

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**FRIDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL APPEAL NO: 630 OF 2010

Appeal under Section 374(2) of Cr.P.C praying that the High Court may be pleased to i) allow the CrI.A. by setting aside the Judgment passed in SC.No.171 of 2007 on the file of the V Additional District & Sessions Judge, (FTC), Ranga Reddy District, at L.B.Nagar.

Between:

A. Ganesh, S/o Suresh, Centering Work,
R/o Near Anand Hotel, Gowlipura, Laldarwaza, Hyderabad

...Appellant

AND

The State of AP, through The Station House Officer Rajendernagar PS.,
Ranga Reddy District rep. by its Public Prosecutor, High Court of A.P., at
Hyderabad

...Respondent

For the Appellants : Sri M. Veera Prasada Chary, Advocate (NOT PRESENT)

For the Respondent: Additional Public Prosecutor

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL APPEAL No.630 OF 2010

ORDER:

This Criminal Appeal is filed by the appellant/accused aggrieved by the judgment dated 29-03-2010 in S.C.No.171 of 2007 passed by the learned V Additional District and Sessions Judge, Fast Track Court, Ranga Reddy District.

2. Heard learned Additional Public Prosecutor for respondent - State. No representation on behalf of appellant. Perused the material on record.

3. The appellant is convicted under Section 235(2) of Cr.P.C. for the offence under Section 354 of the Indian Penal Code (for short 'IPC') and sentenced to undergo rigorous imprisonment for a period of three (03) years and to pay fine of Rs.500/- in default to suffer simple imprisonment for one month. Further, the appellant is also convicted for the offence under Section 323 of IPC and sentenced to undergo rigorous imprisonment for a period of one (01) year.

4. Briefly, the case of prosecution is that PW1 was working as Bus Conductor in RTC, Rajendranagar Depot for five years. About 20 days prior to the incident, the appellant/accused gave a telephone number to one Aruna Sri, who is the PW4, asking her to

handover the number to PW1 and to call her. Though PW1 called on the said telephone number, there was no response from the other side. On 06.05.2006, PW1 applied leave and stayed at house. On the same day, the appellant went to the house of PW1 and called her by her name. When PW1 came out of the house, the appellant disclosed his name and informed that he was the person who gave phone number to call him and then caught hold of her hand and asked her to accompany him. When PW1 raised cries, her husband (PW2) came there and it is alleged that the appellant beat him and left the place. On seeing the incident, the neighbors gathered at the scene of offence.

5. Learned Sessions Judge on the basis of evidence on record have examined PWs.1 to 5 and got marked Exs.P1 to P3. Learned Sessions Judge found the appellant guilty and convicted for the offences under Sections 354 and 323 of IPC.

6. As seen from the record, the only act attributed to the appellant is that he caught hold of the hand of PW1 and asked her to accompany him. Thereafter, the appellant left the place having beaten PW2, who is the husband of PW1. Though, admittedly, the husband of PW1 (PW2) was not taken up to the Doctor to assert that he received any injuries.

7. To attract an offence under Section 354 of IPC, a person should have assaulted or used criminal force on any woman with an intention to outrage or knowing it to be likely that he will outrage her modesty.

8. In the present case, except stating that the appellant caught hold the hand of PW1 and asked her to accompany him, there are no acts attributed to the appellant to attract an offence under Section 354 of IPC. However, the act of catching hold of the hand of PW1 would amount to intruding upon the privacy of a women under Section 509 of IPC. In the said circumstances, conviction recorded under Section 354 of IPC is set aside and the appellant is liable to be convicted under Section 509 of IPC. The incident happened in the year 2006 and nearly seventeen years have passed.

9. According to the learned Additional Public Prosecutor there are no other criminal cases pending against the appellant.

10. In the said circumstances, this Court deems it appropriate to reduce the sentence of imprisonment to the period already undergone for both the offences under Section 509 of IPC and also under Section 323 of IPC.

11. With the said modification, the Criminal Appeal is disposed of.

Miscellaneous Petitions, pending if any, shall stand closed.

Sd/- I. NAGA LAKSHMI
DEPUTY REGISTRAR



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To,

SECTION OFFICER

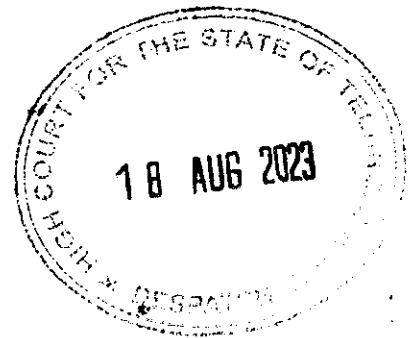
1. The V Additional District & Sessions Judge, (FTC), Ranga Reddy District, at L.B.Nagar
2. One CC to Sri M. Veera Prasada Chary, Advocate [OPUC]
3. One CC to The Public Prosecutor, High Court for the State OF Telangana at Hyderabad [OPUC]
4. Two CD Copies

END



HIGH COURT

DATED: 09/06/2023



ORDER

CRLA.No.630 of 2010

APPEAL IS DISPOSED OF

6
MEMA
03/11/2023