

Bail Slip;- The Petitioner and accused was directed to be released on bail by Court Order of the High Court Dated 01.07.2011 made in CRL.R.C.M.P.No.2000 of 2011 in Crl.R.C.No. 1392 of 2011.

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

**THURSDAY ,THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL REVISION CASE NO: 1392 OF 2011

Criminal Revision Case Under Sections 397 & 401 of Cr.P.C against the Judgment made in Crl.A.No.77 of 2009 dated 28.06.2011 on the file of the Court of the IV Additional District & Sessions Judge(FTC), Mahaboobnagar preferred against the Judgment made in S.C.No.337 of 2008 dated 18.06.2009 on the file of the Court of the Assistant Sessions Judge, Mahaboobnagar

Between:

**Aluri Lingamaiah, S/o Vittalaiah, Agriculturist R/o Tallaguda, H/o Cheguri Village,
Mahaboobnagar Dist.**

...PETITIONER/APPELLANT (ACCUSED)

AND

**State of A.P., Represented by its Public Prosecutor, through P.S. Kothur,
Mahaboobnagar Dist.**

...RESPONDENT/RESPONDENT (COMPLAINANT)

**Counsel for the Petitioner : SRI JALLI KANAKAIAH ,SR. COUNSEL FOR
SRI NARENDAR JALLI**

**Counsel for the Respondent : SRI VIZARATH ALI, ASST.PUBLIC
PROSECUTOR**

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE E.V.VENUGOPAL

CRIMINAL REVISION CASE No.1392 OF 2011

ORDER:

1 Heard Sri Jelli Kanakaiah learned senior counsel appearing on behalf of Sri Jelli Narender, learned counsel for the petitioner and Sri Vizarith Ali, learned Assistant Public Prosecutor appearing for the State.

2 This criminal revision case is filed challenging the judgment dated 28.06.2011 passed in CrI.A.No.77 of 2009 on the file of the Court of the IV Additional District & Sessions Judge (FTC) at Mahabubnagar, whereby the learned Additional Sessions Judge dismissed the appeal confirming the judgement dated 18.06.2009 passed in S.C.No.337 of 2008 on the file of the Court of the learned Assistant Sessions Judge, Mahaboobnagar.

3 The facts, in brief, as unfolded from the case of the prosecution, are that on 01.3.2008 at 1.00 p.m. the petitioner attempted to commit rape on her and outraged the modesty of P.W.1 when she was alone and attending agricultural work in her cotton fields. On hearing the hue and cry raised by the victim P.W.1, her brother-in-law – P.W.3 went to the spot and

on seeing him, the petitioner fled away from the scene by threatening the victim not to reveal the incident to anybody otherwise he will kill her. On 02.03.2008 at 8.30 am P.W.1 went to the police station along with her husband and lodged a complaint which was registered as a case in Cr.No.37 of 2008 for the offence under Section 354 IPC and after completion of investigation the police filed charge sheet.

4 During the course of trial, the prosecution examined P.Ws.1 to 7 and got marked Exs.P.1 to P.3 and M.Os.1 and 2. There is no oral or documentary evidence adduced on behalf of the accused.

5 The learned Assistant Sessions Judge, after appraising the entire material available on record, found the petitioner guilty of the offence punishable under Section 354 IPC and accordingly convicted and sentenced him to suffer rigorous imprisonment for a period of five years by judgment dated 18.06.2009. Aggrieved thereby, the petitioner preferred Criminal Appeal No.77 of 2009 on the file of the Court of the IV Additional District & Sessions Judge (FTC) at Mahabubnagar and the learned appellate Court, after reappreciating the entire evidence, dismissed the appeal but by reducing the period of

imprisonment from five years to that of two years. Aggrieved, the filed the present criminal revision case.

