

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

Crl.ANo.810 of 2011

Between:

Maggam Veerraju S/o.Subbarao,
Aged 19 years, SC-Mala,
N/o.Tatapudi village, Alamuru (M),
R/o.Pedapeta, Vadapalem village,
Kothapeta mandal

... Appellant

And

The State of Andhra Pradesh,
rep. by its Public Prosecutor,
High Court of A.P., Hyderabad

... Respondent

JUDGMENT PRONOUNCED ON **04.06.2018**

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

1. Whether Reporters of Local newspapers may be allowed to see the Judgments?
2. Whether the copies of judgment may be marked to Law Reporters/Journals
3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment?

(C.V.NAGARJUNA REDDY,J)

(GUDISEVA SHYAM PRASAD,J)

***THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY**
AND
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM
PRASAD

**+
 CrI.A.No.810 of 2011**

% 04.06.2018

Maggam Veerraju S/o.Subbarao,
 Aged 19 years, SC-Mala,
 N/o.Tatapudi village, Alamuru (M),
 R/o.Pedapeta, Vadapalem village,
 Kothapeta mandal

...

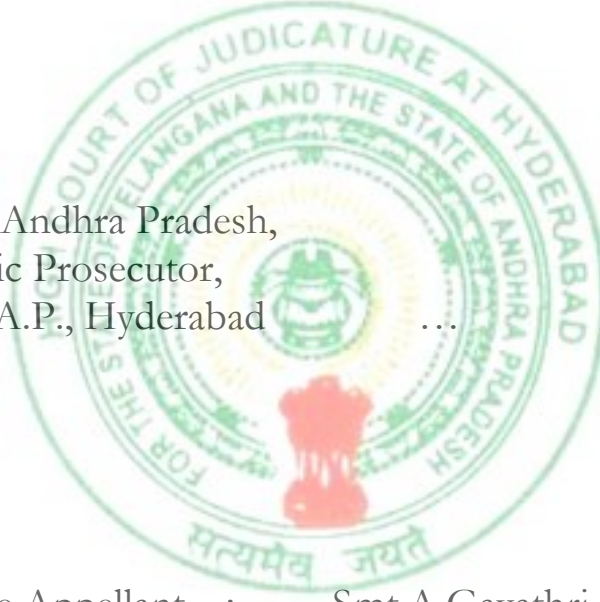
Appellant

And

\$ The State of Andhra Pradesh,
 rep. by its Public Prosecutor,
 High Court of A.P., Hyderabad

...

Respondent



!Counsel for the Appellant : Smt.A.Gayathri Reddy

Counsel for the Respondent: Public Prosecutor (AP)

<Gist :

>Head Note:

?Cases referred:

¹ AIR 1953 SC 364

² (1974) 3 SCC 698

³ (2007) 12 SCC 48

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

**THE HON'BLE SRI JUSTICE GUDISEVA SHYAM
 PRASAD**

CrI.A.No.810 of 2011

Date: 04.06.2018

Between:

Maggam Veerraju S/o.Subbarao,
 Aged 19 years, SC-Mala,
 N/o.Tatapudi village, Alamuru (M),
 R/o.Pedapeta, Vadapalem village,
 Kothapeta mandal

Appellant

And

The State of Andhra Pradesh,
 rep. by its Public Prosecutor,
 High Court of A.P., Hyderabad

Respondent

Counsel for the Appellant :

Smt.A.Gayathri Reddy

Counsel for the Respondent:

Public Prosecutor (AP)

The Court made the following:

Judgment: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This is a case involving brutal killing of an innocent girl of 15 years age, only for the reason that the latter has not yielded to the demand of the appellant to marry him.

