

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

**TUESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE SRI JUSTICE K.SURENDER
AND
THE HONOURABLE SRI JUSTICE ANIL KUMAR JUKANTI**

CRIMINAL APPEAL NOS: 113, 120, 214 AND 433 OF 2017

CRIMINAL APPEAL NO: 113 OF 2017

BAIL SLIP : The Appellants / Accused Nos 1 and 5 were directed to be released on bail by the Order of the High Court dated 18-04-2018 made in I.A.No.2 of 2018 in CrI.A.No.113 of 2017

Appeal under Section 374 (2) of Cr.P.C. against the Judgment dated 31-12-2016 made in S.C.No.1 of 2012 on the file of the Court of the XII Additional District and Sessions Judge, Vikarabad, Ranga Reddy District.

Between:

1. Md. Isaq, S/o. Ismail, Aged 24 years, Occ. Computer Operator, R/o. Railway Quarters, Vikarabad, Ranga Reddy District (A-1)
2. Riyaz Khan, S/o. Rehmath Khan, Aged 23 years, Occ. Chicken Business Near RTC Bus Stand, Vikarabad, R/o. H. No.3-2-5, Yennepally, Vikarabad, Ranga Reddy District (A-5)

...Appellants / Accused

AND

State of Tolangana, Rep. by Public Prosecutor, High Court of Judicature at Hyderabad, for the State of Telangana and the State of Andhra Pradesh

...Respondent / Complainant

I.A. NO: 1 OF 2017(CRLAMP. NO: 2456 OF 2017)

Petition under Section 389 (1) of Cr.P.C. praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the execution of sentence passed in SC No.1 of 2012 on the file of the XII Additional District and Sessions Judge, Vikarabad, Ranga Reddy

District and release the petitioner on bail in CrI.A.No.113 of 2017 pending before this Hon'ble Court.

CRIMINAL APPEAL NO: 120 OF 2017

BAIL SLIP : The Appellant / Accused No 4 was directed to be released on bail by the Order of the High Court dated 18-04-2018 made in I.A.No.1 of 2018 in CrI.A.No.120 of 2017

Appeal under Section 374 (2) of Cr.P.C. against the Judgment dated 31-12-2017 made in S.C.No.1 of 2012 on the file of the Court of the XII Additional District and Sessions Judge, Vikarabad, Ranga Reddy District.

Between:

Md. Khaja Pasha @ S.K. Khaja @ Khaja, S/o. Jahangir Miya, Aged 21 years,
Occ. Driver, R/o. Yennepally, Vikarabad

...Appellant / Accused No 4

AND

State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court of
Judicature at Hyderabad, for the State of Telangana and the State of Andhra
Pradesh

...Respondent / Complainant

CRIMINAL APPEAL NO: 214 OF 2017

BAIL SLIP : The Appellant / Accused No 2 was directed to be released on bail by the Order of the High Court dated 26-04-2018 made in I.A.No.1 of 2018 in CrI.A.No.214 of 2017

Appeal under Section 374 (2) of Cr.P.C. against the Judgment dated 31-12-2017 made in S.C.No.1 of 2012 on the file of the Court of the XII Additional District and Sessions Judge, Vikarabad, Ranga Reddy District.

Between:

Md. Ghouse, S/o. Shafiuddin, Aged 22 years, Occ Mutton Business, R/o
Isakhan Bagh, Opp Old Surya Gas Company, Vikarabad

...Appellant / Accused No 2

AND

The State of Telangana, Rep. by its Public Prosecutor, High Court at
Hyderabad

CRIMINAL APPEAL NO: 433 OF 2017

BAIL SLIP : The Appellant / Accused No 2 was directed to be released on bail by the Order of the High Court dated 10-04-2018 made in I.A.No.1 of 2018 in CrI.A.No.433 of 2017

Appeal under Section 374 (2) of Cr.P.C. against the Judgment dated 31-12-2017 made in S.C.No.1 of 2012 on the file of the Court of the XII Additional District and Sessions Judge, Vikarabad, Ranga Reddy District.