6 The evidence of P.W.1, the victim, goes to show that one year prior to her giving evidence while she was attending harvesting of cotton crop in her field, the petitioner came and asked her water for which she informed him that she has no water. Then the petitioner came to her and caught hold of her left hand, pulled her and pushed her due to which her bangles were broken. It is her further case that the petitioner caught hold of her waist, pushed her to ground for which she warned him and she will inform the same to her husband and father-in-law. But the accused warned to kill her and in the meanwhile P.W.3 came to the temple near their land and enquired her what had happened.

7 The evidence of P.W.2 was to the effect that his wife informed him that the petitioner outraged her modesty while she was working in the fields. The evidence of P.Ws.3 to 6, though circumstantial, was in one voice with regard to their coming to know about the incident and the narration of the incident. The evidence of P.W.7 is with regard to conducting of investigation and filing of charge sheet.

8 The contention of the learned counsel for the petitioner is that the prosecution did not examine the person who scribed Ex.P.1 complaint and that there is delay in lodging the complaint.

9 If there are contradictions in between the contents of Ex.P.1 and the evidence of P.W.1, certainly, the contention of the learned counsel for the petitioner may be given credence to. But in the instant case there are no contradictions to the contents of Ex.P.1 and the evidence of P.W.1. The evidence of P.W.1 completely corroborates to the contents of Ex.P.1.

10 It is the case of the victim that she informed the incident to her husband only after his arrival from work late in the evening. So at that time it will not be possible for a lady to go to the police station to lodge complaint.

11 All the witnesses have denied the suggestion put to them that there is rivalry between the petitioner and the family of P.W.1 with regard to the land disputes. Mere non-examination of independent witnesses is not fatal to the case of the prosecution when the other prosecution witnesses are found to be trustworthy and reliable. There are not at all any

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contradictions in the evidence of the prosecution witnesses with regard to the narration of the incident. Even the solitary evidence of P.W.1 itself inspires the mind of the Court that the petitioner attempted to commit rape on her and thereby outraged her modesty. Both the courts below have appreciated the material available on record in right perspective and accordingly convicted the petitioner for the offence under Section 354 of IPC. Hence, I see no merit in this revision case and the same is liable to be dismissed.

12 The learned counsel for the petitioner relied on the judgment of the erstwhile High Court of Andhra Pradesh in CrI.P.No.1851 of 2013 dated 08.03.2013. The facts in that case are different from the facts of the present case. In that case a senior IAS officer slapped on a lady servant, which is not the case of the prosecutrix in the instant case. The learned counsel for the petitioner also relied on the judgment of this Court in Criminal Appeal No.454 of 2010 dated 07.07.2022. The facts of that case are also distinguishable to the facts of the case on hand.

13 In the result, the criminal revision case is dismissed. However, the sentence of simple imprisonment for two years as

imposed by the learned appellate Court is further reduced to that for one year. Miscellaneous petitions if any pending in this criminal revision case shall also stand dismissed.

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Sd/- I NAGA LAKSHMI
DEPUTY REGISTRAR



SECTION OFFICER

To,

1. The IV Additional District & Sessions Judge(FTC), Mahaboobnagar(With Records , if any)
2. The Assistant Sessions Judge, Mahaboobnagar
3. One CC to Sri Narendar Jalli, Advocate (OPUC)
4. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad.(OUT)
5. Two CD Copies

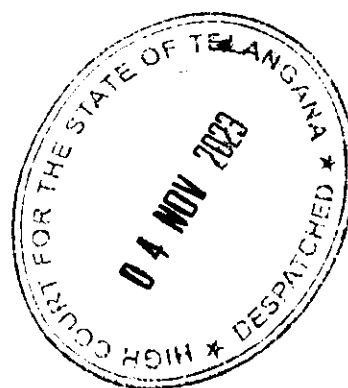
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spt



HIGH COURT

EVV,J

DATED:21/09/2023



ORDER

CRL.R.C.No.1392 of 2011

Dismissing the Crl.R.C

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