APHC010167992009

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

FRIDAY, THE 20th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 1033/2009

Between:

1. CHATARAJUPALLI VENKATESWARLU, S/O BRAHMAIAH, NANDIGAM VILLAGE, SATTENAPALLI MANDAL, GUNTUR DIST.

...PETITIONER

AND

1. THE STATE OF A P ANOTHER, REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF A.P., HYDERABAD.
2. THE SUBINSPECTOR OF POLICE, SATTENAPALLI RURAL P.S.

...RESPONDENT(S):

Revision filed under Section 397/401 of CRPC praying that in the circumstances stated in the Memorandum of grounds filed in support of the Criminal Revision Case, the High Court may be pleased to set-aside the conviction and sentence imposed U/s. 248(2) of Cr.P.C., and sentence to undergo simple imprisonment for one year, and further to pay a fine of Rs.2,000/- and in default to under simple imprisonment of three months for the offence U/s. 498-A of IPC passed by the I Addl. Junior Civil Judge, Sattenapalli, Guntur Dist., in C.C.No.78/2005 which was confirmed by the Hon'ble II Addl. Dist. & Sessions Judge, Guntur in Crl.A.No.353/2008, dated 22.06.09.

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Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to suspend the sentence and to release the petitioner on bail for the offence U/s. 498-A of IPC on the file of I Addl. Junior

Civil Judge, Sattenapalli, Guntur Dist., in C.C.No.78/2005 which was confirmed by the Hon'ble II Addl. Dist. & Sessions Judge, Guntur in Crl.A.No.353/2008, dated 22.06.09.

Counsel for the Petitioner:

1. R DURGA LATHASRI
2. LEGAL AID

Counsel for the Respondent(S):

1. PUBLIC PROSECUTOR

The Court made the following:

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE No.1033 OF 2009

ORDER:

This instant criminal revision case has been preferred against order dated 22.06.2009, in Crl.A.No.353 of 2008, passed by learned II Additional District and Sessions Judge, Guntur, Guntur District, confirming the sentence passed by learned I Additional Junior Civil Judge, Sattenapalli, Guntur District in C.C.No.78 of 2005.

2. Brief facts of the prosecution case are that the present petitioner, along with three other persons, was arrayed as an accused in C.C.No.78 of 2005 for commission of offences punishable under Sections 498-A and 420 IPC. PW.1 is the wife of petitioner, who lodged a complaint with the Police alleging torture inflicted upon her at the matrimonial home, along with cheating.

3. Learned trial Court has found the petitioner to be guilty for an offence punishable under Section 498-A PIC. However, all the other accused persons were acquitted of the offences punishable under Sections 420 and 498-A IPC. Petitioner is directed to undergo simple imprisonment for a period of one (01) year and also to pay a fine of Rs.2,000/- for the said order of conviction was went up to appeal. Learned Appellate Court has also dismissed the appeal, by confirming the order of conviction. Hence, this criminal revision case has been filed.

4. Heard Ms. Durga Lathasri, learned Legal Aid Counsel appearing on behalf of the petitioner and Mr. Panini Somayaji, learned Additional Public Prosecutor appearing on behalf of respondent/State.

5. It appears that, only ground has raised by the petitioner in this revision is that, learned trial Court adopted inconsistent views in deciding the charges under Section 420 IPC as well as 498-A IPC. It is the main contention of the petitioner that, while the charge under Section 420 IPC was disbelieved on the basis of same facts and circumstances and evidence, but the offence under Section 498-A IPC was held to be proved.

6. I have perused the *impugned* order passed by learned trial Court. It appears that during trial, prosecution has placed nine (09) witnesses as PWs.1 to 9. Among them, PW.1 is the *de-facto* complainant/wife and other prosecution witnesses are the relatives of PW.1, but their evidences corroborated the prosecution's case. There are some allegations regarding payments made pursuant to the petitioner's demand for investing some amount in the chit fund, and the transaction of money was completed. But, learned trial Court found that there are no ingredients of deception from the inception of the transaction. Reasons thereby charge under Section 420 IPC was not said to be proved. But, allegations of physical and mental torture inflicted upon PW.1 were sufficiently proved by evidence of PWs.1 to 3.

7. I further perused the observations of the learned Appellate Court, who has justifiably scanned the evidences. Further, I came to a conclusion that the order of conviction is justified.

8. Therefore, I find no justification to interfere with the concurrent findings of learned Courts below and accordingly, instant Criminal Revision Case is ***dismissed*** as devoid of merits. Order of suspension of sentence, if any, is hereby vacated.

9. Petitioner is directed to appear before the learned trial Court or before the jail authorities to serve out remaining portion of sentence; within a period of six (06) weeks from the date of passing of this order. Failing which, learned trial Court shall take appropriate steps regarding for issuance of a non-bailable warrant against petitioner to comply with the order. Since petitioner has not appeared before this Court personally, State is directed to intimate petitioner in respect of this order.

10. Let a copy of the order be served upon learned trial Court for ready references.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUSTICE SUBHENDU SAMANTA

Dated: 20.11.2026
CVD