Between:

Mohd Bilal, S/o. Babu Miya, Aged 28 years, Occ. Business, C/o. New Royal Footwear Shop NTR Crossroad, Subhash Nagar Vikarabad Town, Ranga Reddy

...Appellant

AND

State of Telangana, Represented by its Public Prosecutor of High Court at Hyderabad

...Respondent

I.A. NO: 2 OF 2017(CRLAMP. NO: 895 OF 2017)

Petition under Section 389 (1) of Cr.P.C. praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to release the Petitioner/A-3 on bail in SC No. 1/2012 on the file of the Court of the XII Additional Sessions Judge of Ranga Reddy District at Vikarabad, pending disposal of the Criminal Appeal.

Counsel for the Appellants in : **Sri T Pradyumna Kumar Reddy**
CrI.A.No.113 of 2017 **Senior Counsel**

Counsel for the Appellant in : **Smt C Vasundhara Reddy**
CrI.A.No.120 of 2017

Counsel for the Appellant in : **Sri Mohd Muzaffer Ullah Khan**
CrI.A.No.214 of 2017

Counsel for the Appellant in : **Sri S M Rafee**
CrI.A.No.433 of 2017

Counsel for the Respondent : Sri M Vivekananda Reddy
in All the Appeals Assistant Public Prosecutor

The Court delivered the following Common Judgment :

**HON'BLE SRI JUSTICE K.SURENDER
AND
HON'BLE SRI JUSTICE ANIL KUMAR JUKANTI**

CRIMINAL APPEAL Nos.113, 120, 214 and 433 of 2017

COMMON JUDGMENT: *(per Hon'ble Sri Justice K.Surender)*

1. Criminal Appeal No.113 of 2017 is filed by A1 and A5, Criminal Appeal No.120 of 2017 is filed by A4, Criminal Appeal No.214 of 2017 is filed by A2 and Criminal Appeal No.433 of 2017 is filed by A3. Since all the appellants are challenging the judgment of conviction in S.C.No.1 of 2012, dated 31.12.2016, they are being disposed of by way of this common judgment.
2. The appellants/A1 to A5 were convicted and sentenced to undergo rigorous imprisonment for life under Section 302 r/w 149 IPC and further convicted and sentenced to undergo rigorous imprisonment for three years each under Section 148 IPC. A6 to A8 and A10 to A17 were acquitted. A9 died during pendency of trial.
3. Briefly, the case of the prosecution is that the deceased Narsing Rao was the son of the *defacto*-complainant of late L.W.1 Bakkoni Kumara Swamy and brother of P.W.1 Bakkoni Balakrishna. On the night of 19.12.2006 at about 21.00 hours,

when P.W.4, Nallolla Sudheer and Prabhaker were quarrelling with P.W.5 Benoni alias Bhonc and P.W.6 Parnandi Arpith near Railway Station, Vikarabad, P.W.6 informed the same to A1, who was at Hotel along with A11. On that A1 pushed P.W.4 Nallolla Sudheer, due to which P.W.4 fell down on the Pulsar Motor Cycle of A11 and the indicators of the said motor cycle got damaged. On 20.12.2006 at about 21.30 hours, A1, A2, A5 and A11 and others went to the house of P.W.4 and asked about P.W.4 and demanded to pay the amount for damages to the motor cycle of A11.

4. On 21.12.2006 in the absence of A1, the deceased and P.W.4 went to the house of A1 and asked about him. A1 came to know that the deceased and P.W.4 came to his house. A1 along with A11 went to Railway Guest House where P.W.4 and others were present. On seeing P.W.4, A1 and A11 beat him with hands and demanded to pay the amount for the damage of the motor cycle and asked as to why he came to the house of A1. Meantime, deceased who was coming from Saw Mill came there on being called by P.W.4. Deceased threatened A1 and A11.

