SS,J
Crl.R.C.No. 808 of 2009
Dated 13.11.2026

APHC010042882009

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3560]**
(Special Original Jurisdiction)

FRIDAY, THE 13th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 808 OF 2009

Between:

1. BOYA RAMAKRIHSNA, S/O LAKSHMANNA CULTIVATINO R/O THUMAKUNTA, HINDUPUR MANDAL ANANTAPUR DISTRICT.
2. BOYA SUBBANNAGARI LAKSHMANNA, S/O SUBBANNAGARI RAMAPA CULTIVATINO R/O THUMAKUNTA, HINDUPUR MANDAL ANANTAPUR DISTRICT.

...PETITIONER(S)

AND

1. THE STATE OF AP REP BY ITS P P, REP.BY ITS P.P. HIGH COURT OF AP., HYDERABAD.

...RESPONDENT

Counsel for the Petitioner(S):

1. KOTHAPALLI RAM MOHAN CHOWDARY
2. P VIJAYA KUMARI
3. LEGAL AID

Counsel for the Respondent:

1. PUBLIC PROSECUTOR

The Court made the following:

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 808 OF 2009

ORDER:

1. Instant Criminal Revision Case, under section 397 and 401 of the Criminal Procedure Code, 1973, has been preferred against Judgment, dated 14.05.2009, in Crl.A.No.29 of 2008 passed by learned Additional Sessions Judge, Hindupur, wherein he modified the Judgment in S.C.No.386 of 2007, dated 27.03.2008, passed by learned Assistant Sessions Judge, Hindupur.

Brief facts of prosecution case:

2. Present petitioners being accused No.1 and 2 have ill-feelings against P.W.1-Buddappa and P.W.2-Venkatesappa due to political rivalry in village. On 31.10.2006 at about 9.30 P.M., while P.W.1 and P.W.2 with some other persons were participated in a Bhajana programme in a temple. A.1 and A.2 formed into a group, armed with sickles and made galata. When P.W.2 objected them, A.1 and A.2 hacked him with sickles and caused severe bleeding injuries on the left side of cheek and neck. Said assault was witnessed by the people in the temple. Thereafter, on the report of P.W.1, Sub-Inspector of police registered a case in Crime No.87 of 2006 for the offence under sections 324, 307 r/w 34 of the Indian Penal Code against both the accused persons. After completion of investigation, police laid charge sheet, Sessions Court has taken cognizance and numbered as S.C.No.386 of 2007.

3. During trial, prosecution has produced as many as ten (10) witnesses as P.W.1 to P.W.10 and several documents were also marked as Ex.P.1 to Ex.P.13 and got marked M.O.1 to M.O.4 as material objects.

From the defence side, some discrepancies in the statements of P.W.2 and P.W.3 recorded under section 161 of the Criminal Procedure Code were marked as Ex.D.1 to Ex.D.4.

4. After hearing the parties and upon perusal of oral and documentary evidence placed on record, learned Assistant Sessions Judge, Hindupur, has recorded an order of conviction vide its judgment, dated 27.03.2008, convicting both the petitioners to be guilty for an offence punishable under section 307 of the Indian Penal Code and directed them to undergo Rigorous Imprisonment for a period of three (03) years.

5. An appeal has been preferred against such order vide Criminal Appeal No.29 of 2008. Learned Appellate Court vide its Judgment, dated 14.05.2009, modified the order of conviction and sentence from section 307 to section 324 of the Indian Penal Code, and they were sentenced to suffer Rigorous Imprisonment for a period of six (06) months for the offence punishable under section 324 of the Indian Penal Code. Hence, this Criminal Revision Case has been preferred.

6. A status report is placed on record through the Inspector of Police, Hindupur Rural (U) Police Station, Sri Sathya Sai District, Puttaparthi,

wherefrom it appears that 1st petitioner namely – Boya Ramakrishna @ S.Ramakrishna, son of Lakshmappa, died on 14.07.2014. The report also appended a death certificate of 1st petitioner.

7. Since 1st petitioner has expired, instant Criminal Revision Case against 1st petitioner is abated.

8. Report also suggests that the concerned police authority has informed to the 2nd respondent regarding pendency of the instant Criminal Revision Case. None represents 2nd petitioner before this Court. This matter is pending since the year 2009. Considering the long pendency of the matter, the Criminal Revision Case be heard on merit.

9. Heard learned Additional Public Prosecutor. Perused the impugned Judgments and order of conviction and sentence against both the accused persons.

10. On plain perusal of the impugned Judgment and Order passed by learned Trial Court, it appears that the learned Trial Court on the basis of evidence of eyewitnesses i.e., P.W.1 to P.W.5 and also on the basis of medical witness i.e. P.W.8, is of the view that the accused persons committed offence of attempt to murder, thereby, punishment was recorded under section 307 of the Indian Penal Code and conviction was recorded under section 307 of the Indian Penal Code. Further the appellate Court in respect of direct witnesses tallying with the medical evidences, is of the view that

conviction under section 307 of the Indian Penal Code is not maintainable, but it can be converted to section 324 of the Indian Penal Code. Learned, Appellate Court in its impugned Judgment in paragraphs 21, 22 and 23 has arrived at the conclusion. I have perused those paragraphs. It appears that validity of the learned appellate court in respect of direct evidence and in respect of conversion of offence from section 307 to section 324 of the Indian Penal Code, is justifiable. I find no merits in the instant Criminal Revision Case.

11. Accordingly, instant Criminal Revision Case is dismissed.

12. Order of suspension of sentence passed by this court, during pendency of this Criminal Revision Case, is hereby vacated.

13. 2nd Petitioner is directed to appear before learned Trial Court or before concerned jail authority to serve out remaining portion of sentence, within six (06) weeks from the date of passing of this Order, failing which, learned Trial Court shall issue necessary Warrant of Arrest against the 2nd petitioner to comply this order.

14. Period of incarceration, if any, undergone by 2nd petitioner during investigation, trial or appeal of this case, shall be given set off under section 428 of the Criminal Procedure Code (corresponding section 468 of B.N.S.S, 2023).

15. Since the 2nd petitioner is not representing before this Court, State is directed to intimate the petitioners regarding gist of the order.

16. Let a copy of this Order be served on the Trial Court for ready reference.

Consequently, pending miscellaneous applications, if any, shall stand closed.

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JUSTICE SUBHENDU SAMANTA

Date: 13.11.2026
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THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 808 OF 2009

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