

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL APPEAL No.368 of 2010

JUDGMENT :

This appeal has been preferred by the State, aggrieved by the Judgment, dated 11.02.2009, passed by the V-Additional Sessions Judge, Karimnagar, in Sessions Case No.57 of 2008, whereby, the respondents herein were acquitted of the charges levelled against them for the offences under Section 323 r/w.34 of IPC and Section 3(1)(x) of SCs/STs (POA) Act, 1989.

2. Heard learned Public Prosecutor appearing for the State and the learned counsel appearing for the respondents/accused, and also perused the record.

3. The case of the prosecution was that on 01.04.2008 at 6.00 p.m., while celebrating Bonalu festival in the village, there arose some quarrel between the women folk belonging to respondents/A-1 to A-4 and PWs.1 to 6. In the said quarrel, it is alleged that A-1 to A-4 have abused PWs.1 to 6 and others in the name of their caste, and when PW-1 questioned A-1 to A-4 about the same, they beat PW-1. Therefore, PW-1 lodged complaint.

4. Prosecution examined PWs.1 to 12 and marked Exs.P-1 to P-12.

5. The Court below has recorded its finding that there are lacunas in the prosecution case. Except PWs.1 to 6, who are interested witnesses, all the remaining independent witnesses have turned hostile and did not support the prosecution case. PW-12 i.e. the S.D.P.O., Peddapally deposed that PWs.3, 5 and 6 did not

state to him as has been deposed by those witnesses before the Court. The evidence before the Court established that PWs.1 to 6, who belong to Madiga community, were laying unreasonable claim to tap toddy trees belonging to Gowda community, to which, A-1 to A-4 belong, and keeping that grudge in mind, the present false case has been foisted against the respondents/A-1 to A-4. With the above findings, the Court below found A-1 to A-4 not guilty of the charges levelled against them, and accordingly acquitted them. Hence this appeal.

6. The learned Public Prosecutor has contended that the trial Court has erred in disbelieving the evidence of prosecution witnesses and that it has not appreciated the evidence adduced by the Prosecution in proper perspective. Accordingly, he prayed for setting aside the judgment of Court below and convict the respondents/A-1 to A-4 for the charges levelled against them.

7. The learned counsel for respondents/accused, on the other hand, contended that the trial Court, after evaluating the evidence of prosecution witnesses in detail and after perusing the documentary evidence on record, has given its findings that apart from the interested testimony of PWs.1 to 6, there is no other evidence on record to prove the guilt of accused. Further, the motive for filing the present false complaint was the refusal of A-1 to A-4 for the unreasonable claim of PWs.1 to 6 for tapping the toddy trees belonging to Gowda community. Thus, he contended that the trial Court has rightly acquitted the accused. He contended that there are no grounds to interfere with the well-

reasoned judgment of the court below and prayed for dismissal of the appeal.

8. The material on record shows that the prosecution has failed to establish its case against the respondents/accused. The record discloses that except the interested witnesses i.e. PWs.1 to 6, the remaining independent witnesses have turned hostile and did not support the prosecution case. Further, PW-12 i.e. the S.D.P.O., Peddapally has deposed that PWs.3, 5 and 6 did not state to him as has been deposed by them before the Court. Thus, the prosecution has utterly failed to prove the guilt of accused.

9. Therefore, this Court is of the view that there is no infirmity or illegality in the Judgment of the trial Court and this appeal is liable to be dismissed.

10. The Criminal appeal is accordingly dismissed confirming the Judgment, dated 11.02.2009, passed by the V-Additional Sessions Judge, Karimnagar, in Sessions Case No.57 of 2008.

Pending miscellaneous applications, if any, shall stand closed.

G. SRI DEVI, J

10th February 2021

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Date:10.02.2021