. She volunteered that as the photographs of her sister, Nandini Devi (L.W.4), were to be taken for Navodaya examinations, her father came early on that day. She admitted that she did not state the reasons for her father coming early on that day either before the Inspector of Police or before the Magistrate. She said that she and her sister, Nandini Devi (L.W.4), were in the middle room

when they heard the cries of her mother. On hearing the cries, they rushed to that place through the kitchen. Her father also went to the backyard through the kitchen. They heard the cries at about 8.15 or 8.30 PM. Five minutes before they heard the cries, her father had returned home. She denied the suggestion that she and her sister, Nandini Devi (L.W.4), were at the gate and that they did not witness any occurrence. She denied the suggestion that she and her sister, Nandini Devi (L.W.4), did not call P.W.1 to their house. She said that she saw M.O.1 knife when the accused was stabbing her parents and her sister and thereafter she saw it in the Court on that day. She said that she had no personal knowledge of the accused teasing P.W.2 and came to know of it through her parents and P.W.2. She denied the suggestion that her parents asked her and her sister, Nandini Devi (L.W.4), to be at the outer gate, so that they could discuss the matter at 8.00 PM on that day. She denied the version put-forth by the accused as to what had happened on that day.

P.W.4 stated that his mother was the owner of the house and that he stayed in the upstairs portion while P.W.2 and her family resided in the ground floor portion. In the portion adjacent thereto, the accused and his family used to reside. He said that he knew of the accused teasing P.W.2 and about the case filed against him. P.W.2 used to address the accused as a brother. The parents of P.W.2 informed him about the accused teasing her. The Assistant Sub-Inspector of Police, III Town Police Station, examined him in connection with the teasing case. After the filing of the second case, the parents of P.W.2 informed him about the subsequent teasing by the accused. After the second complaint, the Sub-Inspector of Police, III Town Police Station, came and got the family of the accused vacated from the ground floor portion of the house. The mother of P.W.2 told him that even after vacating the portion, the accused was harassing P.W.2. He said that the incident took place on

17.09.2009 and at that time, he was on duty in the Paper Mill. At 9.30 PM on that day, his wife telephoned him and informed him of the incident. By the time he returned home at 10.00 PM after completing his duty, P.W.2 and her parents were taken to the Government Hospital in a 108 Ambulance. He found blood on the ground in the backyard. On 18.09.2009, the Inspector of Police recorded his statement.

In his cross-examination, P.W.4 said that he had no personal knowledge of the teasing of P.W.2 by the accused. He said that he never heard of any love affair between the accused and P.W.2 either before the incident or subsequent thereto. He said that he knew of P.W.2 going to the terrace for her studies, but denied knowledge of any dispute between the mothers of P.W.2 and the accused on the ground that the accused and P.W.2 spent one night there. He stated that the western compound wall of his house was six feet in height. The distance between the kitchen wall of P.W.2 and the cement ledge (pial) around the coconut tree would be three feet. From that coconut tree with the cement ledge to the western compound wall, the distance would be two feet. The distance between the northern side bathroom and kitchen entrance of P.W.2 would be twelve feet. A person standing at the bathroom cannot see what is happening at the kitchen. He did not observe the Inspector of Police recovering a knife at the wall or in the backyard of Varanasi Vamshi.

P.W.5, the wife of P.W.4, stated that the family of the accused stayed in their house for about five years, while the family of P.W.2 stayed for about two years. On 17.09.2009 at about 8.30 PM, while she was in the kitchen, she heard cries of P.W.2 and her mother. She came out of the kitchen on to the open place behind her kitchen and put on the light and looked downwards towards the backyard. The parents of P.W.2 were lying on the ground in a pool of blood. The accused was there with a knife in his hand. P.W.2 was also there with an injury on her

throat. Thereupon, she went to her mother-in-law and informed her. Her mother-in-law went to the ground floor and the people who had gathered there beat the accused. Her husband was on duty at that time and she informed him on the telephone at about 9.15 PM. The parents of P.W.2 were unconscious and all of them were shifted to the hospital. Some time later, she came to know that the parents of P.W.2 had died.

In her cross-examination, she stated that their portion in the upstairs consisted of three rooms – TV room, bedroom and kitchen. She denied Ex.D4 portion of her Section 161 CrPC statement to the effect that at about 8.45 PM, while she was watching TV, she heard the cries of P.W.2 and her mother from the ground floor. She admitted that if she was in the first room watching TV, the cries from the backyard in the ground floor would not be audible. She also denied Ex.D5 portion of her Section 161 CrPC statement to the effect that she woke up her mother-in-law and informed her. She stated that though the police examined her, due to fear she did not state anything at that time.

P.W.6, a neighbour of P.W.2, stated that he moved into the portion of the house at Lalithanagar in August, 2009. He said that he knew the accused, as he used to sit at the STD booth near his house. On 17.09.2009, when P.W.6 was watching television at home at about 8.40 PM, he heard the cry 'baboi champestunnadu' (An exclamation, followed by 'he is killing'). He said that he heard the sound from the backyard and when he came towards the back and put on the light, he found P.W.2 with an injury on her neck and both her parents lying on the ground in a pool of blood. P.W.1 and P.W.8 came there and tried to catch hold of the accused, but he escaped by jumping over the backyard wall. The people who gathered there however caught hold of him. A 108 Ambulance came and took P.W.2 and her parents to the hospital. At about 9.30 AM on 18.09.2009, the police came and examined him.

In his cross-examination, P.W.6 admitted that his portion and the portion of P.W.2 faced towards the west and an entrance gate was there between the two portions. He said that any cries raised in the middle room of the portion of P.W.2 would be audible to him while sitting in his front room, but stated that he did not hear any cries from the middle room of P.W.2's portion. He said that by the time he saw the accused, he was on a ledge on the other side of the wall. P.W.1 and P.W.8 tried to catch hold of him when he was on this side of the backyard wall. He said that he did not notice whether the clothes of P.W.1 and P.W.8 were stained with the blood of the accused when he got himself released by pushing them. He said that the accused did not try to run away from the ledge where he was standing by the time he saw him. He said that he did not state to the police that the accused pushed P.W.1 and P.W.8 and tried to run away to the back, as in Ex.D6 portion of his Section 161 CrPC statement. He said that he did not state to the police that the accused jumped over the wall and that he heard the cries 'baboï champestunnadu'. He said that a 108 Ambulance came half an hour after he put on the light and saw the incident.

P.W.7 is the younger brother of D1. He said that he used to visit their house regularly. The accused used to tease P.W.2 saying that he loved her. He said that D1 and D2, his brother and sister-in-law, informed the parents of the accused about the teasing. As the accused did not stop the harassment, he and his brother reported the matter to the III Town Police Station. The police arrested the accused but he came out on bail. Even after coming out on bail, he used to telephone, threatening P.W.2 and her parents. The police got the accused and his family vacated from the portion. But even after vacating, the accused used to move in that centre and was also telephoning, threatening to kidnap P.W.2. Due to such harassment, P.W.2 failed her Intermediate

Examination. P.W.2 and her sisters used to address the accused as their brother and also tied rakhi to him previously. They again gave a complaint to the police and the Sub-Inspector compromised the matter in the presence of the elders brought by the accused. The second report was given on 04.09.2009. On 17.09.2009, he received a phone call at 9.30 PM, while he was at his shop, informing him that the accused had murdered his brother, sister-in-law and stabbed P.W.2 on her throat. He went to the Government Hospital, Rajahmundry, but by the time he went there, D1 and D2 were dead and P.W.2 was undergoing treatment.

In his cross-examination, P.W.7 stated that he did not talk to P.W.2 on the night of 17/18.09.2009. He said that the police examined him at the time of conducting inquest at the hospital and he talked to P.W.2 about 9.30 AM, before the inquest. He said that he accompanied his brother to the police, but did not sign in the complaint or in the compromise after the second report. He denied the suggestion that he did not know anything about the teasing of P.W.2 by the accused and that he was deposing falsely. He denied the suggestion that P.W.2 and the accused loved each other and wanted to marry, but his brother separated them and foisted a false case on the accused.

P.W.8 stated that D1 and D2 were his uncle and aunt and that he was a resident of Ramachandraraopeta in Rajahmundry. He said that he used to frequently visit the house of P.W.2. He knew the accused as he used to reside in the adjacent portion of his uncle's house. The accused used to tease P.W.2 demanding that she should love him. He used to follow her to college and harass her by making telephone calls. His uncle gave a complaint to the III Town Police Station and the accused was arrested but was enlarged on bail. One month thereafter, the police got the family of the accused vacated from that portion. Even after vacating the house, the accused used to come to Lalithanagar and tease P.W.2 by

calling her on the phone. The accused telephoned to P.W.8 and informed him that he would marry P.W.2 at any cost and nobody could stop him and that whoever intervened would be killed by him. P.W.8 claimed that he informed his uncle and aunt of the threats and they again reported the matter to the police. The police arrested the accused and the elders on behalf of the accused came and got the matter compromised on 04.09.2009. After such compromise, P.W.8 said that he used to go to the house of P.W.2 to sleep at night everyday. On 17.09.2009 at about 8.45 p.m., P.W.8 said that he went to the house of P.W.2 but by the time he reached there, P.W.3 and her sister, Nandini Devi (L.W.4), were bringing P.W.1 from his house. P.W.8 said that by the time they went into the house, he found his uncle (D1) and his aunt (D2) struggling for life, lying on the ground in a pool of blood. P.W.8 said that he found P.W.2 bleeding on the right side of the throat. He and P.W.1 tried to catch hold of the accused who was trying to run away from the place. When the accused escaped from their hands and tried to run away, the people who gathered there caught hold of him. He said that they sent P.W.2 and her parents in a 108 Ambulance to the Government Hospital. He followed them to the hospital and by the time he went there, the doctor who was treating P.W.2 declared that his uncle and aunt had died. The accused killed his uncle and aunt and tried to kill P.W.2 as P.W.2 refused to love him and as his uncle gave a complaint to the police against him.

In his cross-examination, P.W.8 stated that he personally witnessed the accused following P.W.2 while she was going to the college, though he did not remember how long it was prior to the giving of the first report. He admitted that he did not state this before the police or before the Magistrate who recorded his statement. He said that he accompanied his uncle to the police when the report was given the second time but admitted that he did not know the contents of the

second report. He further stated that he did not go inside the police station when his uncle gave the second report. He said that he did not remember which colour shirt he wore on 17.09.2009 when he went to the house of P.W.2. He denied the suggestion that he went there at 8.00 p.m. He also denied the suggestion that he took two persons with him. He denied the suggestion that on 16.09.2009, he and P.W.2 went to the accused and asked him to come to the house of P.W.2 on 17.09.2009 in the night time to discuss the love affair. He denied the suggestion that there was a love affair between P.W.2 and the accused for two years prior to the incident; that there was exchange of love letters and they were also moving together secretly from the college after completing the first hour. He denied the suggestion that he and his uncle, in order to disturb the love between P.W.2 and the accused and to get Rs.50,000/- from the accused, called the accused to the house of P.W.2 with a plan. He denied the suggestion that on 17.09.2009 at about 8.00 p.m., the accused came to the house of P.W.2 and he, his uncle, his aunt and the two persons brought by him and P.W.2 discussed with the accused in the middle room, demanding cash. He said that he did not know whether after the family of the accused vacated the house, the marriage of the accused was fixed with a girl from West Godavari. He denied the suggestion that as the accused was going to marry another girl after moving with P.W.2 for some time, they tried to grab Rs.50,000/- from the accused and in that connection, quarrelled with him on 17.09.2009. He said that he did not know Satish, Seshu and Raju, who were the friends of the accused. He denied the suggestion that those persons were his friends also. He denied the suggestion that the above said three persons were also at the gate of P.W.2 at 8.00 p.m. He said that he did not see any person present at the house of P.W.2 at 8.00 p.m. He denied the suggestion that as the accused did not agree to pay Rs.50,000/- as demanded by them, he and

the other two persons brought by him along with his uncle attacked him and that he bit the accused on the right hand. He denied the suggestion that he went inside the kitchen and brought the knife used for cutting coconuts. He also denied the suggestion that by that time, his uncle and one of the two persons brought by him had knives. He denied the suggestion that when he tried to stab the accused in the stomach, the accused, due to fear for his life, caught hold of the said knife and pulled it from his hands. He denied the suggestion that while pulling the knife, the accused sustained an injury on his right palm and also on the stomach. He denied the suggestion that in the scuffle in the kitchen, P.W.2 and her parents sustained injuries. He denied the suggestion that one of the persons brought by him, while attacking the accused with his knife, stabbed his aunt (D2) when she suddenly came across in the darkness. He denied the suggestion that he and the two persons brought by him ran away after the incident and half an hour thereafter, he returned to the house of P.W.2 after changing his dress. He said that the Assistant Sub-Inspector of Police and constables came to the scene of the offence in a jeep after the ambulance left that place. He said that he followed the ambulance and did not know whether the people gathered there handed over the accused to the police. He denied the suggestion that the entire incident took place at 8.15 p.m. on account of himself and his uncle in the house of P.W.2. He denied the suggestion that with a plan, he arranged for two persons to attack the accused and even though the accused was running away, they all attacked him.