5. About six months prior to incident, when the cousin of A5 was coming from Hyderabad in train, the deceased and others threatened him. On which, A1, A2, A3, A4 and A5 went to the Gym and asked about threatening the cousin of A5 in train, the deceased intervened and threatened to kill A1 to A5.

6. On 21.12.2006, A1 to A17 hatched a plan to kill the deceased and formed themselves into an unlawful assembly armed with sword, knives, iron rods and sticks. They gathered at Railway Guest House of Vikarabad in a dark place. A3 was sent to his hotel, which is situated in front of Ambedkar Statue and A3 was watching movements of the deceased and his friends. Before gathering, A1 to A6 asked P.W.9 Chowhan Manoj to call the deceased and abused him. When P.W.9 informed the deceased that A1 was abusing him, the deceased along with P.W.2, P.W.3, P.W.4 and P.W.8 who were attending marriage at Indira Nagar, went to Ambedkar Statue near Railway Station at about 22.30 hours on the same day i.e., 21.12.2006. When they were talking to P.W.9, A3 informed the appellants on phone about deceased and his friends standing at Ambedkar Statue, near Railway Station, Vikarabad. Immediately,

six accused persons went on Pulsar bike and Scooter and remaining accused went running towards Ambedkar Statute. A5 along with other accused went there with knives, sword, rods and sticks and picked up quarrel with the deceased and P.Ws.2 to 4, 8 and 9. Meantime, one Jaweed (not examined) went there and separated them. When deceased and others were proceeding towards Shailaja Theatre to the house of deceased, A1 to A17 and others attacked deceased from back side. A1 to A3 attacked the deceased with knives, A5 stabbed with sword, A4, A6 beat the deceased with iron rods, A10, A11, A12 and A13 beat the deceased with sticks, A9 and A14 caught hold of the deceased and A15 to A17 beat the deceased with hands. Due to which, deceased sustained severe bleeding injuries to his head, forehead, waist, chest and on his back etc., and the same was witnessed by P.Ws.2 to 4 and P.Ws.8,9. The deceased was shifted to Government Hospital, Vikarabad by P.W.8 and L.W.12. Thereafter, they shifted the deceased to Osmania General Hospital, Hyderabad for treatment in the TATA Sumo of P.W.11. The deceased was declared as brought dead by Doctors at Osmania General Hospital.

7. The father of the deceased I.W.1 lodged Ex.P1 complaint with P.W.16-Sub-Inspector of Police, Vikarabad Police Station on 22.12.2006 at about 6.00 hours, basing on which P.W.16 registered a case in Cr.No.344/2006 under Sections 147, 148, 302 r/w 149 IPC and issued Ex.P28 express FIR.
8. On the basis of the complaint filed, P.W.16 visited the scene of offence and conducted scene of offence panchanama, rough sketch was drawn in the presence of mediators. Two sticks, one pulsar motor bike, scooter found at the scene, was video graphed, photographed and seized. P.W.6, then went to the hospital and conducted inquest over the dead body. The body was sent for postmortem examination. The postmortem doctor found 15 grievous stab injuries. The cause of death was multiple stab injuries to the chest. Having concluded investigation, charge sheet was filed against 17 accused. All the 17 accused were tried by the learned Sessions Judge. However, learned Sessions Judge found that A1 to A5 were only complicit of murdering deceased, since specific overt acts were attributed to them by P.Ws.2 to 4, 8 and 9. The overt acts

attributed to other accused during investigation were not stated by the witnesses. A6 to A8 and A10 to A17 were acquitted.

9. Heard Sri T.Pradyumnakumar Reddy, learned Senior Counsel for A1 and A5, Smt C.Vasundhara Reddy, learned counsel for A4, Sri Mohd.Muzaffer Ullah Khan, learned counsel for A2 and Sri S.M.Rafee, learned counsel for A3.

