

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

THURSDAY, THE THIRTIETH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

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

CRIMINAL APPEAL NO: 1054 OF 2017

Appeal filed under Section 378(3) and (1) of Cr.P.C against the judgment dated 31.07.2014 in S.C.No.89 of 2009 on the file of the III Additional Sessions Judge at Nizamabad.

Between:

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

...APPELLANT/COMPLAINANT

AND

Sirimala Santhosh S/o. Ramuloo, Age 32 years, Caste: SC Madiga, Occ Labour, N/o, Astam Village, Mudhole Mandal, Adilabad District, R/o. Mupkal Village, Balkonda Mandal.

...RESPONDENT/ACCUSED

Counsel for the Appellant: ADDITIONAL PUBLIC PROSECUTOR

Counsel for the Respondent: -

The Court delivered the following JUDGMENT:

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

CRIMINAL APPEAL No.1054 OF 2017

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

1. The Appeal is filed by the Public Prosecutor on behalf of the State questioning the impugned judgment dated 31.07.2014 in S.C.No.89 of 2009, on the file of III Additional Sessions Judge, Nizamabad, acquitting the respondent /accused for the offence under Section 302 of IPC.
2. Heard learned Additional Public Prosecutor for State.
3. P.W.1 is the wife of the deceased who lodged a complaint with the Police on 07.11.2008. In the said complaint, she narrated that on the previous date i.e., 06.11.2008, her husband went to attend his duties, however, he did not return home. She tried calling him on telephone, since there was no response, she enquired and came to know that her deceased husband left with accused namely Santosh.
4. The dead body of the deceased was discovered on 08.11.2008 at the instance of the accused. Further, P.W.2 had last seen the deceased and the accused together.

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5. The Police relied mainly on two circumstances:

- i. P.W.2 seeing the deceased and the accused together, a day prior to death.
- ii. The dead body being found at the instance of the accused.

6. P.W.2 is the witness who spoke about the last seen evidence. During the course of his cross-examination, he stated that the deceased left his house 15 minutes after the accused left his house to consume toddy. For the said reason, learned Sessions Judge found that the evidence of P.W.2 cannot form basis to say that the deceased was lastly found in the company of the accused.

7. P.W.3 is the independent witness to the alleged discovery of the dead body at the instance of the accused. P.W.3 in his cross examination stated that the Police called him to come to the place of offence around 8 a.m. He went there where the dead body was present and one hour after he reached the scene, the Police came there along with the accused and some other villagers. Learned Sessions Judge found that when the body was already discovered, the question of again discovering the body of the deceased at the instance of the accused does not arise.

8. The reasons given by the learned Sessions Judge are based on record and need no interference. There are absolutely no grounds to differ with the findings of the learned Sessions Judge while acquitting the appellant.

9. Accordingly, the Criminal Appeal is dismissed.

//TRUE COPY//

Sd/- B. SATYAVATHI
DEPUTY REGISTRAR


SECTION OFFICER

To,

1. The III Additional Sessions Judge at Nizamabad.
2. The Station House Officer, Armoor Police Station, Nizamabad
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
4. Two CD Copies

VH



HIGH COURT

DATED: 30/01/2025

JUDGMENT

CRLA.No.1054 of 2017



DISMISSING THE APPEAL

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Kpru
24/3/25