P.W.9, a kirana shop owner at Lalithanagar, Rajahmundry, stated that he knew the accused as he used to come to his shop to purchase provisions. The accused used to reside in the adjacent lane next to his shop. D1 and his family were residing in the portion adjacent to that of the accused. Besides the kirana shop, P.W.9 also ran a coin-box

telephone. The accused used to make telephone calls from the coin-box, but P.W.9 said that he did not know to whom he made those calls. The families of the accused and P.W.2, being residents of adjacent portions, were on talking terms. In September, 2009, P.W.2's father gave a complaint to the police against the accused with regard to the love affair. P.W.9 said that he did not know what action had been taken on that complaint. Sometime after giving the complaint, the family of the accused vacated the portion. Even after vacating the portion, the accused used to come to his shop but it was on rare occasions. On the fateful day at about 8.00 PM, the accused came to his shop and purchased one 'Lays' chips packet and a cool drink and went away. P.W.9 said that he did not observe the direction in which he went. P.W.9 said that the accused used to tell him that he loved P.W.2. P.W.9 said that he advised the accused not to trouble P.W.2. Fifteen minutes after the accused left his shop, P.W.9 said that he heard the cries from the backside of his shop. Five minutes thereafter, P.W.9 went towards the house of P.W.2 and was told that murder took place in the house of P.W.2 and that some scuffle was going on in the backyard. By that time, the people of the area also were going inside the house. P.W.9 said that he did not go inside but returned to his shop. He further stated that he found P.W.2 raising cries in front of the house that the accused had killed.

In his cross-examination, P.W.9 said that the family of the accused were residing in that area for about five or six years and to his knowledge, the accused was not leading a wayward life. The accused told him that he and P.W.2 were exchanging love letters. He stated that one month after the love affair, it came to the knowledge of the parents of P.W.2. He admitted that the accused came on a motorcycle driven by another person on the fateful day and purchased a cool drink and chips packet. After purchasing these items, the accused was talking with some

persons. P.W.9 admitted that he did not state before the police some of the details that he had deposed to before the Court.

P.W.10, a resident of 3rd Street, Lalithanagar, Rajahmundry, stated that the house of P.W.4 was opposite his house. In the ground floor portion of P.W.4, previously D1 and his family and the family of the accused used to reside. He said that he knew the accused and also P.W.2. He said that P.W.1 was the tenant in his ground floor portion. He said that on 17.09.2009, when he returned home at about 8.30 or 9.00 PM, he heard cries from outside and when he came out, P.W.1 was outside the house and going towards the house of P.W.2. P.W.10 said that he also followed him and they went into the backyard of the house of P.W.2. By that time, the mother of P.W.2 was lying on the ground in a pool of blood. P.W.2 was bleeding at the throat. He said that the father of P.W.2 was also lying on ground. P.W.1 held the hand of the accused as he tried to escape and P.W.10 said that he also caught hold of his hand. When they caught hold of his hands, the accused was on the other side of the house. The people who gathered there tied the hands of the accused. An Auto came and D1 was taken to the hospital. Thereafter, an ambulance came and P.W.2 and her mother were taken to the hospital.

In his cross-examination, P.W.10 said that when he heard the cries and came out, P.W.2 was crying in front of the house on the road. About 10 to 15 persons were present. As P.W.2 and the people who gathered there in front of the house were raising cries, he heard them. By the time they went into the backyard of the house, they found that the person from the adjacent portion of P.W.2 was holding the hand of the accused. P.W.10 said that he and P.W.1 also caught hold of him. He explained that the person from the adjacent portion was the one who joined in that portion after the family of the accused vacated it. By the time they caught hold of the accused, there was bleeding from the right palm of the

accused. He denied having stated to the police as in Ex.D7 portion of his Section 161 CrPC Statement to the effect that by the time he went to the backyard, P.W.1 and P.W.8 tried to catch hold of the accused but he escaped by jumping over the wall and in the meanwhile, the persons upstairs and from the adjacent portions of P.W.2 and the neighbours caught hold of him. He said that by the time he saw the mother of P.W.2, she was lying on the ground next to the kitchen door and D1 was lying between the kitchen and coconut tree. He denied the suggestion that on 17.09.2009, by the time he returned home, the entire incident was over and the injured were taken to the hospital and without knowing the incident, he was deposing falsely on account of the pressure of the police.

P.W.11, a teacher of spoken English classes at Ramakrishna Mission, Rajahmundry, stated that he taught the evening classes between 6.15 - 7.30 PM and P.W.2 used to attend the said classes and was a good student. He said that on 17.09.2009, she attended the classes and the students left at 7.30 PM.

Nothing useful was elicited from him in his cross-examination.

P.W.12, a photographer, stated that he took three photos at the scene of the offence on 17.09.2009. On 18.09.2009, he took a photo of the building. He photographed the dead bodies at the mortuary of the hospital at 10.00 AM and again at 4.00 PM. He also took four photos of the accused. He identified Exs.P8 to P20 as the photographs with negatives.

In his cross-examination, he said that the knife in Ex.P14 photograph held by the accused was M.O.1 knife but stated that M.O.1 knife was different from the knife in Ex.P7 photograph. He denied the suggestion that the police got Ex.P14 photograph taken by him in the morning of 18.09.2009, by bringing M.O.1 knife from the police station, along with the accused.

P.W.13, a Village Revenue Officer at Rajahmundry, stated that on 18.09.2009, the Tahsildar, Rajahmundry, received information from the Inspector of Police and directed him to go as a panch witness for the inquest proceedings in relation to D1 and also to be the mediator for other reports. Another Village Revenue Officer (P.W.14) was also directed to go along with him. He and P.W.14 went with the police to 3rd Street, Lalithanagar. They reached there by 6.30 AM. In the backyard of that house, there was a pool of blood on the ground. There was a coconut tree with a cement pial surrounding it and also a well. One money plant was trained on to the coconut tree. A pillow, a chunni, a steel glass, two fifty paise coins, a one rupee coin and a pair of chappals were there near the pool of blood. Another pair of chappals were on the pittagoda (short wall) which was four and half of feet in height. One kasi towel was also there. The pillow, towel, chunni etc., had blood on them. The money plant leaves were also stained with blood. The bark of the coconut tree was also stained with blood. The cement pieces on the pial were also stained with blood. The pial was broken and some pieces had fallen off. The floor pieces were stained with blood and were seized. His signatures and that of P.W.14 were obtained on the panch slips attached to the seized items. He identified M.Os.18 to 34. He confirmed that Ex.P21 was the observation report bearing his signature along with that of P.W.14. He said that from that place, they went to the hospital at 8.30 AM. At the mortuary, there were two dead bodies. The relations of D1 identified him. Isukapalli Srinivas (L.W.26) and Madem Chinna Rao (L.W.27) were the panch witnesses for the inquest along with him for D1. He said that beneath the left armpit of D1, there was a cut injury measuring four centimetres in length and three centimetres in width. The inquest panchas opined that the death occurred due to this stab injury. Ex.P22 is the inquest report signed by Isukapalli Srinivas (L.W.26), Madem

Chinna Rao (L.W.27) and himself. The inquest went on till 10.30 AM. After the inquest, at about 10.30 AM, the Mandal Revenue Officer directed him to go to III Town Police Station. By 2.00 PM, he and P.W.14 went there. The accused was at the police station. They asked him about his particulars. In their presence, the accused confessed. Upon his confession, the police seized a purse from the accused's pant pocket. It was a black purse containing four paper pieces. A one rupee coin was also in that purse. Police seized those pieces of papers, the purse, the coin etc. Exs.P23 to P26 are the paper pieces seized from the purse of the accused. In his confession, the accused stated that he would show the knife with which he had stabbed D1, D2 and P.W.2. The accused took them to the house of Varanasi Vamshi situated behind the house of P.W.2. At the police station itself, the bloodstained clothes of the accused were seized and he was given another dress. M.O.35 was identified as the blood-stained yellow colour full hands shirt of the accused with gold colour embroidery and M.O.36 as his black colour pant. They reached the house of Varanasi Vamshi at about 5.00 PM. The accused picked up a knife from the bushes in the backyard of Varanasi Vamshi. At that time, photographs were also taken. M.O.1 is the knife. Slips were attached to the knife and he and P.W.14 signed thereon. A mahazar was prepared for the seizure. He, P.W.14 and the Circle Inspector signed the same. The accused also signed in that mahazar. Ex.P27 is the mahazar. The measurements of M.O.1 were also mentioned in the mahazar. Ex.P28 is the mahazar with regard to the confession of the accused at the police station, seizure of the pieces of paper, the clothes of the accused and also his statement that he would show the knife. He said that he and P.W.14 along with CI signed therein. The accused also signed in that mahazar.

In his cross-examination, P.W.13 admitted that he did not sign in the movement register maintained in the Tahsildar's office before

proceeding to act as a mahazar witness on 18.09.2009, though it was mentioned therein that he acted as a mahazar witness in the case. He said that he did not remember as to whether the height of the wall was mentioned as four and a half feet in Ex.P21. Upon perusing Ex.P28, he deposed that the height of the wall was not mentioned and that the wall was not a pittagoda. He denied the suggestion that his evidence about the observation of the scene of the offence as per Ex.P21 was false. He denied the suggestion that he and P.W.14 were not at all in the police station between 2.00 and 4.00 PM on that day. He denied the suggestion that no knife was seized at the house of Varanasi Vamshi under Ex.P27 and that no photographs were taken at that time. He denied the suggestion that the CI brought M.O.1 in the morning itself from the police station and got it photographed when it was in the hands of the accused along with him. He denied the suggestion that all the mahazars were prepared by himself and P.W.14 in the police station as directed by the Inspector of Police and that he signed in some of the mediators' reports in the police station.

P.W.14, the Village Revenue Officer, Rajahmundry Urban, stated that on 18.09.2009 at 6.30 AM, the police called him and P.W.13 and took them to the scene of the offence at 3rd Street, Lalithanagar, Rajahmundry. He spoke on the same lines deposed to by P.W.13 as to what was observed at the scene of the offence under Ex.P21 report. From the scene of the offence, he said that they went to the hospital by about 8.30 AM and the Inspector of Police asked him to participate in the inquest over the female dead body. The Inspector of Police, C.C.S.Circle, Rajahmundry (P.W.21), was present at the time of the inquest. Vasamsetti Gangadhararao (L.W.29) and Samanthula Venkat (L.W.30) and he were the panchayatdars in the inquest. The relatives of D2 identified her. The dead body had two injuries on the left side - below the

chest and on the side. There were also two injuries above the left forearm. They opined that the death had occurred due to these injuries. Ex.P29 is the inquest report drafted by him. The inquest was conducted up to 10.30 AM. On the same day at 2.00 PM, the police called him and P.W.13 to the III Town Police Station and the accused was present there. P.W.14 affirmed what was stated by P.W.13 with regard to the accused making a confession and as to the seizure by the police at the police station and again at the house of Varanasi Vamshi. He further stated that the accused picked out a knife from the bushes which was 20 centimetres in length including the handle. He further stated that he himself scribed Ex.P27 mahazar whereunder the knife was seized.

In his cross-examination, P.W.14 admitted that there was no signature of the accused on the slip attached to M.O.1 knife. He said that they went into the site of Varanasi Vamshi from the eastern side at the time of seizure of M.O.1. First, they went to the house bearing Door No.23-17-13 and as there was a wall and it was not possible to enter into the site of Varanasi Vamshi from there, they went into the site of Varanasi Vamshi from the eastern side. He admitted that in Ex.P21, the scene of the offence observation report, the height of the eastern compound wall of the house bearing Door No.23-17-13 being four feet was not mentioned. He denied the suggestion that the wall was six feet. He admitted that in Ex.P27 it was not mentioned that the accused stated that he had thrown M.O.1 knife in the site of Varanasi Vamshi.

P.W.15, a resident of Rajahmundry, stated that he knew the accused. On 04.09.2009 at about 3.00 or 4.00 PM, the elder brother of the accused, by name Matta Prasada Babu (D.W.6), came and requested him to come to the police station stating that the police had taken the accused there. Thereupon, he and Adabala Rama Krishna Rao (L.W.18) went to the police station at about 7.00 or 8.00 PM. The accused, his

brother, his father, P.W.2, her parents, her aunt and some others were present in the station. He said that when they enquired with the Sub-Inspector as to why the accused was taken to the station, he told them that P.W.2 gave a complaint against the accused that he was harassing her. In their presence, the accused handed over the love letters written by P.W.2 to the Sub-Inspector. The Sub-Inspector asked the accused, P.W.2, their parents and the other persons who came there to discuss the matter. In the discussion, the accused was asked to hand over all the love letters written by P.W.2 to him and the accused gave those love letters to the Sub-Inspector. Both parties agreed that the accused should not cause any trouble - okarijoliki okaru pokudadu (one should not go near the other) and similarly, P.W.2 also should not trouble the accused. The father and brother of the accused stated that they would send the accused to Chennai as P.W.2 and her parents were giving frequent complaints against him. A Poochikattu (undertaking)(Ex.P5) was written in the police station. He said that he, Adabala Rama Krishna Rao (L.W.18), the accused, P.W.2 and others signed therein.

