

NOTE: The Appellant/ Accused was directed to be released on bail by the order of the High Court dated. 01.03.2021 in I.A.No.2 of 2021 in CrI.A.No.77 of 2021

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

S. Surender, President, Andhra Pradesh High Court, Hyderabad
V. Kamal, Ranga **CRIMINAL APPEAL NO: 77 OF 2021**

Appeal under Section 374(2) of Cr.P.C aggrieved by the Judgment dated.08/02/2021 made in S.C.No 702 of 2018 on the file of the court of the Fast Track Special Judge for trial of cases under Pocso Act-Cum-IX Additional District and Sessions Judge (FTC), R.R.District at L.B.Nagar, Hyderabad.

Between:

Kamidi Durga Prasad, Son of Pusalaiah, Aged 21 years, Occupation: Student, Resident of H.No.8-7-16/101, Adarsh Colony, Hanuman Temple, Katedan, Mailardevpally, Ranga Reddy District.

...APPELLANT/ACCUSED

AND

1. State of Telangana, represented by Public Prosecutor, High Court, Hyderabad.
2. Kumari Chintala Shivani, Daughter of Venkatesh, aged 18 Years, Occupation: Student, Resident of Brundavan Colony, Mailardevpally, Rajendra Nagar Mandal, Ranga Reddy District.

...RESPONDENTS/VICTIM

IA NO: 3 OF 2021

Petition under Section 320(6) CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to permit the parties herein to compound the offence of 354 -D (1) of I.P.C. and section 12 of POCSO Act.

I.A.NO: 4 OF 2021

Petition under Section 320(2) CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to record the compromise in terms of memorandum of understanding dt: 28/03/2021 and dispose the above CRL.A.

Counsel for the Appellant: SRI. C N MOORTY

Counsel for the Respondent No.1: SRI ADDL. PUBLIC PROSECUTOR

Counsel for the Respondent No.2: Sri. M PHANI KUMAR

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL APPEAL No.77 OF 2021****ORDER:**

This Criminal Appeal is filed by the Appellant/Accused aggrieved by the conviction recorded by the Special Judge for Trial of cases under POCSO Act-cum-IX Additional District & Sessions Judge (FTC), Ranga Reddy District at L.B.Nagar, in Sessions Case No.702 of 2018 dt.08.02.2021, convicting the accused for the offence punishable under Sections 354-D (2) of the Indian Penal Code and Section 12 of the POCSO Act, and sentencing him to undergo rigorous imprisonment for a period of two years and a fine of Rs.500/- for the offence under Section 354-D(2) of the IPC and to undergo rigorous imprisonment for a period of two years and a fine of Rs.500/- for the offence under Section 12 of the POCSO Act.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent – State. Perused the record.

3. The case of the prosecution is that this appellant was following PW2 victim girl while she was studying X class in the year 2018. While going to school, the appellant used to follow

her and insisted to give the phone number of the victim. He further insisted to love her. The said constant following was informed to the Police by PW2. They asked the accused not to follow her, however, the appellant did not stop. On 14.03.2018, while returning home from tuition on the way, near Madhu Chicken Centre, the appellant insisted to give her phone number and love him and pulled her bag. The victim went to her house weeping and informed the same to the mother. Vexed with the said conduct of the appellant, a complaint was lodged which is Ex.P1.

4. The Police investigated the case and filed charge sheet. During the course of trial, the Special Judge convicted the appellant for the offence under Section 354-D(2) and Section 12 of POCSO Act and sentenced to two years of rigorous imprisonment under each count.

5. Learned Counsel appearing for the appellant would submit that there are several discrepancies regarding the version given by PW2. The specific narration of the incident is on 14.03.2018 which resulted in the complaint. However, the appellant being questioned on the road or being apprehended and handed over to the Police are all subsequent improvements. In the

background of such improvements, the version stated by PW1 and PW2 cannot be considered.

6. On the other hand learned Additional Public Prosecutor argued that the appellant was constantly following and harassing the victim girl. It squarely attracts the offence for which he is convicted.

7. The appellant was following the victim girl and asking for telephone number. He was also insisting to love him. Such constant following and insisting the victim girl to love him would fall within the definition of sexual harassment. The sexual intent of the appellant is apparent from his conduct.

8. Learned Counsel submits that the petitioner was aged 19 years when the alleged incident had taken place. He is a teenager and he has lot of future. He is the only son and since there is no physical contact even according to the victim girl, this Court may consider reduction of sentence.

9. The allegation is that he was constantly following PW2. However, at no point of time, did the appellant tried to make physical contact with the victim girl. Keeping in view the age of the appellant, and also his future, this Court deems it

appropriate to reduce the sentence of imprisonment to the period already undergone.

10. Accordingly, the Criminal Petition is partly allowed reducing the sentence of imprisonment to the period already undergone.

Miscellaneous applications pending, if any, shall stand closed.

SD/- B.S.CHIRANJEEVI
JOINT REGISTRAR

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SECTION OFFICER

To,

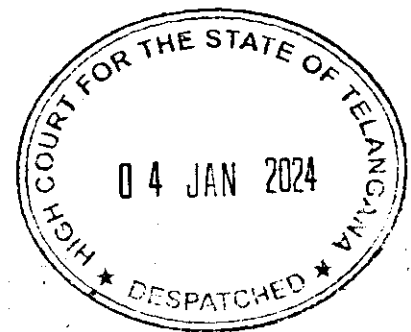
1. The Fast Track Special Judge for trial of cases under Pocso Act-Cum-IX Additional District and Sessions Judge (FTC), R.R.District at L.B.Nagar,Hyderabad.(with records if any)
2. The Station House Officer, Mailardevpally Police Station, Ranga Reddy District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
4. One CC to SRI. C N MOORTHY, Advocate [OPUC]
5. One CC to Sri.M PHANI KUMAR, Advocate [OPUC]
6. Two CD Copies

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HIGH COURT

DATED: 24/11/2023

ORDER
CRLA.No.77 of 2021



PARTLY ALLOWING
THE CRL APPEAL

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[Signature]
24/12/2023