10. Sri T.Pradyumnakumar Reddy, learned Senior Counsel submits that the complaint was filed on 22.12.2006 at 6.00 a.m, though the incident happened at 10.00 p.m, the previous day. There is a delay of eight hours in lodging the complaint. The complaint is hit by Section 162 Cr.P.C since the author of the complaint died. The contents of the complaint cannot be looked into. Learned counsel further argued that the complaint reached the Magistrate at 11.00 a.m on 22.12.2006 with a delay of five hours according to the investigating officer/P.W.16, who admitted that Judicial First Class Magistrate Court, Vikarabad was at a distance of 10 to 15 minutes from the police station. In the said circumstances, for the reason of there being no explanation for the delay in sending the complaint to the Magistrate, it is apparent that

the complaint was fabricated subsequently implicating several accused.

11. Learned counsel relied on the judgment of Hon'ble Supreme Court in the case of **Rajeevan and another v. State of Kerala**¹. In the said case, the Hon'ble Supreme Court while dealing with delay in lodging the FIR and FIR reaching the Court, found that the delay throws any amount of doubt regarding prosecution case being correct. The Hon'ble Supreme Court observed as under:

"12. Another doubtful factor is the delayed lodging of FIR. The learned counsel for the appellants highlights this factor. Here it is worthwhile to refer Thulia Kali v. State of T.N. [(1972) 3 SCC 393 : 1972 SCC (Cri) 543] wherein the delayed filing of FIR and its consequences are discussed. At para 12 this Court says: (SCC p. 397)

"First information report in a criminal case is an extremely vital and valuable piece of evidence for the purpose of corroborating the oral evidence adduced at the trial. The importance of the above report can hardly be overestimated from the standpoint of the accused. The object of insisting upon prompt lodging of the report to the police in respect of commission of an offence is to obtain early information regarding the circumstances in which the crime was committed, the names of the actual culprits and the part played by them as well as the names of eyewitnesses present at the scene of occurrence. Delay in lodging the first information report quite often results in embellishment which is a creature of afterthought. On account of delay, the report not only gets bereft of the advantage of spontaneity, danger creeps in of the introduction of coloured version, exaggerated account or concocted story as a result of deliberation and consultation. It is, therefore, essential that the delay in lodging of the first information report should be satisfactorily explained."

13. This is the position consistently followed by this Court in Maharaj Singh v. State of U.P. [(1994) 5 SCC 188 : 1994 SCC (Cri) 1391] and

¹ (2003) 3 Supreme Court Cases 355

recently in *Thanedar Singh v. State of M.P.* [(2002) 1 SCC 487 : 2002 SCC (Cri) 153]

15. This Court in *Marudanal Augusti v. State of Kerala* [(1980) 4 SCC 425 : 1980 SCC (Cri) 985] while deciding a case which involves a question of delayed dispatch of the FIR to the Magistrate, cautioned that such delay would throw serious doubt on the prosecution case, whereas in *Arjun Marik v. State of Bihar* [1994 Supp (2) SCC 372 : 1994 SCC (Cri) 1551] it was reminded by this Court that: (SCC p. 382, para 24)

"[T]he forwarding of the occurrence report is indispensable and absolute and it has to be forwarded with earliest dispatch which intention is implicit with the use of the word 'forthwith' occurring in Section 157 CrPC, which means promptly and without any undue delay. The purpose and object is very obvious which is spelt out from the combined reading of Sections 157 and 159 CrPC. It has the dual purpose, firstly to avoid the possibility of improvement in the prosecution story and introduction of any distorted version by deliberations and consultation and secondly to enable the Magistrate concerned to have a watch on the progress of the investigation."

12. In **State of Andhra Pradesh v. Punati Ramulu and others**², the Hon'ble Supreme Court while dealing with an appeal against acquittal, held that delay in lodging the FIR was fatal and the case of the prosecution was disbelieved.

