

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Smt.Justice T.Rajani

Criminal Appeal No.640 of 2012

Date: 01.10.2018

Between:

The State of A.P.,
Rep. by the Public Prosecutor,
High Court of A.P.,
Hyderabad

... Appellant

and

Sama Ranga Reddy

...Respondent

Counsel for the appellant:

Public Prosecutor (TS)

Counsel for the respondent:

Mr.N.Ravi Prasad



The Court made the following:

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

Feeling aggrieved by Judgment, dated 14-12-2010, in SC.No.355 of 2009 on the file of the Principal Sessions Judge, Nalgonda, whereby she has acquitted the appellant/sole accused of the charge under Section 302 IPC, the State preferred this Appeal.

The respondent/accused stood trial on the following charge framed by the lower Court.

“That you on 30th day of August 2008 at about 11.30 a.m., at the outskirts of Gokaram Village did commit murder of the deceased- Varikuppala Iddaiah by axing him over his head repeatedly, and thereby you committed an offence punishable under Sec.302 IPC and within my cognizance.”

In support of its case, the Prosecution has examined PWs.1 to 13, got Exs.P.1 to P.13 marked and produced MOs.1 to 6. On behalf of the defence, no oral evidence was let in. However, it has got Ex.D.1 marked.

On appreciation of the oral and documentary evidence, the lower Court has acquitted the respondent/accused.

We have heard the learned Public Prosecutor for the State of 'Telangana and Mr.N.Ravi Prasad, learned Counsel for the respondent.

The case of the Prosecution is mainly based on the evidence of PW.5- the alleged eye witness. However, he turned hostile. The plea of the Prosecution relating to the extra-judicial confession of the respondent based on Exs.P.4 and P.5- Section 161 Cr.P.C. statements made by PWs.7 and 8 before PW.13- Circle Inspector of Police is also not proved as both these witnesses have not supported the case of the Prosecution and they have turned hostile. They have denied having given those statements before PW.13.

As regards the seizure of MO.3- axe, Ex.P.13- FSL report found human blood on it but the blood group could not be determined. Thus, from the recovery of MO.3- axe, the Prosecution failed to connect the respondent to the offence alleged against him.

On a proper appreciation of the above discussed evidence, the lower Court has acquitted the respondent. The law is well settled that in an appeal arising out of acquittal,

the appellate Court would, ordinarily, not reverse the findings of the lower Court unless they are perverse and contrary to the evidence on record. Where two views are possible and the trial Court has taken a particular view, it is not permissible for the appellate Court to reverse the judgment merely because another view is possible.

In the light of the above settled legal principles and the reasons assigned by the lower Court on appreciation of the evidence, which are not only sound but also rational, we do not find any merit in this Criminal Appeal and the same is, accordingly, dismissed.



(C.V.Nagarjuna Reddy, J)

(T.Rajani, J)

Dt: 1st October, 2018
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