

BAIL SLIP: The Petitioner/ Accused was directed to be released on bail by the order of the High Court dated 24-02-2011 in CrI.A.M.P.No.437 of 2011 in CrI.A.No.193 of 2011.

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

**MONDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HON'BLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL APPEAL No: 193 of 2011

Appeal under Section 374 (2) of Cr.P.C against the Judgment dated 18-02-2011 in S.C.No.258 of 2009 on the file of the Court of the I Additional Sessions Judge at Nizamabad.

Between:

Vanam Venkata Laxmi @ Venkatamma @ Venkati @ Jangiti Sandya @ Jangiti Sandya @ Divya @ Vani, W/o Linga Swamy, R/o Challapoor Village, Dubbaka Mandal, Medak District.

...Appellants/Accused 4

AND

The State of A.P. represented by its Public Prosecutor, High Court of Andhra Pradesh, Hyderabad.

...Respondent/Complainant

Counsel for the Appellant: Mr. J. KANKAIAH

**Counsel for the Respondent: Mr. VIZARATH ALI,
ASSISTANT PUBLIC PROSECUTOR**

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL APPEAL No.193 OF 2011

ORDER:

The present Criminal Appeal is filed against the judgment dated 18.02.2011 in S.C.No.258 of 2009 on the file of the learned I Additional Sessions Judge at Nizamabad (for short, "trial Court").

2. The brief facts of the case are that on 30.07.2007 at about 9.00 P.M., Chilika Srinivas/*defacto* complainant and victim lodged a report stating that he is a native of Thorlikonda Village and Homeopathy Doctor, practicing at Bheemgal. He used to go from his native village to Bheemgal on motorcycle bearing No.AP-25N-9303 upto Janakampet Village and from there, he used to go by bus. On 30.07.2007, at about 7.30 P.M, while he was coming back to Thorlikonda village on motorcycle from Janakampet, in the outskirts of Thorlikonda village, near Mallannagutta, two persons followed his motorcycle and stopped. By demanding money, they started beating him. Meanwhile, one more person came to him on motorbike and told that the said two persons are thieves and advised him to lodge report with police and made him to sit on his motorbike and took him for certain distance near to Mallannagutta and in the meantime, other two offenders also joined with him at Mallannagutta and all of them snatched away his Siemens cell phone with sim

No.9912397929, one Lenovo laptop and some cash from the laptop bag held by him and fled away on motorcycles. Basing on the said complaint, a criminal case in Crime No.48 of 2007 of police Station was registered for the offence under Section 394 of I.P.C.

3. During the trial, on behalf of the prosecution, PWs.1 to 13 were examined and Exs.P1 to 13 were marked, besides and MO.1. On behalf of the accused, no evidence either oral or documentary, was adduced.

4. The trial Court, after examining the evidence on record vide judgment dated 18.02.2011 convicted appellant/accused No.4 under Sections 411 and 414 of IPC and sentenced him to undergo Rigorous Imprisonment for a period of six (6) months for each offence and to pay fine of Rs.300/- for each offence, in default thereof to undergo simple imprisonment for a period of one month for each count. Aggrieved thereby, appellant/accused No.4 preferred the present appeal.

5. Heard Mr. J. Kankaiah, learned Senior Counsel appearing for the appellant and Mr. Vizarath Ali, learned Assistant Public Prosecutor appearing for respondent/State. Perused the record.

6. Learned counsel for the appellant contended that the trial Court had passed the impugned judgment on presumptions and

assumptions without any proper evidence. The trial Court did not appreciate the evidence properly. Hence, he seeks to allow the appeal.

7. Learned Assistant Public Prosecutor submitted that the trial Court after careful consideration of the material placed on record passed the impugned judgment. Therefore, interference of this Court is unwarranted and seeks to dismiss the appeal.

8. A perusal of the record shows that this Court *vide* order dated 24.02.2011 suspended the sentence of imprisonment alone and enlarged the petitioner on bail on condition of his executing a personal bond for a sum of Rs.10,000/- with two sureties for a like sum each to the satisfaction of the trial Court.

9. In the case on hand, trial Court held that the appellant/accused No.4 is not found guilty of the offence under Sections 394 IPC and 109 read with 394 of IPC and under Section 5 of Explosive Substances Act, and accordingly, she is acquitted for the said charges under Sections 235 (1) of Cr.P.C. However, the appellant/accused No.4 is found guilty of the offences punishable under Sections 411 and 414 IPC, which finding, in my considered view, does not call for interference, in exercise of appellate jurisdiction under Section 374 (2) Cr.P.C. There are no valid grounds to interfere with the well-considered judgment of the trial Court.

10. Having regard to the submissions made by the learned counsel and upon considering the fact that the appellant/accused No.4 has suffered mental agony, this Court is inclined to take a lenient view by reducing the sentence of imprisonment imposed on the appellant/accused No.4 to the period of imprisonment already undergone by her.

11. Accordingly, the Criminal Appeal is dismissed. However, the sentence of imprisonment imposed on the appellant/accused No.4 is reduced to the period which she had already undergone. Further, the appellant/accused No.4 is directed to pay an amount of Rs.10,000/- to the credit of the S.C.No.258 of 2009 before the trial Court within a period of three (3) months from the date of receipt of a copy of the order, in default, the judgment 18.02.2011 in S.C.No.258 of 2009 on the file of the learned I Additional Sessions Judge at Nizamabad, stands good in all respects.

Pending miscellaneous applications, if any, shall stand closed.

Sd/- K. SRINIVASA RAO
JOINT REGISTRAR
SECTION OFFICER

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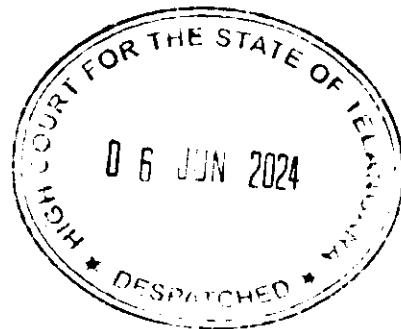
1. The Judicial Magistrate of I Class, Armoor, Nizamabad District.
2. The I Additional Sessions Judge at Nizamabad.
3. The Superintendent, District Jail, Nizamabad.
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
5. One CC to Mr. J. KANAKIAH, Advocate [OPUC]
6. Two CD Copies

HIGH COURT

DATED:18/03/2024

ORDER

CRLA.No.193 of 2011



**DISMISSING OF THE
CRIMINAL APPEAL**

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