In his cross-examination, P.W.15 said that the brother of the accused informed him that the accused had been taken to the police station in the morning on 04.09.2009. He said that the brother of the accused also informed him that the marriage of the accused was fixed and that the parents of P.W.2 were frequently giving complaints against the accused to the police. He also showed him the love letters written by P.W.2. The letters given by the accused to the Sub-Inspector in the police station would be six or seven in number. P.W.2 stated that those letters were not written by her. The parents of P.W.2 stated that if the accused returns all the letters and photos, they would withdraw the complaint. The Assistant Sub-Inspector instructed the brother of the accused to scribe Ex.P5 on his dictation and he wrote it.

In his re-examination, P.W.15 stated that the brother of the accused worked for their party three or four days in the elections.

P.W.16, a Civil Assistant Surgeon at the District Hospital, Rajahmundry, did the post-mortem examination of the body of D1. He said that he found a stab injury - 3" x 2" x 2" depth on the left axilla. He said that he found one internal injury – cut of the left axillary vessels in the left axillary region. He said that there was haemorrhage and shock due to cut of major vessels in the left axillary region. He identified Ex.P30 as his post-mortem examination report.

In his cross-examination, he said that there was a possibility of saving the patient had there been immediate medical care. He confirmed that both the axillary artery and the axillary vein were cut.

In his re-examination, he said that since the main artery and vein were cut, the death would occur within half-an-hour.

P.W.17, a Civil Assistant Surgeon at the District Hospital, Rajahmundry, examined P.W.2 on 17.09.2009 at 9.00 PM. He said that she informed him that at 8.00 PM on that day, when she went to wash her face in the bathroom in her residence, a known person, the accused, who was working in a courier service, suddenly attacked her with a knife and wounded her. He said that her general condition was stable. He detailed the injuries found on P.W.2 as under:

- ‘1. Incised injury 6" x 3" x muscle deep on the right side of the neck extending from 1" from right angle of the mouth to right supraclavicular region. Wound is explored, cleaned and sutured.
2. Incised injury 2" x 2" in to joint Deep on right knee on lateral aspect. Wound explored and sutured.
3. Incised injury 1" x 1.4" in to skin deep on right arm.
4. Incised injury 2" x 1.4" in to skin deep on right thigh.’

He said that P.W.2 was an in-patient from 17.09.2009 to 27.09.2009. He confirmed that the other injuries were simple but the second injury was a grievous one. He identified Ex.P31 as the wound certificate issued by him.

He did the post-mortem examination of D2 on 18.09.2009 between 1.00 PM and 3.00 PM and found the following injuries:

- '1. Stab injuries 2 in number on left chest, each measuring 1" x half inch on exploration complete fracture of 5th rib and 5th intercostals space extending in to the apex of the heart involving left ventricle with large haematoma in the pericardium.
2. Incised injury 1" x ¼" skin deep on right arm.'

He opined that D2 expired due to the injury caused to the heart. He identified Ex.P32 as her post-mortem examination certificate.

In his cross-examination, he stated that injury No.1 may be possible if a person was pushed in a scuffle and fell on a sharp-edged pointed object. He admitted that a sharp-edged blade could cause a skin-deep incised injury. He said that if it is a blunt object, it would still produce a laceration. He said that P.W.2 herself came to the hospital and she brought her father in an Auto. In the transmission between the portico and the casualty, P.W.2's father expired. Injury No.2 is an incised injury and not a stab injury. He said that injury No.1 was a stab injury and it was a penetrating injury. Injury Nos.2 to 4 on P.W.2 were not possible by coming into contact with a sharp-edged object by falling on the ground. After attending to P.W.2, he said that he gave intimation to the O.P. Police. He stated that on 17.09.2009, he sent a requisition (Ex.P33) to the Magistrate for recording a dying declaration.

P.W.18, a Civil Assistant Surgeon at the District Hospital, Rajahmundry, examined the accused on 18.09.2009 at 7.00 PM and found these injuries:

- '1. A lacerated injury on right palm in between thumb and index finger 2" x ¼" x skin deep reddish brown in colour.
2. An abrasion on right palm at the root of index finger on palmer aspect 1/4" x 1/4" x brown colour.
3. A contusion on right arm below the shoulder 2" x 1/2" brown in colour.
4. An abrasion on back of right shoulder ½" x ¼" brown in colour.
5. Two contusions on back on left side 1" x ¼" x 1" x ¼" brown in colour.

6. Multiple contusions on back of left shoulder about 2 to 4 mm in diameter brownish in colour.
7. A linear abrasion on right side of upper abdomen 3" long brownish in colour.'

He opined that injury Nos.1 to 6 might have been caused by a blunt object and injury No.7 by a sharp-pointed object. All the injuries were simple in nature. He identified Ex.P34 as the wound certificate issued by him. He said that the accused informed him that he sustained all the injuries due to beating with hands and a bucket by about six known persons and five unknown persons.

In his cross-examination, P.W.18 said that injury No.1 was possible if the accused caught hold of a blunt-edged knife and pulled it towards him. He said that a contusion may be caused if a person bites but such a contusion would have a pattern depending on the shape of the teeth. Injury No.6 was possible by a bite. The accused stated to him that he sustained the injuries at about 8.00 PM on 17.09.2009. P.W.18 said that M.O.1 had a sharp-edged point and if a person keeps it in the pant pocket and jumps over a wall of a height of five to six feet, there is a possibility of sustaining injury on the thigh portion depending on how he jumps over the wall. He denied the suggestion that the police officers pressurised him to mention in the wound certificate that the accused was beaten up by six known persons and five unknown persons with a bucket even though the accused did not state so.

P.W.19, the Sub-Inspector of Police, III Town Police Station, Rajahmundry, stated that on 04.09.2009, he called the accused to the police station in connection with the report given by P.W.2 that the accused was teasing and harassing her. Ex.P4 is the report. The parents of P.W.2 stated that previously a report was given that the accused was following P.W.2 and demanding that she should marry him. In spite of that report, the accused was still following her and demanding that she love him. On the basis of the earlier report, Crime No.166 of 2009 was

registered and a charge-sheet was also filed. In that case, the Assistant Sub-Inspector of Police arrested the accused and sent him for remand. On the strength of Ex.P4, P.W.19 said that besides the accused, they called his brother and father to the police station. The brother of the accused brought B.J.P. leaders – P.W.15 and Adabala Rama Krishna Rao (L.W.18). The parents of P.W.2 also came to the police station. Both sides discussed and the parents of P.W.2 stated that they were not particular about registering a case and it would be sufficient if the accused stopped teasing P.W.2. The accused agreed not to trouble P.W.2 and expressed his readiness to execute an undertaking to that effect. The father and the brother of the accused stated that they would not allow the accused to stay in Rajahmundry and that they would send him to Chennai. Ex.P5 is the Poochikattu (undertaking). In that document, P.W.2 and her parents endorsed that they were withdrawing the complaint under Ex.P4.

In his cross-examination, P.W.19 stated that on 04.09.2009, P.W.2 and her parents came to the police station at about 5.00 PM and gave the report. Within half-an-hour they called the accused to the police station. He said that as they did not feel any seriousness in the report given on 04.09.2009 (Ex.P4), they allowed the parties to discuss. He further stated that had they felt any seriousness, they would have registered Ex.P4 and requested the Court to cancel the bail in Cr.No.166 of 2009 by filing a petition. He denied the suggestion that Ex.P4 was not given at 5.00 PM on 04.09.2009. He said that P.W.2 presented the written report and she did not scribe Ex.P4 in his presence. He denied the suggestion that they kept the accused in the police station from the morning on 04.09.2009 and the matter was discussed in the evening at about 7.00 or 8.00 PM. He said that a Poochikattu would be given in the police station and that he had gone through Ex.P5 after all the persons signed therein. He denied the suggestion that the Assistant Sub-Inspector of Police got

scribed Ex.P5 at his dictation. He denied the suggestion that the accused stated before him that he and P.W.2 loved each other and had exchanged love letters. He denied the suggestion that the accused gave six love letters written by P.W.2 and on reading them, he chastised P.W.2. He denied the suggestion that after the incident on 17.09.2009, due to political pressure and pressure from higher officials; he handed over those letters to the Inspector of Police due to fear. He denied the suggestion that as a murder had taken place, he was deposing that those letters were given to him. He said Ex.P5 contained the details of the discussion that took place between both sides before him and nothing else. He said that he did not put his signature on Exs.P4 and P5.

P.W.20, the Assistant Sub-Inspector of Police, III Town Law and Order Rajahmundry Police Station, stated that while he was in-charge of the police station on 28.05.2009 at 3.30 PM, D1 came to the police station along with D2 and P.W.2 and presented a written report. He registered a case in Crime No.166 of 2009 under Section 509 IPC and took up investigation. He recorded the statements of D1, D2 and P.W.2 at the police station. D1 gave a copy of the report presented in the Lok Adalat. Ex.P2 is the said report. Later, P.W.20 left the police station along with the staff accompanied by D1 and visited the house of the complainant bearing D.No.23-17-13, 3rd Cross Street, Lalithanagar. He examined the house and prepared a rough sketch (Ex.P35). He examined P.W.4, the owner of the house, and recorded his statement. Though he tried to examine some other witnesses, they did not come forward to give their statements. As per the material, he included Section 506 IPC also in the FIR by incorporating it in the remand report and that on the same day at 6.00 PM, he arrested the accused and sent him for remand and on the next day, he laid a charge-sheet before the III Additional Judicial Magistrate of First Class.

In his cross-examination, P.W.20 said that D1 did not present any love letter written by the accused to P.W.2 along with Ex.P2 even though a letter was referred to in Ex.P2. He denied the suggestion that D1 presented the love letter written by the accused to his daughter and the contents thereof showed the love affair between them and that he intentionally suppressed that letter. He denied the suggestion that Ex.P2 was not given at 3.30 PM on 28.05.2009 and that it was prepared on 29.05.2009 just before sending it to Court. He denied the suggestion that a false case was foisted upon the accused in Crime No.166 of 2009.

P.W.21, the Inspector of Police, CCS, Rajahmundry, conducted the inquest over the body of D2 from 8.30 AM to 10.30 AM on 18.09.2009 upon the instructions of his superior officers and P.W.22. He said that P.W.14, Vasamsetti Gangadhara Rao (L.W.29) and Samanthula Venkat (L.W.30) were the mediators for the inquest, during which, he recorded the statements of Lanka Bullammai (L.W.11) and Varla Raghava (L.W.12). After completion of the inquest, he sent the body for post-mortem examination. Ex.P29 is the inquest report.

In his cross-examination, P.W.21 said that he went to the hospital at about 8.00 AM. He denied the suggestion that he prepared the inquest report in the police station.

P.W.22, the Inspector of Police, Rajahmundry Town Circle, spoke of the various steps taken by him during the investigation.