2. The case of the prosecution in brief, is stated as hereunder:

The accused was a resident of Tatapudi village and the deceased was a resident of Vadapalem village. The deceased was the elder daughter of PWs-1 and 2 and they were all going for coolie work. About three years before the date of the incident, the accused used to go to the house of the neighbour of the deceased and at that time, they happened to meet each other; that their acquaintance turned into love and that they decided to get married by convincing their parents. That on her coming to know about their love affair, PW-1 warned her daughter, but even after such warning, the appellant used to meet the deceased once in two days. That, the accused used to go to the house of the deceased in the absence of her parents and other family members and enjoy her sexually. That, when the deceased was talking to some other boys freely and closely, he warned her and since then, there were disputes between them and the deceased started insisting on the accused to marry her at the earliest, as his parents were trying to perform his marriage with another girl and because of the harsh behaviour of the deceased, the accused also wanted to marry another

girl. That, on 29.04.2008, the deceased fought with the accused demanding to marry her at the earliest and being vexed with her behaviour, he decided to get rid of her. That in the morning of 30.04.2008, the deceased asked the accused to come to her house as her family members would not be present and taking advantage of the same, the accused decided to put an end to her life and picked up a knife from his house, went to the house of the deceased at about 1600 hours and when the deceased started abusing the accused, he took her into the house by pushing LW-4, who tried to obstruct him, and when the deceased was about to raise cries, the accused took her into the bath room located on the rear side of the house, gagged her mouth with a cloth, stabbed on her throat thrice with the knife and when LW-4 saw the same, she raised cries; that the accused left the house of the deceased along with the knife and that when the neighbours (PWs-5 to 8) rushed towards him, he escaped from the village.

That, while PW-1 was at her work at 4.15 p.m. on 30.04.2008, she came to know that the deceased was killed by the accused at her house. Immediately on coming to know about the incident, PW-1 went to his house and noticed the dead body in a pool of blood and she got drafted a report and presented before Kothapeta P.S., which is marked as Ex.P-1. PW-10, the Sub-Inspector of Police, Kothapeta P.S., received Ex.P-1 report from PW-1 on 30.04.2008 at 8.p.m. and

registered it as Crime No.40 of 2008 u/section 302 IPC and submitted F.I.R., which is marked at Ex.P-8. PW-11, C.I. of Police, Ravulapalem, received F.I.R. and visited the scene of offence on 01.05.2008 along with mediators PW-7 and others and observed the scene of offence. PW-11 drafted mediators report and rough sketch, which is marked as Ex.P-9. He conducted inquest over the dead body of the deceased in the presence of PW-7 and got Ex.P-4 - inquest report prepared and sent the dead body for post mortem examination. PW-9, Deputy Civil Surgeon in Government hospital, Kothapet, conducted autopsy over the dead body of the deceased and opined that the deceased appeared to have died of hamorrhage and shock due to torn cerebral vessels on the left side and the post mortem certificate was marked as Ex.P-7. PW-11, C.I. arrested the accused on 01.05.2008 at 4.30 p.m. near R.T.C. complex, Ravulapalem in the presence of PW-8 and others and PW-11 drafted the confessional statement and basing on the same, PW-11 along with PW-8 proceeded to Pedapeta, Vadapalem village. The accused brought the knife, pant and shirt (MOs. 8,9 and 10) and handed over to PW-11, who forwarded all the material objects to FSL lab, Vijayawada, received Ex.P.10 - FSL report on 20.09.2008.

3. Having regard to the charge sheet and the material filed along with it by the police, the court below has framed the following charge:

“That the you on 30.04.2008 at about 4 p.m. in the house of Mendi Lakshmi in Vadapalem village, Kothapeta mandal committed murder by intentionally causing the death of Mendi Lakshmi by taking her into the bath room of her house, gagging cloths into her mouth, stabbing on her in the throat with knife and committed murder by intentionally causing the death of Mendi Lakshmi and that you thereby committed an offence punishable U/S. 302 I.P.C. and within my cognizance”.

4. As the plea of the appellant was one of denial, he was subjected to trial, during which the prosecution has examined PWs 1 to 11, got exhibits P1 to P10 marked and produced MOs-1 to 10. On appreciation of oral and documentary evidence, the lower Court has convicted the appellant for the offence under Section 302 I.P.C. and sentenced him to undergo imprisonment for life and also to pay a fine of Rs.5000/- and in default of such payment, to undergo simple imprisonment for six months. Feeling aggrieved by the said judgment, the sole accused has filed this appeal.