13. In **State of Gujarat v. Kishanbhai and others**³, the Hon'ble Supreme Court found that on the basis of circumstances and there being a delay in complaining to the police, prosecution has failed to prove the case against the accused.

² 1994 Supp (1) Supreme Court Cases 590

³ (2014) 5 Supreme Court Cases 108

14. In **Bheemgonda and others v. State of Andhra Pradesh**⁴, the Hon'ble Division Bench of this Court while dealing with a case wherein there was 3 ½ hours delay after the incident, found favour with the version of the accused that the accused were falsely implicated after due deliberations.

15. On the other hand, learned Additional Public Prosecutor would submit that P.Ws.4 and 9 are the eye witnesses to the incident and P.W.16/Investigating Officer has taken immediate action against appellants on the basis of the complaint filed. As seen from the evidence of P.Ws.4 and 9, it was the appellants/A1 to A5 who had brutally attacked the deceased and caused his death. Though, A6 to A17 were prosecuted, only for the reason of their acquittal, no benefit can be extended to the present appellants against whom specific overt acts were attributed by the eye witnesses P.Ws.4 and 9.

16. The complaint Ex.P1 was given by the father of P.W.1. He died during pendency of trial. P.W.1, who is the brother of the deceased identified Ex.P1 and marked, though marking was objected by the

⁴ 2017 (1) ALD (Cri.) 93 (AP)

defence. Learned Sessions Judge marked Ex.P1, subject to objection, on the ground that P.W.1 was aware of the fact that the father had lodged complaint and he had accompanied his father while lodging complaint and also identified the signature of his father.

17. Though, Ex.P1 was marked, however, the contents of Ex.P1 cannot be read in evidence since the author of Ex.P1 was not examined. Ex.P1 is a statement made during the course of investigation and hit by Section 162 Cr.P.C. To the extent of corroboration of lodging complaint at the specified time by the father of P.W.1, Ex.P1 can be relied on.

18. Both P.W.1 and his father, who lodged complaint Ex.P1 are not eye witnesses to the incident. According to the evidence of P.W.1, he did not state in his chief examination as to who informed about the incident. However, the entire narration of P.W.1 was recorded by the learned Sessions Judge. When P.W.1 was not an eye witness to the incident and it is not stated as to the source of his knowledge about the incident, learned Sessions Judge should not have permitted recording of such evidence which is hearsay in



nature. Learned Sessions Judge should have restrained from recording inadmissible evidence.

19. However, in the cross-examination, P.W.1 stated that he received phone call from Naveen, who was examined as P.W.8 and he was declared as hostile to the prosecution case. P.W.2 identified A1, A3 to A5 and A11. However, he did not speak about the attack by any of the appellants and was declared hostile to the prosecution case. P.W.2 stated that there was a quarrel and thereafter, they disbursed from the said place. P.W.3 was declared hostile and did not state anything about any of the appellants attacking the deceased.

20. P.W.4 is an eye witness to the incident. He narrated the sequence of events as on the date of incident. He stated that A1 to A6 and their supporters started attacking the deceased, himself, P.W.2 and others. A1 to A6 inflicted injuries on the deceased and he fell down. Immediately, P.W.4 informed P.W.1 on phone about the incident.

21. Learned Sessions Judge observed during examination of P.W.4 in the Court that the statements recorded by the police under Section 161 Cr.P.C were not provided to the accused and deferred cross-examination of P.W.4. However, on the date of cross-examination when P.W.4 was recalled, the police produced copies of statements but they were not legible and the learned Sessions Judge asked the Public Prosecutor about originals. Further, the learned Sessions Judge observed that the originals of the statements were not filed in the Court. Not providing copies of Section 161 Cr.P.C statements of witnesses which are legible and can be read, prejudice would be caused to the accused.

22. However, cross-examination was taken up by the defence counsel. In the cross-examination, P.W.4 admitted that Vikarabad Police Station was at half kilometer distance from Ambedkar Statue where the incident had taken place. He further admitted that police examined him at 2.00 or 2.30 a.m.