In his cross-examination, he stated that his Circle Office was in Rajahmundry III Town and the Assistant Sub-Inspector of Police, Kurma Reddy, of III Town Police Station worked under his control. He however did not know whether the said Kurma Reddy went to the house of P.W.2 in a Rakshak Jeep even before P.W.2 and her parents were shifted to the hospital. He said that he did not know whether Kurma Reddy shifted the accused from the scene of the offence to III Town Police Station at about

9.00 or 9.30 PM on 17.09.2009. He said that his investigation revealed that the public brought the accused to III Town Police Station and handed him over to Kurma Reddy, A.S.I., who was the Station House Officer at that time, at 11.00 PM. He said that he did not examine Kurma Reddy or the driver or the van in-charge etc. of the 108 Ambulance. As per the information of the OPHC at the hospital, both the deceased and P.W.2 were brought to the hospital in a 108 Ambulance. He denied the suggestion that it is the duty of the Out-Post Head Constable to personally record the statement of the injured in a medico-legal case and send the same to the concerned police station. He denied the suggestion that the OPHC did record the statement of P.W.2 and that he intentionally suppressed it as it was not suitable to the prosecution. He denied the suggestion that he knew about the incident even by 9.00 PM on 17.09.2009 and it was only after discussing with the Superintendent of Police, he cooked up the record. He said that the Superintendent of Police came to the hospital on the intervening night on 17/18.09.2009. He said that he enquired with the doctor, P.W.17, about the condition of P.W.2 and he stated that she was not in a position to give a statement. He said that he was in the hospital till 1.00 AM on 18.09.2009. He came to the police station from the hospital at about 1.00 AM and was there till 2.15 AM or 2.30 AM. He went to the house of P.W.2 after 2.30 AM. From 2.30 AM till 8.00 AM on 18.09.2009, he was at the scene of the offence. He returned to the hospital at 8.20 AM and by 8.30 AM he commenced the inquest over the body of D1. By the time he went to the hospital, the panchayatdars were present. Ex.P39 was drawn up by him and it took 10 to 15 minutes for preparing a rough sketch. He said that he drew up Ex.P39 prior to drafting the observation report of the scene of the offence (Ex.P21). He denied the suggestion that Exs.P21 and 39 were prepared in the police station. He said that there was no specific reason for not

examining P.W.2 till 12.00 Noon on 18.09.2009. He said that on 17.09.2009, the doctor sent a requisition to the Judicial Magistrate of First Class for recording her dying declaration under Ex.P33. He said that he did not enquire the reason as to why Ex.P33 was not taken to the Judicial Magistrate of First Class till 6.45 AM on 18.09.2009. He denied the suggestion that he and his superiors influenced the doctor not to send the intimation till 6.45 AM on 18.09.2009. He said that he tried to record the statements of the sisters of P.W.2 but due to shock, they did not come forward. This fact was also mentioned in his Case Diary. P.W.8 was not available at the hospital on that night. This was also stated in his Part I Case Diary. He denied the suggestion that no medical aid was provided to the accused till the next day night apprehending that the truth would come out. He volunteered that keeping in view the danger to the accused from the public, he was not sent to the hospital or to any private doctor. The Section Head informed him that he took the accused to a nearby private Medical Practitioner. He denied the suggestion that by 10.00 PM on 17.09.2009, he interrogated the accused in III Town Police Station and learnt about the incident through him. P.Ws.2, 3 and Nandini Devi (L.W.4) are the direct witnesses to the actual occurrence i.e., the accused stabbing the deceased and P.W.2. He said that Ex.P1 report was received by the III Additional Judicial Magistrate of First Class at 6.30 AM on 18.09.2009. He said that he recorded the statements of six witnesses in front of the house of P.W.2 and it took about half-an-hour for recording the statement of P.W.1; for the other witnesses, it took 15 minutes each. He admitted that from 17.09.2009, there were agitations by the media, political leaders etc. about the incident. He denied the suggestion that due to the media, his superiors pressurised him and got filed a false case. He denied the suggestion that the incident occurred when an attempt was made to stab the accused inside the house and

that the entire investigation was false. He denied the suggestion that there was a love affair between the accused and P.W.2 and that his investigation revealed the same. He denied the suggestion that along with Ex.P4, he seized six love letters written by P.W.2 to the accused and that he intentionally suppressed those letters. He said that he came to know that immediately after the incident, the electronic media went to the house but he did not examine anybody from the electronic or print media. He denied the suggestion that recording of the voluntary confession of the accused between 2.00 PM to 4.30 PM on 18.09.2009 and seizure of Exs.P23 to 26 from him was false. He admitted that the purse from which Exs.P23 to P26 were seized was not sent to the Court. He said that he secured a dress from the bazaar for seizing the clothes from the person of the accused. He denied the suggestion that when he visited the scene of the offence on the morning on 18.09.2009, he traced out a knife at the scene which was shown in Ex.P7 photo and that he suppressed it and planted M.O.1. He denied the suggestion that P.W.8 used another coconut cutting knife to stab the accused and that the accused sustained injuries with that knife and that as it was misplaced by P.W.8, he could not trace it out and therefore, he planted M.O.1. As per the investigation, the accused kept M.O.1 in his pant pocket while entering the backyard of P.W.2. He admitted that except P.W.2, the other witnesses did not specifically state that the accused entered her backyard by jumping over the wall from the compound of Varanasi Vamshi. He said that they entered into the compound of Varanasi Vamshi from the entrance of that house facing the southern side. He said that he did not measure the height of the southern side compound wall of Varanasi Vamshi and that it may be about four feet. He denied the suggestion that he prepared the entire record in the police station. He denied the suggestion that he obtained Exs.P23 to P26 at about 2.00 or

2.30 PM on 18.09.2009 in the III Town Police Station, Rajahmundry, from the accused by threatening him and on his dictation. He denied the suggestion that all the signatures of the mediators on the material objects were obtained in the police station on 19.09.2009 in the morning. He denied the suggestion that he obtained Exs.P23 to P26 only to show that the accused had vengeance against P.W.2 and had also sent them for comparison to a Hand Writing Expert. He denied the suggestion that P.Ws.2 and 8 called the accused on 16.09.2009 and told him to come to the house of P.W.2 on 17.09.2009 night and that on their invitation, the accused went there at 8.00 PM and while he was discussing with the parents of P.W.2 in the middle room of the house, about 15 minutes after the commencement of the discussion, P.W.8, the father of P.W.2 and two unknown persons brought by P.W.8 assaulted the accused and beat him and in that scuffle, P.W.8 and father of P.W.2 and one of the unknown persons picked up knives from the kitchen of P.W.2 and that P.W.8 tried to stab the accused on his stomach and due to fear for his life, the accused caught hold of the knife and pulled it from the hands of P.W.8 and sustained an injury on his right palm and also on his abdomen and that another person tried to stab the accused and suddenly the mother of P.W.2 came across and she received the stab injury and when the accused tried to escape from the place due to fear for his life, the father of P.W.2 caught hold of him. He denied the suggestion that even though his investigation disclosed the above facts, he suppressed them due to pressure from his higher ups. He confirmed that P.Ws.2, 3, 4, 6, 7, 8 and 10 did not state before him the details that they had deposed to before the Court. He said that as per his investigation, the incident took place at about 8.45 PM. He denied the suggestion that he was deposing falsely due to the apprehension that public reaction would be against them if the case ended in acquittal. He denied the suggestion that he arrested

the accused on 17.09.2009 and kept him in unlawful detention without providing medical aid. He denied the suggestion that he examined the 108 Ambulance people and knowing that the mother of P.W.2 was alone taken to the hospital in that ambulance, he intentionally suppressed it.

In his re-examination, P.W.22 stated that Ex.P45 is the FIR.

Now, a look at the defence witnesses' testimonies:

D.W.1 stated that P.W.2 was his niece and that the distance between his house and her house at Lalithanagar would be about seven kilometres. He admitted that he was present in the video shown to him and as shown therein, he shifted D1 into an Auto. After taking him for some distance in the Auto, he was shifted to a 108 Ambulance. He also identified the person wearing the yellow banian in the video as P.W.8.

In his cross-examination, he said that he did not know when the video was taken and whether it was taken at the house or at the hospital.

D.W.2 stated that P.W.2 studied in their Intermediate College during 2007-2009. She said that she brought the Physics and Chemistry practical records of P.W.2. As P.W.2 studied in the English Medium, the said practical records were also in English. She identified Ex.D9 as the Chemistry practical record and Ex.D10 as the Physics practical record.

In her cross-examination by the prosecution, she said that there was no possibility to have any record of P.W.2 in Telugu.

D.W.3, the District Manager of 108 EMRI Services, Kakinada, spoke of the record pertaining to transport of D2 to the hospital in a 108 Ambulance on 17.09.2009. He said that the said record bears the details as to when the phone call was received and when the ambulance went to the place of the incident; when the patient was taken to the ambulance; and the time at which the patient was transported to the hospital. He said that on 17.09.2009 at 8.45 PM, a call was received from a mobile number and by that time, an ambulance was located at Dowleswaram. It

reached the scene of the incident at 8.54 PM and departed from the place of the incident at 8.58 PM and reached the hospital by 9.06 PM. He brought the pre-hospital care record, as per which, D2 was transported from the place of the incident to the hospital. He said that there would be a record if the ambulance took patients in further trips. Ex.D11 is the relevant sheet from the pre-hospital care record.

In his cross-examination by the prosecution, D.W.3 stated that D2 was alive when she was taken to the ambulance as per the record. She was in a critical condition with loss of blood at that time.

D.W.4 is none other than the accused. He stated that he worked in DTDC courier service previously. He said that they resided at Door No.23-17-13, 3rd Street, Lalithanagar, from 2002 to June, 2009. The family of P.W.2 stayed in the adjacent portion of the same house from the year 2007. He and P.W.2 were in love for two years from 2007. Both of them used to exchange love letters. Ex.D12 is the bunch of love letters written by P.W.2, twelve in number. Ex.D13 is the letter written by him on the backside of which P.W.2 wrote her letter. He and P.W.2 used to meet secretly without the elders knowing of their love affair. During that period, P.W.2 was studying in Intermediate in Sri K.R.Women's College, Rajahmundry. Between February, 2009 and April, 2009, both of them had sexual contact five times. In April 2009, while he and P.W.2 were in a compromising position on the terrace of their building, the mother of P.W.2 noticed it at midnight and made a galata with his mother. Thereafter, the mother of P.W.2 did not allow P.W.2 to meet him. P.W.2 was lamenting that her parents were bent upon performing her marriage with some other person. As both of them were making efforts to meet each other, the parents of P.W.2 filed a false case against him on 28.05.2009 in III Town Police Station. The police detained him and sent him for remand in that case. After he was enlarged on bail, as he was

attempting to meet P.W.2, the parents of P.W.2 got his family vacated from their portion in June, 2009. They shifted their residence to Annapurnammapeta which was at a distance of two kilometres from the house of P.W.2. After shifting their residence to Annapurnammapeta, he used to come to Lalithanagar and meet P.W.2 once a week. As he was meeting P.W.2, the parents of P.W.2 gave a report against him to III Town Police Station on 04.09.2009. At 9.00 AM on that day, the police took him to III Town Police Station. At about 7.00 or 8.00 PM on that day, his elder brother (D.W.6) along with two BJP Leaders – P.W.15 and Adabala Rama Krishna Rao (L.W.18), came to the police station. His brother brought six love letters written by P.W.2 and handed them over to the Sub-Inspector of Police (P.W.19). On seeing those letters, P.W.19 chastised P.W.2 that she ought not to have written such letters when her parents were against her love affair with him. P.W.19 also chastised him for continuing his love affair with P.W.2. The parents of P.W.2 insisted in the police station upon return of all the love letters written by P.W.2 and the photographs that were with him. He returned the photos and the love letters. The Assistant Sub-Inspector of Police drafted the Puchikattu (undertaking) and obtained his signature along with those of his brother and the elders, P.W.15 and Adabala Rama Krishna Rao (L.W.18). In May 2009, his parents arranged a girl for his marriage from their relatives against his wish. After executing the Puchikattu on 04.09.2009, he did not meet P.W.2 and never went to her house. On 16.09.2009 at about 1.00 or 2.00 PM, P.W.2 and her cousin brother (P.W.8) called him by phone to come to Ashoka Theatre near Annapurnammapeta behind their house. When he met them at Ashoka Theatre, P.Ws.2 and 8 asked him to come to the house of P.W.2 on the night of 17.09.2009 stating that the father of P.W.2 wanted to talk to him about their love affair. Hoping that the father of P.W.2 would accept their love and perform their marriage,

he went to the house of P.W.2 along with his friend, Palasa Seshu, on his motorcycle. They reached the shop of P.W.9 at about 7.45 PM and purchased a cool drink bottle and 'Lays' chips packet. He and Palasa Seshu met D.W.5 and Srinu at the shop. From there, they moved to the front of the house of P.W.2 and were talking there together. At that time, Raju @ Ravi from the house adjacent to P.W.2 came there and also talked to them. They asked him as to why he had come there and he informed them that he came to the house of P.W.2 on the invitation of her father to talk about their love affair. Those persons also knew of their love affair. At that time, P.W.2 came out and took him into her house. On that day, he wore new clothes i.e. a black pant and a yellow colour full hands shirt. The portion of P.W.2 consisted of three rooms in a row. He was taken to the middle room. In that room, the parents of P.W.2, her two sisters, P.W.8 and two unknown persons were present. By 8.00 PM, he entered into the house of P.W.2. The father of P.W.2 asked him to sit and talk to him. The father of P.W.2 demanded that he pay compensation of Rs.50,000/- as he was marrying another girl after moving closely with P.W.2 for considerable time. The accused stated that he expressed his inability to pay Rs.50,000/- and offered to pay Rs.10,000/-. The father of P.W.2 stated that he would see that the case against him would end in acquittal if he paid Rs.50,000/-. Even though the accused offered to marry P.W.2, the father of P.W.2 insisted that he should pay the sum. These talks took place for about ten minutes. P.W.8 abused and attacked him. The two unknown persons who came along with P.W.8 also beat him. The parents of P.W.2 sent the younger sisters of P.W.2 to be at the compound gate while the talks were going on. The father of P.W.2 also attacked him. P.W.2 came to his rescue. P.W.8 bit him on the left shoulder and the right arm. During this scuffle, he was dragged to the kitchen and the rice box fell down along with other articles. P.W.8 tried

