

HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL APPEAL No.122 of 2020

JUDGMENT:

1. This Appeal is filed by the State questioning the acquittal of the respondent passed by the V Additional Metropolitan Sessions Judge, Ranga Reddy District (for short 'the Sessions Judge') at L.B.Nagar, vide judgment in Criminal Revision Petition No.99 of 2017, dated 18.10.2019.

2. The respondent was convicted for the offences punishable under Sections 427 and 447 IPC and sentenced to undergo rigorous imprisonment for a period of three months under two counts by the learned I Special Magistrate, Rajendranagar, Ranga Reddy District in C.C.No.265 of 2015.

3. On revision being filed, the learned Sessions Judge acquitted the respondent of the said charges.

4. The case of the complainant is that P.W.1 is the owner of plot No.161, situated in Indira Gandhi Co-operative Society, Gaganpahad village and he noticed that the name of the respondent/accused was painted on the board, which was

erected in his plot. On the basis of the evidence of P.Ws.1 to 3, the learned I Special Magistrate, convicted the respondent as stated above.

4. On revision being filed, the learned Sessions Judge found that even according to the evidence of P.Ws.1 to 3, there are no eye witnesses either to alleged trespass or writing the phone number of the respondent herein. Only for the reason of finding the respondent's phone number on the board erected by P.W.1, it cannot be said that it was the respondent only who had committed such mischief and trespass.

5. The finding of the learned Sessions Judge warrants no interference and there are no grounds to reverse the order of acquittal.

6. Accordingly, the appeal filed by the State fails and the same is dismissed. As a sequel thereto, miscellaneous applications, if any, shall stand closed.

K.SURENDER, J

Date: 23.6.2022

kvs

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Date:22.06.2022

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