23. P.W.9 is another eye witness to the incident. He narrated sequence of events on the date of incident and stated that A2, A3, A4 and 50 others attacked the deceased, P.Ws, 2, 4, 9 and others

with talwars and iron rods. P.W.9 fled from the scene. P.W.9 admitted in his cross-examination that the Vikarabad Police Station was very near and he did not go to the police station immediately after the incident and did not give any complaint to the police about the incident. P.W.9 did not deny that his statement was recorded by the JFCM, three months after the incident.

24. P.W.16 is the Investigating Officer, who received the complaint Ex.P1. He registered the case against A1 to A5 and others. He admitted that if a person walks from the police station to the Court of JFCM, it would take 20 minutes to reach the JFCM Court. In his cross-examination, P.W.16 stated that the patrolling staff on the night might have stopped the TATA Sumo which was driven by P.W.11, while taking the deceased to the Osmania General Hospital. P.W.11 was declared hostile to the prosecution case. However, P.W.11 stated that the dead body of the deceased was taken in his TATA Sumo. Before going to the hospital, one Sub-Inspector of Police asked him to go to the Hyderabad urgently stating that one person was serious. Further, S.I insisted that one had to accompany him and accordingly he went along with the S.I to the

Vikarabad Government Hospital. There he saw the deceased and blood was oozing from his body. From the Vikarabad Hospital, deceased was shifted to Osmania General Hospital where he was declared as brought dead. Then, P.W.11 returned to Vikarabad.

25. P.W.17 is the Investigating Officer, who has taken over the investigation from P.W.16 after registration of crime. P.W.17 stated that he went to the scene of offence and conducted scene of offence panchanama. Thereafter, he went to the hospital, Vikarabad and recorded statements of P.W.1, 4, P.W.9 and others. Then inquest was conducted. The dead body was then shifted to the mortuary after autopsy was conducted.

26. The main witnesses are P.Ws.4 and 9, who are projected as eye witnesses to the incident. Though, both P.Ws.4 and 9 claimed that they were attacked by the appellants/A1 to A5 and others, however, neither P.W.4 nor P.W.9 received any injuries. Both P.Ws.4 and 9 admitted that the police station was at a distance of ½ kilometer. It is not known as to why no complaint was filed immediately after the incident, which has taken place around 10.00 a.m. P.W.4 admits that he was examined by a police officer at 2.00



a.m or 2.30 a.m. The said fact is not stated by either P.Ws.16 or 17/Investigating Officers in the case. According to P.W.16, for the first time, they came to know about murder at 6.00 a.m. If the incident happened at half kilometer distance from police station, it is highly improbable that the police would not know about the incident. P.W.4 spoke about the presence of A1 to A6 when the attack had taken place. He did not speak about A7 to A17. However, P.W.9 speaks about A1 to A6 along with others totaling 50 persons, who attacked the deceased, P.W.4, P.W.9 on the date of the incident. Contradictory narrations are given by P.Ws.4 and 9 regarding number of persons who attacked the deceased. No reason was given either by P.Ws.1,4 or P.W.9 as to why complaint was not lodged immediately after coming to know about the incident in the night. None of the witnesses explained about the delay in lodging the complaint till 6.00 a.m. The complaint reached the Magistrate at 11.00 a.m, though P.W.16 admitted that FIR was dispatched immediately. Further in the cross-examination of P.W.16, he stated that it would take 10 to 15 minutes to reach the Court and 20 minutes by walk. When the said circumstances are collectively looked into, it creates any amount of doubt regarding versions of

P.Ws.4 and 9 being eye witnesses to the incident. As already discussed, though several persons were armed with sticks, crowbars etc., and attacked P.W.4, P.W.9, deceased and others, P.Ws.4 and 9 did not receive any injuries nor anyone else other than the deceased. No reason is given as to why none of them went to the police station, which was at a distance of $\frac{1}{2}$ kilometer where the incident has taken place.