to stab him in the stomach in the kitchen with a coconut cutting knife. One of the friends of P.W.8 also tried to stab him with a knife. The father of P.W.2 also tried to stab him with a knife. The accused said that he held the knife in the hands of P.W.8 with his right hand and pulled it away from his hands to save his own life as he was afraid that he would kill him. He said that he sustained a cut injury in his right palm in that process and there was bleeding from the said injury. In the process of pulling out the knife from the hand of P.W.8, he also sustained an injury on his stomach. While one of the friends of P.W.8 tried to stab him, the mother of P.W.2 came to his rescue and that blow of knife fell on her. He said that he did not observe how P.W.2 and her father sustained injuries as it was dark. He said that he tried to run away from the backyard of the house by swinging the knife from this side to that side. This was the knife that he had pulled from the hands of P.W.8. M.O.1 knife was not used by anybody during the incident. He said that he dropped the knife which was pulled from the hands of P.W.8 in the backyard of P.W.2. The father of P.W.2 caught hold of him while he was trying to climb the wall of the backyard of P.W.2. He said that he could not get over that wall due to its height. Till the father of P.W.2 caught hold of him, nobody came to that place. Ten minutes thereafter, the residents in the upstairs portion put on the lights. The public came to that place and tied his legs. After the public came there, D.W.5 came to that place. For about half-an-hour after P.W.2 caught hold of him, P.W.2, her father and mother were at that place. By the time of the incident, P.W.8 was wearing a green colour full hands shirt. P.W.8 and his two friends ran away from that place after the mother of P.W.2 fell down with an injury. Twenty minutes thereafter, P.W.8 came there along with his maternal uncle (D.W.1) wearing a yellow colour T-shirt. The accused said that he told the public who had gathered there that he had not attacked P.W.2 and her parents. At that

time, the media people came there and there was video coverage of the place i.e. backyard of the house and the surrounding areas. P.W.8, D.W.1 and D.W.5 took the father of P.W.2 and her mother from out of the backyard. Without knowing the facts, the public who had gathered there beat and kicked him and poured water. They also beat him with an aluminium bucket on his head. The police came at about 9.00 PM and by that time, a 108 Ambulance was in front of the house of P.W.2. Police took him away from the public to III Town Police Station. The accused stated that he informed the actual incident to the Assistant Sub-Inspector of Police, III Town Police Station, who put handcuffs on his left hand and secured him to the window. There was heavy bleeding from his right palm. The police tied a cloth on the right palm. At 10.00 PM on that day, the Circle Inspector of Police came to the police station and the accused claimed that he informed the actual incident to him. From the night of 17.09.2009 till the afternoon of 19.09.2009, the accused said that he was in III Town Police Station till he was produced in Court. No treatment was provided to his injuries on the night of 17.09.2009. At about 7.00 PM on 18.09.2009, the police took him to the Government Hospital and got his injuries treated between 7.00 PM and 9.00 PM. At 11.00 AM on 18.09.2009, he informed the actual incident to his elder brother (D.W.6). He also informed the Doctor at the Government Hospital on the evening of 18.09.2009 as to how he sustained injuries. At 7.00 PM on 18.09.2009, he was produced before the media by the Superintendent of Police, Deputy Superintendent of Police and the Inspector of Police. He said that he could identify the knives that were used by P.W.8 and his friends and the father of P.W.2 during the incident. He said that the knife in Ex.P7 photo was used by the friend of P.W.8 and that the knife had bloodstains. He said that he did not know to whom the chappals in Ex.P16-photo belonged. The Inspector of Police took him to the house of

P.W.2 at 7.00 AM on 18.09.2009. He said that he saw M.O.1 at that time for the first time at the police station. The Inspector of Police brought that knife (M.O.1) from the police station wrapping it in paper and keeping it in a bag. P.W.22 is the Inspector of Police. They took him to the house situated on the back of the house of P.W.2, which is a dilapidated house with wild bushes. They were at that house between 7.00 AM and 9.00 AM. From that house, he was taken again to III Town Police Station. Between 2.00 PM and 3.00 PM, the Inspector of Police (P.W.22) obtained his handwriting on papers and also his signatures in blank papers. Again at 4.00 PM, P.W.22 asked him to write on pieces of papers that he would kill P.W.2 and abusing her parents. He said that he could identify those papers and said that Exs.P23 to P26 were those slips on which his hand writing was obtained by P.W.22. Between 2.00 PM and 6.00 PM on 18.09.2009, except P.W.22, no third party came to the police station. Due to fear of the Inspector of Police and that he would beat him, the accused said that he wrote Exs.P23 to P26. On the evening of 18.09.2009, he said that he was not taken to the house of P.W.2. At about 10.00 PM on 18.09.2009, the police brought another pair of clothes and took away the black pant and yellow T-shirt that he was wearing. The clothes that were given by the police were large in size and he was sent for remand with that dress. He stated that Ex.P14 photographs showed that he was wearing black pant and yellow shirt (M.Os.35 and 36). In the morning hours of 19.09.2009, the police obtained certain writings from him in papers, obtained his signatures on some written papers and also his thumb impressions. He said that P.W.2 and other witnesses did not speak the truth about the incident. He denied the contents of the charge sheet and said that he did not find P.W.1 and other persons from the vicinity, whom the prosecution had

examined, either at the time of the incident or when the public caught him. He said that he only saw P.W.2, P.W.3, P.W.8 and D.W.1.

In his cross-examination, the accused stated that he studied up to tenth standard and failed in SSC. He studied in Telugu Medium. P.W.2 studied up to Intermediate in English Medium. He belonged to Yadava Community and did not know whether P.W.2 belonged to Kapu Community. He admitted that P.W.2 knew how to read and write English and could also speak in English. He could only read and write in Telugu. He denied the suggestion that he could not read and write in Telugu properly. He admitted that the father of P.W.2 was running his own auto rickshaw and was leading a dignified life. He denied the suggestion that while he was on bail, he misbehaved with a woman at Pushkaralarevu and that the police filed a case against him in Crime No.20 of 2010 on the file of III Town Police Station. He denied the suggestion that except for his own attempts to love P.W.2 and his intention to marry her, P.W.2 never intended to love him or marry him. He denied the suggestion that as he was harassing P.W.2, expressing his love without reciprocation from her, the police filed a case against him in Crime No.166 of 2009. He denied the suggestion that in the love letters filed by him, there was no mention of the name of P.W.2. He admitted that those love letters did not bear dates. He volunteered that the name 'Honey' in those letters was that of P.W.2. He admitted that in his chief-examination, he did not mention that P.W.2 was also called 'Honey'. He admitted that P.W.2 was the eldest of the three sisters and that she had no brother. He also admitted that in Ex.D13 letter, it was mentioned that P.W.2 was treated better than her three elder sisters and one elder brother. He volunteered that reference to an elder brother and elder sisters was with regard to her cousins. He said that he did not know whether P.W.2 had only a senior paternal aunt and that the paternal aunt had only one son and no

daughters. He said that he did not know whether P.W.2 had only one junior paternal uncle who had only one son. He denied the suggestion that between February, 2009 and April, 2009, P.W.2 was aged below 16 years. He said that she was aged 18 years and that he had some more love letters, even after returning six love letters after execution of the Puchikattu (Ex.P5). He denied the suggestion that the letters in Exs.P12 and D13 were recently prepared. He denied the suggestion that P.W.2 never addressed any love letters to him. He said that the parents of P.W.2 never talked to his parents proposing her marriage with him. He said that he did not know the cell number through which P.Ws.8 and 2 called him to come to Ashoka Theatre on 16.09.2009 but a Tata Indicom Mobile belonged to P.W.8. He said that he did not know the dimensions of the rooms of the portion of P.W.2 but the middle room was bigger than the other two rooms. In the middle room, cots, TV, almirah etc., were there. He denied the suggestion that after the room was occupied with the above furniture, there remained only a passage. He denied the suggestion that only three or four people could be accommodated in the middle room. He said that as a delivery boy in DTDC Courier, he was getting a salary of Rs.2,200/- per month. He said that by the time P.W.8 bit him, he did not have a knife in his hands. At the place where P.W.2 and her father sustained injuries, there was no electric light. He denied the suggestion that he had thrown M.O.1 into the site of Varanasi Vamshi. He denied the suggestion that before throwing M.O.1 into the site of Varanasi Vamshi, he caused stab injuries on P.W.2 and her parents. He denied the suggestion that as P.W.1 and others came there, to avoid them seeing the knife in his hands, he threw it in the yard of Varanasi Vamshi. He said that there is a possibility of persons in the upstairs portions and the adjacent portion of P.W.2's house hearing, if four or five persons talk in a loud voice in the middle room of P.W.2's portion. He

denied the suggestion that as there is such a possibility of hearing the cries of P.W.2 and her parents when he stabbed them, people rushed to that place. He admitted that in the backyard of P.W.2's portion, there was a bund over the well and also around the coconut tree. He denied the suggestion that one could jump over the backyard of P.W.2's portion easily by putting his leg on either of the bunds. He denied the suggestion that the back wall of the portion of P.W.2 was five feet in height from the side of P.W.2's portion and four feet from the side of Varanasi Vamshi's house. He said that it was above six feet on either side. The light in the upstairs portion situated towards the backside of the kitchen illuminates the backyard of P.W.2. He denied the suggestion that he had no capacity to have Rs.10,000/- at a time in lump sum. He volunteered that he used to have office money. He said that the father of P.W.2 did not demand Rs.50,000/- from his parents and demanded from him only. He said that neither he nor his parents had the capacity to pay Rs.50,000/-. He denied the suggestion that the father of P.W.2 was maintaining the family by plying his own auto and had no necessity to demand Rs.50,000/-. He volunteered that **now** and then he used to lend money to the parents of P.W.2 and that he never obtained any document for such lending. He said that by the time the father of P.W.2 caught hold of him, he did not receive any injury on his person. He denied the suggestion that P.W.2 caught hold of him for some time and in the meanwhile, people rushed there and caught hold of him. He denied the suggestion that he did not enter the house of P.W.2 from the main door and that he entered the backyard by scaling the wall. He denied the suggestion that upon knowing of the offence committed, the people who gathered there beat him. He admitted that when people were beating him with the water bucket, to ward off the blows, he raised his hands. He admitted that the people gathered there tied his legs with a rope and dragged him for some

distance. He admitted that had the police not come to that place, the people gathered there would have killed him. He denied the suggestion that his evidence that P.W.8 and his two friends were armed with knives was false and that he deposed so for the first time in his chief examination. He denied the suggestion that he did not state before the Magistrate that when P.W.8, the father of P.W.2 and the friends of P.W.8 attacked him, P.W.2 and her parents sustained injuries. He denied the suggestion that he did not state so before the media and the public. He denied the suggestion that as P.W.2 was superior to him in caste and education, she never thought of loving him or intended to marry him. He denied the suggestion that he had only studied up to third or fourth class. He denied the suggestion that because P.W.2 did not reciprocate his love and as his parents were making efforts to perform his marriage with another girl, he was frustrated and killed the parents of P.W.2 and attempted to kill P.W.2. He denied the suggestion that he wrote some letters expressing his frustration and moved for some days keeping those letters in his pocket. He denied the suggestion that for the first time in his chief-examination, he stated the names of some persons who came along with him on the night of 17.09.2009 up to the house of P.W.2. He denied the suggestion that some unknown person dropped him at the shop of P.W.9 and after he went away, he entered into the house of P.W.2 from the backyard. He denied the suggestion that he concocted a false version regarding the love affair and the occurrence of the incident to save himself from punishment in this case.