5. We have heard Smt.A.Gayathri Reddy, learned counsel for the appellant and the learned Public Prosecutor for the State of Andhra Pradesh.

6. Though the case does not involve direct witnesses, the prosecution has built up its case on strong circumstantial evidence. PW-1, the mother of the deceased has categorically spoken about the appellant falling in love with her daughter and that on her coming to

know about their love affair, her warning her daughter. She also deposed that even after such warning, the appellant used to meet her daughter once in two days and was asking her daughter to marry him by saying that his parents were arranging for alliance with another girl for him. PW-1 further testified that the said fact of the parents of the appellant looking for an alliance with another girl, was brought to her notice and that she told the deceased that she will place the issue before the elders. As regards the events that have unfolded on the fateful day, PW-1 has deposed that herself, her husband and the deceased, went to coolie work on that day and at about 4.45 p.m., she came to know that the deceased was killed by the appellant at her house. She also stated that the appellant came to her house with the intention of causing the death of her daughter, took her to the bathroom located on the rear side of the house and stabbed the deceased thrice on the neck. PW-1 referred to the presence of her mother-in-law (LW-4, who died before the commencement of the trial) and stated that she was present when the attack had taken place and that she informed PW-1 that she was pushed by the appellant, when she tried to intervene. On a careful perusal of the cross-examination of PW-1, we do not find that the defence was able to elicit anything material, which would throw a doubt on the veracity of her testimony. Significantly, no suggestion was put to this witness that there was no love affair between the appellant and the deceased. Similarly, it was not suggested to the witness that there were any ill

feelings between the appellant and his family on one side and PW-1 and the deceased on the other. The only suggestion that was put to PW-1 was that, taking advantage of the illiteracy and innocence of the appellant, his caste elders implicated him.

7. The testimony of PWs-3 and 5 amply supported the prosecution version on the involvement of the appellant in the killing of the deceased. PW-3 deposed that she is a native of Pedapeta of Vadapalem village and her house is situated opposite to the house of the deceased and that, she has seen the deceased in the company of the appellant and warned her on coming to know about their love affair and that the deceased replied that the appellant intends to marry her and so she was talking with him. She further deposed that about 1 ½ years back and 20 days after Ugadi, she noticed the appellant and the deceased talking in the latter's house; that some time thereafter, there was altercation between them; that LW-4, the mother-in-law of PW-1 was pushed by the appellant and after her falling down, she raised cries and that the appellant was seen dragging the deceased towards the bathroom, gagging her mouth and stabbing her three times in the neck. She however candidly admitted that she did not notice the stabbing by the appellant, but LW-4 informed her the same. She further stated that she has seen the appellant running away from the house of the deceased armed with knife and she noticed blood on his hands. That, after noticing the appellant running

away, she went to the scene of offence where the LW-4 has narrated the incident and she saw the deceased dead with three injuries on the neck and she sent word to her husband (LW-8) and PWs-1 and 2, who were in the field and PW-5 and others came to the scene along with her. Though this witness was subjected to intense cross-examination, she withstood the same and nothing material could be suggested to this witness to falsify her testimony. PW-5, a resident of the neighborhood also claimed that he noticed the appellant coming inside the house of the deceased on 30.04.2008 between 2.30 and 3 p.m., and that on hearing the cries of LW-4, that the appellant was killing the deceased, he has noticed from his house place that the appellant was running towards Ramalayam and that LW-4 on enquiry revealed that the appellant stabbed the deceased and ran away. The suggestion put to this witness that he is an agricultural coolie and that he was not at home on the day when the incident had taken place as he went for agricultural coolie work, was denied by the witness.

8. A careful analysis of the evidence of PWs-1, 3 and 5 would reveal that their version sounds natural and truthful. In the absence of even a suggestion that there was any rivalry or ill feelings between the accused and them, we do not find any reason for these witnesses to implicate the appellant and speak falsehood. Especially when PWs-1 and 2 have lost their beloved young daughter by homicidal death,

there can be no reason for them to spare the real culprit and falsely implicate an innocent person.