27. The learned Sessions Judge also failed to consider the fact that P.W.11 spoke about a Sub-Inspector of Police asking him to take the deceased from Vikarabad Hospital to Osmania Hospital in Hyderabad. P.W.16 stated in his cross-examination that the police patrolling might have asked P.W.11 to shift the body to Osmania Hospital. It is evident that the police had knowledge about the incident on the night itself. However, for reasons best known, the investigating officer has come up with a different story.

28. The Hon'ble Supreme Court in case of **Rajeevan and another** held that prosecution not satisfactorily explaining the delay in lodging the complaint and delay in dispatching of the FIR to the Magistrate casts any amount of doubt regarding the version given

by the prosecution witnesses. In the present case, the incident has taken place at 10.00 p.m, within half kilometer from the police station and the complaint was filed only at 6.00 a.m on the next day, with a delay of eight hours. Though JFCM Court was at a distance of 10 to 15 minutes, FIR reached the Magistrate Court only at 11.00 a.m. From the time of the incident till the complaint reached the Court, it was nearly 13 hours. In the present facts, it was for the prosecution to explain convincingly the reason for lodging FIR with a delay and the FIR reaching the Court also with a delay. Further, no reasons are given as to why the police had not taken any action in registering a FIR when P.W.4 was examined at 2 or 2.30 a.m when the patrolling staff had asked P.W.11 to take the deceased to Osmania Hospital.

29. P.W.9 stated that there were around 50 persons who attacked the deceased and others. P.W.4 confined his narrative to six accused i.e., A1 to A6. The police charge sheeted 17 persons and the Court had convicted five persons. Considering all the factors, there arises any amount of doubt regarding the prosecution version and it is apparent that the earliest version was suppressed. The

lodging of complaint, going to the police, naming the accused appears to have been made after due deliberations.

30. For the reasons discussed above, benefit of doubt is extended to the appellants.

31. In the result, the judgment of trial Court in S.C.No.1 of 2012, dated 31.12.2016 is set aside and the appellants are acquitted. Since all the appellants are on bail, their bail bonds shall stand discharged.

32. Accordingly, all Criminal Appeals are allowed.

//TRUE COPY//

Sd/- K. SRINIVASA RAO
JOINT REGISTRAR


SECTION OFFICER

One Fair Copy to the Hon'ble Sri Justice K. Surender
(For His Lordship's Kind Perusal)

One Fair Copy to the Hon'ble Sri Justice Anil Kumar Jukanti
(For His Lordship's Kind Perusal)

To,

1. The XII Additional District and Sessions Judge, Vikarabad, Ranga Reddy District (with records, if any)
2. The Judicial First Class Magistrate, Vikarabad
3. The Station House Officer, Vikarabad PS, Vikarabad District

4. The Superintendent, Cherlapally, Central Prison, Ranga Reddy District
5. 11 LR Copies
6. The Under Secretary, Union of India Ministry of Law, Justice and Company Affairs, New Delhi
7. The Secretary, Advocates Association Library, High Court for the State of Telangana, High Court Buildings at Hyderabad
8. Two CCs to the Public Prosecutor, High Court for the State of Telangana, Hyderabad [OUT]
9. One CC to Sri T Pradyumna Kumar Reddy, Advocate [OPUC]
10. One CC to Smt C Vasundhara Reddy, Advocate [OPUC]
11. One CC to Sri Mohd Muzaffer Ullah Khan, Advocate [OPUC]
12. One CC to Sri S M Rafee, Advocate [OPUC]
13. Two CD Copies

VA/gh



HIGH COURT

DATED:31/12/2024

COMMON JUDGMENT

CRLA.Nos.113, 120, 214 & 433 of 2017



ALLOWING ALL THE APPEALS

28
21/01/25
by