D.W.5, a resident of the 2nd Street at Lalithanagar, Rajahmundry, stated that his house bears Door No.23-19-42. He said that he knew the accused and P.W.2, who resided in the 3rd Street of Lalithanagar as tenants of P.W.4, who worked in a Paper Mill. The family of the accused resided in one portion of the house for about six years and vacated that

portion in June, 2009. P.W.2 and her family resided in the other portion of that house for about two years. P.W.2 and the accused were in love. Knowing of their love affair, the father of P.W.2 gave a police complaint against the accused and got the family of the accused vacated from the said portion through the police. After vacating that portion, D.W.5 said that he saw the accused at 7.45 PM on 17.09.2009 at the Kirana Shop of P.W.9. The accused came to that place along with his best friend Seshu on a motor bike and they were eating chips and having a cool drink at the Kirana Shop. D.W.5 said that he and one Srinu, a resident of the 4th Street at Lalithanagar, came to the Kirana Shop at that time. When he enquired with the accused as to why he had come to that place, the accused informed him that the father of P.W.2 called him to talk about the love affair. The house of P.W.2 is the second house from the Kirana Shop of P.W.9. D.W.5 said that the accused, himself, Seshu and Srinu went up to the house of P.W.2. One Raj Kumar @ Ravi came there from the adjacent house of P.W.2. Raj Kumar @ Ravi also enquired with the accused as to why he came to Lalithanagar and the accused stated that he came on the invitation of the father of P.W.2. While they were talking in front of the house of P.W.2, P.W.2 came and took the accused inside. It was at about 8.00 PM. The younger sisters of P.W.2 came and stood at the compound gate. Ten minutes thereafter, they heard cries from the house of P.W.2 and then they rushed into the house and found the father of P.W.2, P.W.8 and two other persons attacking the accused in the middle room. P.W.2 was requesting those persons not to beat the accused. P.W.8 bit the right upper arm of the accused and the accused fell down. P.W.8 again bit him on the left shoulder. After P.W.8 bit him, the accused was offering to pay Rs.10,000/- towards the love affair and was expressing inability to pay the amount as demanded by the father of P.W.2 and others. P.W.8, the father of P.W.2 and one of the two friends of

P.W.8 took out knives from the kitchen of the house of P.W.2, uttering the words 'Veedini Bathimaladhi yemitira (there is no question of pleading with this fellow)'. When P.W.8 tried to stab the accused in his stomach, the accused caught hold of the knife with his right hand. D.W.5 said that he and the other three persons on seeing that incident came out of the house due to fear, raising cries. Immediately, Seshu and Ravi left that place on the motorcycle. D.W.5, Srinu and five others who gathered there on hearing the cries again entered into the house of P.W.2. At that time, P.W.8 and his two friends came out of the house of P.W.2 and left that place on a motorcycle. P.W.8, at the time when he attacked the accused, was wearing green colour full hands shirt. When they again entered into the house of P.W.2, they heard groaning from the backside of the kitchen which was dark. They raised cries asking the upstairs people to put on the backyard light. The father of P.W.2 was holding the shirt of the accused at the neck. He also caught hold of his left hand. The mother of P.W.2 was sitting adjacent to the kitchen wall. P.W.2 was by the side of the accused covering a portion of her throat with a chunni. There was bleeding from the right palm of the accused. D.W.5 said that he informed the people who gathered there as to what had happened. The people gathered there tied the legs of the accused with a rope. In the kitchen, there were bloodstains. The rice fell down pell-mell. The rice tin also fell down. Other articles were also lying in a pell-mell condition. 20 to 25 minutes thereafter, P.W.8 came there after changing his clothes, along with D.W.1 and other relations. When he came to the house of P.W.2 for the second time, he was wearing a yellow colour neck banian. P.W.8 and D.W.1 and other relatives started to beat the accused with hands and legs and also beat him by pouring water. They beat him with an aluminium waser (*sic*, vessel). D.W.5 said that he, P.W.8, D.W.1 and one other person shifted the father of P.W.2 outside

and from there, he was shifted to the Government Hospital along with P.W.2 in an auto. At about 9.00 PM, an ambulance came there. It came about ten minutes after the auto left the place. The police came to the place at about 8.45 PM. The police were present there when the ambulance came. D.W.5 said that the video shown to him revealed that he, P.W.8, D.W.1 and another person were shifting the father of P.W.2 out of the house from the back portion of the house. After P.W.8, D.W.1 and other relations came there, they removed the rice that had fallen in the kitchen and also wiped out the bloodstains with a gunny cloth. The police took the accused from that place in a Rakshak van.

In his cross-examination, D.W.5 denied the suggestion that he, the accused, D.W.6, Palasa Nagu, Golla Veera Venkata Suresh and Raj Kumar were close friends. He denied the suggestion that he also used to accompany the accused when he was teasing P.W.2. He denied the suggestion that the father of P.W.2 also chastised him for his association with the accused in teasing P.W.2. He denied the suggestion that he used to speak to the father of P.W.2 on telephone as if the accused was speaking. He said that the brother of the accused (D.W.6) requested him to attend the Court on that day. He denied the suggestion that while he was smoking cigarettes and having cool drinks etc., while chitchatting with the accused and his other friends up to 11.30 PM in the night at the shop of P.W.9, the police chastised them and sent them away. He said that he did not know whether the marriage of the accused was fixed with another girl against his wish. He denied the suggestion that he was standing outside the gate and did not enter into the house of P.W.2 when P.W.8 and others beat the accused. He denied the suggestion that the father of P.W.2 never invited the accused to his house on 17.09.2009 and that the accused himself, with the intention of killing P.W.2 and her parents, entered the house by jumping over the backyard compound

wall. He said that he did not know whether the accused executed a Puchikattu (undertaking) before the police that he would not tease P.W.2. He denied the suggestion that the accused had stabbed P.W.2 and she sustained an injury and that he stabbed her parents whereby they died. He admitted that, on the allegation that the accused was teasing P.W.2, the police arrested the accused. He denied the suggestion that knowing the character of the accused, he used to move with him closely prior to the incident. He denied the suggestion that he was deposing falsely as the accused was his close friend. He said that except for acquaintance, he has no friendship with Raj Kumar @ Ravi, Palasa Nagu, D.W.6 and Golla Veera Venkata Suresh. He said that he had acquaintance with these persons for the past two years. He said that he knew the accused for about five or six years and he was not his best friend. He denied the suggestion that he and the above mentioned persons, who were his friends, having had mutual discussions, were deposing in this case to help the accused. He denied the suggestion that the public also beat the accused besides the relatives of P.W.2. He denied the suggestion that the accused jumped over the backyard wall and stabbed P.W.2 and her parents. He denied the suggestion that all the injuries sustained by the accused were due to the beatings by the public. He however admitted that the public dragged the accused on the ground towards the road from the backyard.

The claim of D.W.5, as is clear from his deposition, is that he was present inside the house of P.W.2 during the course of the attack. Significantly, the accused himself did not talk about the presence of D.W.5. This clearly demonstrates that D.W.5 was planted as a witness and spoke utter falsehoods so as to buttress the defence's case by claiming to be an eye-witness to the alleged attack upon the accused by P.W.2's family. His version is completely unworthy of acceptance.

D.W.6, the elder brother of the accused, stated that he knew P.W.2 and that her family resided in their adjacent portion at 3rd Street, Lalithanagar, in the house of P.W.4. P.W.2 and her parents never complained that the accused was teasing P.W.2. He said that he came to know of their love affair for the first time towards the end of April, 2009, through the mother of P.W.2, who raised a dispute on the ground that she found P.W.2 and the accused on the terrace of the building on the previous night in a compromising position. The marriage of the accused was fixed with their near relation on 10.05.2009. On 28.05.2009, the parents of P.W.2 got a case filed through P.W.2 against the accused. In the month of June, the parents of P.W.2 got them vacated from that place through the police. They shifted their residence to Annapurnammampeta. Again on 04.09.2009, a police complaint was given by the parents of P.W.2 in III Town Police Station through P.W.2. The police took the accused at 9.00 AM on that day to III Town Police Station. He came to know of it in the afternoon when he came for lunch and approached the elders, P.W.15 and Adabala Rama Krishna Rao (L.W.18), at 4.00 PM. He went to the police station along with the elders at 7.30 or 8.00 PM. While going to the police station, he took along with him six love letters written by P.W.2 to the accused and two photos of P.W.2 and handed over the same to the Sub-Inspector of Police (P.W.19). The Sub-Inspector of Police chastised P.W.2 for writing such letters and advised both sides not to continue the love affair as it was not to the liking of the parents of P.W.2. P.W.19 advised the accused and P.W. 2 not to write any further letters and not to continue their love affair. P.W.19 instructed the Assistant Sub-Inspector of Police to obtain Puchikattu from both sides. The Assistant Sub-Inspector of Police accordingly got drafted a Puchikattu (Ex.P5) and obtained the signatures of both sides including himself. After execution of Ex.P5, the accused never met P.W.2.

At 10.00 PM on 17.09.2009, his friends telephoned him saying that an incident pertaining to the accused was being telecast on TV. He then came to know about the incident on watching the television. Due to fear for their lives, they stayed inside the house on the night of 17.09.2009. At 11.00 AM on 18.09.2009, he went to III Town Police Station and met the accused in the presence of the Assistant Sub-Inspector of Police. The accused told him as to what had happened on 17.09.2009. He stated to him as mentioned in his statement under Section 313 CrPC. He said that when he saw the accused at 11.00 AM on 18.09.2009 in III Town Police station, he was wearing a black pant and yellow colour full hands shirt which were stained with blood and were also wet. At that time, a cloth was tied around his right palm and his left hand was handcuffed and secured to the window rod. At about 12.00 PM on 19.09.2009, the accused was produced before the Court for judicial remand. 15 days thereafter, he met the accused in Central Jail, Rajahmundry. After the accused was enlarged on bail, he stayed in their house for one day and thereafter, he was retained in the III Town Police Station for a week. A friend of the accused, by name Palasa Seshu, gave him three CDs stating that his friend was working in the media and that he got the three CDs through that friend. Exs.D14 to D17 are the CDs. The said Palasa Seshu died in a road accident on 03.10.2009. Ex.D18 is the post-mortem certificate of Palasa Seshu. Ex.D19 is the MVI report and Ex.D20 is the FIR. Ex.D21 is the inquest report. Ex.D22 is the charge sheet in that accident case. Ex.D23 is the newspaper report dated 19.09.2009 of the press meet conducted by the Superintendent of Police regarding the arrest of the accused in this case. Ex.D24 is the newspaper report dated 20.09.2009 showing the accused being taken to the Magistrate Court for remand. Ex.D25 is the news item dated 19.09.2009 and Ex.D26 is the news item dated 20.09.2009. Ex.D27 is the news item dated 14.04.2010.

Ex.D28 is the news item dated 18.09.2009 showing P.W.2 talking to the Superintendent of Police. D.W.6 said that he spoke to D.W.5, Srinu of Lalithanagar, Palasa Seshu and Bheemavarapu Raj Kumar @ Ravi and learnt from them the details of the incident. He said that the police implicated the accused in this case due to political and public pressure.

In his cross-examination, D.W.6 stated that the parents and grandparents of P.W.2 were never MLAs or MPs. There were no political leaders in the relations of the accused. The father of P.W.2 was also not a wealthy person and used to eke out his livelihood by running an auto. He denied the suggestion that the accused, Palasa Seshu, Raj Kumar @ Ravi and Srinu were moving as rowdy elements and the police had also warned them. He denied the suggestion that for about five days after the incident, he and his parents absconded from the house by locking it. He denied the suggestion that as he was not available to the police in spite of their efforts to trace him, they could record his evidence only on 28.09.2009. He denied the suggestion that as the accused had committed a grave offence they left the house for about five days out of fear. He said that the accused was not in the habit of handing over love letters and photographs he received to him. He admitted that P.W.15 and Adabala Rama Krishna (L.W.18) were BJP Leaders but denied the suggestion that as he was also a BJP worker, he took them to the police station. He denied the suggestion that the police and P.W.2 requested him and his parents to control the accused as he was teasing P.W.2. He denied the suggestion that as the parents of P.W.2 had no possibility to testify to that fact, he was deposing falsely. He denied the suggestion that taking advantage of the death of Palasa Seshu, he was deposing falsely that Exs.D14 to D17-CDs were handed over by him. He denied the suggestion that Exs.D14 to D17 were created after editing. He said that he did not read the contents of Ex.P5 but signed it, as instructed by the

Assistant Sub-Inspector. He denied the suggestion that due to fear that the accused would be sent to jail, he and his parents, with the assistance of elders, executed Ex.P5 and got the accused released from police custody. He denied the suggestion that in the six letters that he handed over to the Assistant Sub-Inspector, there were no signatures of P.W.2. He denied the suggestion that the Sub-Inspector of Police, on the day of Ex.P5, only chastised the accused and not P.W.2. He admitted that the police filed a case against the accused on 04.09.2009. He denied the suggestion that considering the possibility of further disputes between them and P.W.2's family and as they were unable to control the accused, they themselves vacated the adjacent portion of P.W.2. He denied the suggestion that even after executing Ex.P5, the accused continued to tease P.W.2. He said that the accused was reluctant about the marriage they arranged for him with their relatives' girl. He denied the suggestion that as they had arranged a marriage against his liking and as P.W.2 did not accept his love, the accused became frustrated. He admitted that he did not give any complaint with regard to the unlawful detention of the accused by the police for a week. He admitted that he did not inform the police, press and media as to what the friends of the accused had told him about the incident. He denied the suggestion that he was inventing the version to save the accused. He denied the suggestion that the accused murdered the parents of P.W.2 and also attempted to kill P.W.2.