9. In **Dalip Singh Vs. State of Punjab**¹ it has been laid down as under:

“A witness is normally to be considered independent unless he or she springs from sources which are likely to be tainted and that usually means unless the witness has cause, such an enmity against the accused, to wish to implicate him falsely. Ordinarily, a close relative would be the last to screen the real culprit and falsely implicate an innocent person. It is true, when feelings run high and there is personal cause for enmity, that there is a tendency to drag in an innocent person against whom a witness has a grudge along with the guilty, but foundation must be laid for such a criticism and the mere fact of relationship far from being a foundation is often a sure guarantee of truth. However, we are not attempting any sweeping generalization. Each case must be judged on its own facts. Our observations are only made to combat what is so often put forward in cases before us as a general rule of prudence. There is no such general rule. Each case must be limited to and be governed by its own facts”.

The above decision has since been followed in **Guli Chand Vs. State of Rajasthan**² and **Kalegura Padma Rao Vs. State of Andhra Pradesh**³.

10. The oral evidence of PWs-1, 3 and 5 stood amply corroborated by Ex.P6-Mediator's report and Ex.P-10 – RFSL report. A day after the unfortunate murder, the appellant was apprehended and at about 6.30 p.m. on that day, recovery of MO.8 – knife, MO.9 – black

¹ AIR 1953 SC 364

² (1974) 3 SCC 698

³ (2007) 12 SCC 48

coloured jean pant and MO.10 - half hands cotton shirt with maroon red colour, was effected from the appellant. PW-8 is one of the mediators to the said recovery and he is a witness to Ex.P6 - mediator's report. Both himself and PW-11, the investigating officer, have spoken about the recovery. Nothing could be elicited from these witnesses to discredit the prosecution case regarding the recovery.

11. Most significant piece of evidence in this case is Ex.P-10 – RFSL report. A perusal of it would reveal that as many as 10 items were sent to the A.P. Forensic Science Laboratories, for analysis and out of them, blood was detected on items No.1,3,4,5,7,8,9 and 10 corresponding to some of the material objects i.e. MOs.-1,2,3 and 8 to 10. It is stated in the report that blood on items No.3,4,5,7,9 and 10 is of B-Group and blood group on items No.1 and 8 could not be determined. Though the blood group on item No.8 i.e. MO-8 could not be detected, the fact however remains that human blood was found on the said item i.e. knife. The blood group on MO.9 – black coloured jean pant and MO.10 – half hands cotton shirt with maroon red colour, belonging to the appellant and seized from his possession, tallied with the other items such as MOs-1 to 3 and 7, belonging to the deceased. No further evidence is required to connect the appellant with the murder of the deceased. The court below has,

therefore, rightly held the appellant guilty of the heinous murder of the deceased.

12. As regards the sentence, the learned counsel for the appellant has submitted that her client is a young man who had no mental maturity at the time of the murder and that the offence may be treated as the one under Section 304 Part-I of I.P.C. We are afraid, we cannot show any lenience in a case of this nature, where an innocent girl of 15 years of age was done to death brutally, for the mere reason that she did not agree to marry the appellant. Incidents of this nature have become common in this society, putting the safety and welfare of the young women in serious jeopardy. The very fact that the appellant has gone to the house of the deceased with a knife, shows that he had pre-meditation of killing her and the further fact that he has inflicted as many as three injuries on the neck of the deceased, further strengthens our view that the appellant approached the deceased with the intention of doing away with her life. If offenders like the appellants are shown any mercy, the same would send wrong signals to the society. The prosecution is able to prove the guilt of the accused beyond all reasonable doubt and, therefore, it is a clear case of murder, which cannot be converted into the one under Section 304 Part-I of I.P.C.

13. For the aforementioned reasons, we do not find any reason to interfere with the judgment of the lower Court. The appeal is, accordingly, dismissed. The bail bonds granted to the appellant shall herewith stand cancelled. The appellant shall forthwith surrender before the Superintendent of Central Jail at Rajamahendravaram, failing which, the police shall apprehend him.

(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad, J)

Date: 4th June, 2018

Note:

L.R. Copies

(B/o.)

msb