Now, a look at relevant documentary evidence:

Ex.P1 report reflects that P.W.1 spoke of his personal knowledge of the harassment of P.W.2 by the accused. He however did not state therein as to the presence of P.W.10 at the time he entered into the backyard of the house of D1. He only mentioned the presence of a relation of D1, presumably P.W.8. This statement was recorded on 17.09.2009 from 11.45 PM to 1.00 AM on 18.09.2009 and basing

thereon, Crime No.277 of 2009 was registered at 1.30 AM on 18.09.2009. Ex.P2 is the complaint given by D1 to the III Town Police Station in May, 2009, as to the harassment by the accused of P.W.2 and himself. Basing thereon, Crime No.166 of 2009 on the file of the III Town Law & Order Police Station, Rajahmundry, was registered on 28.05.2009 at 3.30 PM. Ex.P3 is the report given on the same lines by D1 to the District Legal Services Authority, Rajahmundry. Ex.P4 is the complaint given by P.W.2 on 04.09.2009 to the Inspector of Police, Rajahmundry Town Law & Order Police Station, stating that there was a life threat to her and her family members from the accused and requesting that necessary action be taken against him. On the strength of this complaint, it appears that a compromise was effected between the parties due to intervention of political leaders, P.W.15 and Adabala Rama Krishna (L.W.18). This resulted in Ex.P5 Puchikattu (undertaking) dated 04.09.2009 given by the accused stating that he had no photographs or letters said to have been written by P.W.2 with him and that he would, in no circumstance, go to her area or subject her or her family members to harassment. He also stated that he would mend his ways and would not commit the past mistakes committed by him in future and that he would not resort to any unlawful act against P.W.2 or her family members. Basing on this undertaking, P.W.2 endorsed in Ex.P5 along with her parents that they withdrew the complaint given against the accused. In Ex.P6, dying declaration, P.W.2, while speaking broadly on the same lines as her deposition, made one crucial statement to the contrary. She said that three or four persons came along with the accused but she did not know their names. Ex.P27 mediators report demonstrates that pursuant to the confession made by the accused, a knife measuring 20 cms. in length with a blade of 10½ cms., handle of 9½ cms. and with a width of 1.2 cms. was recovered from the bushes in the backyard of the house of

Varanasi Vamshi. Ex.P33, intimation of accidents and injuries to the Magistrate issued by the Medical Officer of the District Hospital at Rajahmundry, indicates the name of the patient as Anusha Narla (P.W.2) and that she was brought in by herself and her father and that the alleged cause of the injury was assault with a knife by a known person, Matta Rajesh, the accused. Ex.P35, rough sketch of the scene of the offence, does not indicate the dilapidated house of Varanasi Vamshi behind the house of D1. Ex.P37, intimation of accidents and injuries to the police issued by the Medical Officer, District Hospital, Rajahmundry, does not indicate either the fact that Anusha Narla, the patient, was brought by her father or the name of the accused. It states to the effect that she was brought in by a 108 and that the injury or accident occurred at her residence and the alleged cause was assault with a knife at 8.00 PM on 17.09.2009. Ex.P38, intimation of accidents and injuries to the police in relation to D1 and D2, states that they were brought in by Anusha, P.W.2, and 108 and that they were brought dead at 8.45 PM and 8.50 PM. Ex.P39, rough sketch of the scene of the offence, discloses the dilapidated house and vacant site of Varanasi Vamshi behind the house of D1 and demonstrates that the gate to these premises was on the southern side but the same was closed. Ex.P43 report dated 05.12.1009 of the FSL, Hyderabad, demonstrates that the writings in the four small slips, Ex.P23 to P26, tallied with the writings in the two sample handwritings of the accused in Exs.P40 and P41. Ex.P47 report dated 16.01.2010 of the RFSL, Vijayawada, confirmed that blood was detected on the clothes of the accused and though it was of human origin, the blood group could not be determined. Similar was the finding with regard to M.O.1 knife. Ex.P48 FIR was received by the III Additional Judicial Magistrate of First Class, Rajahmundry, at 6.30 AM on 18.09.2009. Ex.D37 is the report dated 30.05.2010 of the Forensic

Science Laboratory, Hyderabad, confirming that there were similarities in the writings in the letters allegedly written by P.W.2 to the accused (Ex.D12) and her admitted handwriting in Ex.P5 (Puchikattu).

At this stage, it may be noted that the statement of the photographer (P.W.12) that the knives in Ex.P14 and Ex.P7 are different is not creditworthy as a bare perusal of these two photographs demonstrates that the knives therein are clearly one and the same.

A critical overview of the testimonies of the prosecution witnesses indicates clearly that there are discrepancies on various aspects. There is no clarity as to who first arrived at the scene of the offence. P.W.1 said that he, P.W.10 and a neighbour of P.W.2 (P.W.6?) were the first to arrive at the scene. P.W.2, the injured eye-witness, however did not mention the presence of P.W.10 but stated that P.W.1 and her cousin, P.W.8, came there at the same time. P.W.1 did not mention the presence of P.W.8. P.W.3 said that when she informed P.W.1 and he rushed to their house, he was joined by P.W.8. P.W.6, the neighbour of P.W.2, stated that P.W.1 and P.W.8 were present when he came upon the scene of the offence. Though P.W.1 mentioned the presence of the neighbour, neither P.W.2 nor P.W.3 said anything about him. P.W.8 said that when he was going to the house of P.W.2, P.W.3 and Nandini Devi (L.W.4) were bringing P.W.1 from his house and he entered the house along with them. P.W.8 did not mention the presence of P.W.6. P.W.9 stated that P.W.2 was raising cries in front of the house that the accused had killed. It is not clear as to when P.W.2 went out of the house and did so. Equally unclear is when she saw the others who came with the accused, if at all. P.W.10 said that he accompanied P.W.1 when he was going into the house. He did not mention either the presence of P.W.6 or P.W.8.

Similarly, there is no clarity as to how the accused was apprehended and by whom. P.W.1 said that P.W.10 and the neighbour of

P.W.2 brought the accused, who was on the wall, to the side and they tied his hands behind his back. In his cross-examination, P.W.1 said that the accused was about to jump the wall when P.W.10 caught hold of him and thereafter D1 also caught hold of him. P.W.2 said that on seeing P.W.1 and P.W.8 the accused tried to escape by jumping the backyard wall and they tried to catch hold of him, but he got himself released and jumped the wall. It was the persons who gathered there on hearing their cries that caught hold of him according to her. P.W.3 stated that upon seeing P.W.1 and P.W.8 the accused tried to jump over the back wall. P.W.6 said that when P.W.1 and P.W.8 came there and tried to catch hold of the accused, he escaped by jumping over the backyard wall but the people who gathered there however caught hold of him. He further stated that the accused was on the ledge on the other side of the wall. P.W.1 and P.W.8 tried to catch hold of him when he was on this side of the wall, but he got himself released by pushing them. P.W.8 said that he and P.W.1 were tried to catch hold of the accused who was trying to run away and when he escaped from their hands and trying to run away, the people gathered there caught hold of him. P.W.10 said that P.W.1 was holding the hand of the accused as he tried to escape and he also caught hold of his hand and when they caught hold of his hands, the accused was on the other side of the house. The people who gathered there tied the hands of the accused. P.W.10 also said that when he heard the cries and came out, P.W.2 was crying in front of the house on the road. He further stated that by the time he went into the backyard, the person from the adjacent portion of P.W.2 was holding the hand of the accused. He further stated that he and P.W.1 also caught hold of him. According to him, P.W.1 and P.W.8 tried to catch hold of the accused, but he escaped by jumping over the wall but in the meanwhile the persons from the adjacent portions and the neighbours caught hold of him.

Equally inconsistent are the versions put forth as to whether the family of P.W.2 had already visited her maternal grandmother or were yet to go there when the attack occurred. Just as mysterious remains the issue of how D1, D2 and P.W.2 reached the hospital. According to P.W.1, they were all boarded into the ambulance and taken to the hospital and he himself followed the said ambulance and heard the Doctor at the hospital declaring that D1 and D2 were dead. P.W.2 said that she and D1 went to the hospital in the ambulance in the first instance and her mother was brought in the same ambulance in the second trip. She denied the suggestion that she and her father went to the hospital by an auto. P.W.6 and P.W.8 both claimed that P.W.2 and her parents were taken to the hospital in an ambulance. P.W.10 said that D1 was taken to the hospital in an auto while P.W.2 and her mother were taken in an ambulance thereafter. P.W.17, the doctor at the hospital who treated P.W.2 and also did the autopsy over the body of D2, said that P.W.2 herself came to the hospital and she brought her father also in an auto while being transported from the portico of the hospital into the casualty ward P.W.2's father died. P.W.22, the Investigating Officer, said that as per the information given by the OPHC at the hospital both the deceased and P.W.2 were brought to the hospital in an ambulance. In this regard, D.W.3, the District Manager of 108 EMRI Services, stated that as per the record, D2 was transported to the hospital by the ambulance and that there was no record of any second trip to take patients to the hospital.

However, the real issue is whether these discrepancies and inconsistencies are of any actual significance in evaluating the prosecution's case. It has to be kept in mind that these witnesses would have invariably been pushed by the prosecution into exaggerations while giving evidence, owing to the sensational nature of the case. That by itself, would therefore not warrant discarding of their testimonies.

Be it noted that in **MOHD. HUSSAIN V/s. STATE (GOVT. OF NCT OF DELHI)**¹, the Supreme Court observed that the gravity of the offence and the criminality with which the accused is charged are important factors that need to be kept in mind and it is desirable that punishment should follow the offence as closely as possible. The Supreme Court observed that in an extremely serious criminal case of exceptional nature, it would occasion failure of justice if the prosecution is not taken to the logical conclusion as justice is supreme.

Earlier, in **BRAHM SWAROOP V/s. STATE OF UTTAR PRADESH**², the Supreme Court observed that minor discrepancies on trivial matters, which do not affect the core of the prosecution's case, should not prompt the Court to reject the evidence of a witness in its entirety. It was further observed that after exercising care and caution, sifting through the evidence to separate truth from untruth, exaggeration and improvements, the Court must come to a conclusion as to whether the residuary evidence is sufficient to convict the accused. Undue importance should not be attached to omissions, contradictions and discrepancies which do not go to the heart of the matter and shake the basic version of the witness.

In **KARNEL SINGH V/s. STATE OF M.P.**³, while dealing with a case of defective investigation, the Supreme Court expressed unhappiness over the same but observed that though the Court has to be circumspect in evaluating evidence it would not be right in acquitting an accused solely on account of a defect, as to do so would tantamount to playing into the hands of investigating officers, if the investigation is designedly defective. It was further observed that to acquit solely on the ground of defective investigation would be adding insult to injury.

¹ (2012) 9 SCC 408

² (2011) 6 SCC 288

³ (1995) 5 SCC 518

In **HARIJANA THIRUPALA V/s. PUBLIC PROSECUTOR, HIGH COURT OF A.P., HYDERABAD**⁴, the Supreme Court observed that the case of the prosecution must be judged as a whole, having regard to totality of the evidence, and in appreciating the evidence, the approach of the Court must be integrated and not truncated or isolated. In other words, the impact of the evidence in totality on the prosecution's case has to be kept in mind in coming to the conclusion as to the guilt or otherwise of the accused. The Supreme Court cautioned that in reaching a conclusion about the guilt of the accused, the Court must appreciate, analyze and assess the evidence placed before it by the yardstick of probabilities, its intrinsic value and the animus of witnesses.

Further, the case on hand stands on an essentially different footing when compared to a run-of-the-mill case of this nature as the accused himself entered into the box and gave evidence as a defence witness under Section 315 CrPC.

As long back as in the year 1968, in **TUKARAM G. GAOKAR V/s. R.N. SHUKLA**⁵, the Supreme Court observed that in a criminal trial, a person accused of an offence is a competent witness for the defence under Section 342-A of the Criminal Procedure Code, 1898 (Section 315(1) of the Code of Criminal Procedure, 1973) and may give evidence on oath in disproof of the charges against him. It was further observed that when the accused does so out of his own volition, there is no violation of Article 20(3) of the Constitution which affirms that no person accused of an offence shall be compelled to be a witness against himself.

In **STATE OF MADHYA PRADESH V/s. RAMESH**⁶, the Supreme Court observed that the statement of the accused made under Section 313 CrPC can be taken into consideration to appreciate the truthfulness

⁴ (2002) 6 SCC 470

⁵ AIR 1968 SC 1050

⁶ (2011) 5 SCC 786

or otherwise of the prosecution's case, but it cannot be treated as evidence within the meaning of Section 3 of the Indian Evidence Act, 1872, as it is not recorded after administration of oath and the accused cannot be cross-examined. However, Section 315 CrPC enables the accused to give evidence on his own behalf to disprove the charges against him and once he enters into the witness box to take oath and to be cross-examined by the prosecution, he is a competent witness and his evidence can be considered and relied upon while deciding the case.

In **DEHAL SINGH V/s. STATE OF HIMACHAL PRADESH**⁷, the Supreme Court affirmed that if an accused appears as a defence witness to disprove the charges, his version can be tested by cross-examination and his deposition under Section 315 CrPC can be treated as evidence.

Earlier, in **P.N.KRISHNA LAL V/s. GOVT. OF KERALA**⁸, it was observed that Section 315 CrPC makes an accused person a competent witness who may give evidence on oath in disproof of the charges made against him. The accused can therefore waive his right under Article 20(3) of the Constitution and tender himself as a witness, if he chooses.

In **RAJ KUMAR SINGH ALIAS RAJU ALIAS BATYA V/s. STATE OF RAJASTHAN**⁹, the Supreme Court observed that an adverse inference can be drawn against the accused only, and only if the incriminating material stood fully established and the accused is unable to furnish an explanation when examined as a witness under Section 315 CrPC.

The case would therefore turn upon appreciation of the evidence of the accused also. It is clear from his evidence that he does not deny his presence at the scene of the offence. He however had a different version to offer as to why and how he got there and as to what had happened. Once the accused himself admitted his presence at the scene of the offence and that he was caught by those present there and subjected to a

⁷ (2010) 9 SCC 85

⁸ (1995) Suppl. 2 SCC 187

⁹ (2013) 5 SCC 722

physical attack, lapses and inconsistencies, if any, in the versions put forth by the prosecution witnesses as to who caught him and where, i.e., whether he was caught before he jumped over the backyard wall or after, and by whom, pale into insignificance. Further, when the accused himself admitted that D1 and D2 suffered knife attacks and that P.W.2 was also inflicted with injuries, though he had a different version to account for the same, discrepancies as to how D1, D2 and P.W.2 reached the hospital thereafter are equally insignificant.

These trivial differences in the testimonies of the witnesses are not sufficient in themselves to discard or doubt their veracity.

The issue essentially boils down to the rival testimonies of the injured eye-witness, P.W.2, and the accused, speaking as D.W.4.

P.W.2 categorically spoke of the complaints given by her father in the first instance and thereafter, herself, in relation to harassment by the accused. She identified her father's signature in Ex.P2 report, given by him on 28.05.2009 to the III Town Police Station, Rajahmundry, and spoke of the action taken thereon by the police. She confirmed that on 04.09.2009, she herself gave a report to the police that even after vacating the adjacent portion, the accused was threatening them by making phone calls and also following them wherever they went apart from intimidating them. Ex.P4 was identified by her as the report dated 04.09.2009 given by her to the III Town Police Station, Rajahmundry. She then spoke of settlement of the issue due to the intervention of elders, Adabala Rama Krishna Rao (L.W.18) and P.W.15, in the police station, which resulted in Ex.P5 undertaking.

On the other hand, the accused (D.W.4) claimed that P.W.2 was in love with him and as both of them were making efforts to meet each other despite the opposition of P.W.2's parents, they filed a false case against him on 28.05.2009 in III Town Police Station. After being

enlarged on bail, he claimed that he was attempting to meet P.W.2 and used to do so once a week. He further claimed that on 04.09.2009, when he was meeting P.W.2, her parents gave a report to the III Town Police.

This claim is patently fallacious as not only did P.W.2 state otherwise but Ex.P4 report unequivocally recorded that it was given by P.W.2 herself, and not by her parents.

The accused admitted that his elder brother, D.W.6, brought BJP leaders, Adabala Rama Krishna Rao (L.W.18) and P.W.15, to the police station and Ex.P5 undertaking was drafted, wherein he, his brother and the elders affixed their signatures. His version thereafter was to the effect that he did not meet P.W.2 and never went to her house after executing Ex.P5 undertaking.

This change in his conduct is inexplicable, if P.W.2 and he were in love and it was the elders who were forcefully keeping them apart.

He then claimed that P.W.2 herself contacted him along with P.W.8 by phone and asked him to come to Ashoka theatre behind his house and when he went there, P.W.2 and P.W.8 came there and asked him to come to the house of P.W.2 on the fateful night stating that P.W.2's father wanted to talk to him about their love affair.

The involvement of P.W.8 in this exercise is not explained by the accused. He claimed all through that P.W.2 was in love with him and if that was so, she would not have needed a chaperone to meet him.

He further claimed that he went to the house of P.W.2 hoping that her father would accept their love and would perform their marriage.

If that were so, it is rather peculiar that he did not go to P.W.2's house accompanied by his elder brother, D.W.6, who had effected the compromise earlier, but went with his friend, Palasa Seshu. Thereafter, as per his own admission, he loitered in the vicinity of P.W.2's house by purchasing a cool drink and a chips packet. He also claimed that he

chatted with friends and that a neighbour of P.W.2, Raju @ Ravi, came there and talked to him and he informed all those present that he had come there at the invitation of P.W.2's father to talk about their love affair. This neighbour, Raju @ Ravi, was not examined. The version of the accused was that P.W.2 then came out and took him into the middle room of the house where the parents of P.W.2, her two sisters, P.W.8 and two unknown persons were present.

This claim is also suspect. If P.W.2 did not even come to meet the accused alone earlier and brought P.W.8, as claimed by the accused, she would have hardly come out alone to call the accused into her house when he was with a group of men. All the more so, as P.W.8 was available, if the version of the accused is to be accepted.

The accused then claimed that the father of P.W.2 demanded compensation of Rs.50,000/- on the ground that he was marrying another girl after closely moving with P.W.2.

This claim, on the face of it, appears rather far-fetched. P.W.2's father was very much present in the police station when Ex.P5 undertaking was executed after the compromise was settled between the parties upon the intervention of BJP leaders. If he had any intention of seeking such compensation, P.W.2's father would have definitely raised the issue in the presence of the said leaders while the compromise was being settled. Further, the accused himself admitted that P.W.2's father led a dignified life. If that was so, it is hardly believable that he would have demanded money from the accused for having relations with his daughter. More so, when he specifically secured Ex.P5 undertaking from the accused that he would not bother her. Further, the claim of the accused that he offered Rs.10,000/-, instead of the demanded sum of Rs.50,000/-, contradicts his claim that he went to the house with the hope that P.W.2's father would accept their love and perform their

marriage. If that was the mindset with which he went to P.W.2's house, the accused would hardly have offered to pay any compensation.

As regards the claim of the accused that he entered P.W.2's house through the front door, normal human conduct, if he had done so and was attacked thereafter, would have been for him to try to escape by the same route that he had come. All the more so, as he claimed that his friends were outside the gate. But, surprisingly, he admitted that he tried to escape from the backyard, which seems rather improbable. His further claim that he was attacked by the father of P.W.2, P.W.8 and a friend of P.W.8 with knives is hardly believable. If he was subjected to attacks with knives by three persons simultaneously, it is not possible that he would have escaped with only simple injuries.

His further claim that he held the knife of P.W.8 with his right hand and pulled it away from him, thereby sustaining a cut injury on his right palm is contrary to the medical evidence which indicates that the cut injury on his right palm was in between the thumb and index fingers. If the knife was thrust towards the accused and he held the knife, the portion between the thumb and index fingers would ordinarily be on the top edge of the knife and it would be the rest of the fingers that would clutch its sharp lower edge. The claim of the appellant that he suffered this injury in the manner that he put forth is therefore unbelievable.

It is also admitted by the accused that he was attacked by the mob which collected there and he spoke of being hit with a metal bucket. It is therefore possible that he suffered this injury on the right palm during the attack by the mob. Be it noted that he himself admitted that the mob would have killed him, if not for the intervention of the police. This indicates the extent of the mob fury.

The accused also had no explanation as to why P.W.2, who allegedly came to his rescue during the attack upon him by her parents

and P.W.8 along with his friends, would suddenly change her version and fail to support him.

His claim that he used to lend money to D1 and D2 but never obtained any document for such lending is equally unbelievable. Admittedly, he worked in a courier service and earned a meagre sum of Rs.2,200/- per month while D1 plied an auto to eke out his living. It is highly improbable that the accused would have had enough savings to advance loans and at that, without any documentation.

The version of the accused as to how D1 and D2 sustained fatal injuries and how P.W.2 met with injuries defies comprehension. According to him, while one of the friends of P.W.8 tried to stab him, D2 came to his rescue and that blow of the knife fell on her. However, the post-mortem examination does not record any injury that would corroborate this version. He further stated that he did not observe how P.W.2 and her father sustained injuries as it was dark. The plea of darkness remains unsubstantiated. Even if the light in the kitchen was not put on, the light in the middle room would spill into the kitchen if the door was open. It is not the case of the accused that the kitchen door was closed during the alleged attack upon him.

Further, the medical evidence as to the injuries suffered by D1 and D2 clearly show that both of them were stabbed, more or less identically, in the left arm-pit and the stab injuries, which were inflicted with such precision, could not have been randomly inflicted in a scuffle in the dark, as claimed by the accused. The identical nature of the fatal injuries that they suffered renders the claim of the accused that they were inflicted in a scuffle in the dark completely improbable. There is no explanation as to why there would be any scuffle in the dark when the accused was alone on one side and was being subjected to a multiple attack by D1, P.W.8 and his friend with knives. There is no possibility of any such scuffle

between the alleged attackers themselves, whereby they could have inflicted injuries on each other inadvertently.

Further, the accused admitted that P.W.2 was more educated than he was. She was also taking spoken English classes. Whether a girl who was inclined to such self-improvement would have decided to settle for someone far less placed than her is also debatable. His claim that he did not even know whether P.W.2 belonged to a particular community clearly dilutes his version that they were in love and had a close relationship.

His version that P.W.2 used to write him love letters and that the letters produced by him were written by her is equally unworthy of credence. Merely because the writing in these letters was found to be similar to the writing of P.W.2 in Ex.P4 report given to the police, it does not establish that she was the author of those letters. Significantly, the said letters were written by someone named 'Honey' and though the accused claimed that this was the nickname of P.W.2, no evidence was adduced in proof thereof. Not even a suggestion was put to any of the witnesses in this regard. Further, the contents of these letters demonstrate that they could not have been written by P.W.2, as mention was made therein of older sisters and a brother contrary to the admitted fact that P.W.2 had only younger sisters and no brother. Though the accused tried to explain this away by stating that the reference was to her cousins, his claim stood demolished as P.W.2 had no such cousins. These letters therefore cannot be attributed to P.W.2.

The version of the accused that till D1 caught hold of him nobody came to that place and that, ten minutes thereafter, the residents in the upstairs portion put on the lights is equally improbable. He did not explain as to why he would have remained there for ten minutes, if only D1, who had already been stabbed by then, was alone present and would have been incapable of restraining the accused when he tried to escape.

He thereafter contradicted himself by stating that it was P.W.2 who caught hold of him and not D1. It is therefore clear that there is neither clarity nor consistency in the story put forth by him.

The accused then said that by the time D1 caught hold of him there were no injuries on his person. This statement completely demolishes his earlier version that D1, D2 and P.W.2 suffered injuries in a scuffle which took place in the darkness while they were in the kitchen. Admittedly, it was only after he went from the kitchen to the backyard and was in the process of making good his escape by jumping over the wall that D1 caught him. If he was without any injury at that time, there is no possibility of D1 suffering a fatal knife injury thereafter. Though he denied the suggestion that P.W.2 caught hold of him for some time, this is exactly what he said in his chief-examination.

Significantly, in his examination under Section 313 CrPC, the accused denied that during the compromise talks, the elders on his behalf assured P.W.2 and D1 that he would be sent out of the State. This claim is contradicted by P.W.15, the BJP leader who worked the compromise, who stated that the father and brother (D.W.6) of the accused told him that they would send the accused to Chennai. The accused further stated that they vacated the portion adjacent to P.W.2's house voluntarily and that they were not made to vacate the same by the police. He contradicted this statement in his chief-examination as D.W.4 by admitting that the family of P.W.2 got them vacated from the portion.

Contradictions galore in his testimony therefore weigh heavily against the accused.

On the other hand, this Court finds that the prosecution clinchingly established that the accused, consumed by unrequited passion for P.W.2, not only subjected her to harassment, time and again, but also unlawfully entered her house on the fateful night with the

intention of doing her fatal bodily harm and upon the intervention of her parents, he mercilessly killed them. Given the admitted fact that the accused was caught at the scene of the offence itself and as P.W.2's evidence as to what actually happened remained unshaken on all essential aspects, the contrary version put forth by the accused is utterly implausible and failed to withstand incisive cross-examination.

On the aforestated analysis, the judgment of the Sessions Court holding him guilty of the offences under Sections 449, 307 and 302 IPC does not brook any interference, be it on facts or in law. The appeal is therefore found to be devoid of merit and is accordingly dismissed, confirming the judgment dated 31.01.2011 of the learned Judge, Family Court-cum-Additional District and Sessions Judge, East Godavari District at Rajahmundry, in Sessions Case No.48 of 2010.



SANJAY KUMAR,J

T.AMARNATH GOUD,J

22nd DECEMBER, 2017

**Note: L.R. copy to be marked
B/o PGS**