APHC010253792019

**IN THE HIGH COURT OF ANDHRA PRADESH**

**AT AMARAVATI** **[3641]**

MONDAY, THE 2nd DAY OF NOVEMBER 2026

**PRESENT**

**THE HONOURABLE SRI JUSTICE K SURESH REDDY**

**THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI**

**CRIMINAL APPEAL NO: 666/2019**

**Between:**

1. M.RAMANJANEYUULU, S/O.ANJAIAH, R/O. JAMMALAMADAKA, MACHERLA MANDAL, GUNTUR

**...APPELLANT**

**AND**

1. STATYE OF AP, REP. BY ITS PUBLIC PROSECUTOR, HIGH COURT OF JUDICATURE FOR THE STATE OF ANDHRA PRADESH, AMARAVATHI.

**...RESPONDENT**

**Counsel for the Appellant:**

1. VENKATA DURGA RAO ANANTHA
2. -

**Counsel for the Respondent:**

1. PUBLIC PROSECUTOR (AP)

**IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI**

***MONDAY, THIS THE SECOND DAY OF NOVEMBER***
***TWO THOUSAND AND TWENTY SIX***

**SPECIAL DIVISION BENCH**

**PRESENT**

**THE HONOURABLE SRI JUSTICE K SURESH REDDY**
**AND**
**THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI**

**CRIMINAL APPEAL NO: 666 of 2019**

**JUDGMENT** :- *(Per the Hon'ble Sri Justice K.Suresh Reddy)*

Sole accused in Sessions Case No.88 of 2015 on the file of the Court of V Additional District & Sessions Judge-cum-Special Judge for Trial of Offences against Women, Guntur, is the appellant. He was tried by the learned Additional Sessions Judge under Sections 302, 376 and 404 IPC.

Initially, a charge under Section 302 IPC was framed against the accused on 28.09.2015. Subsequently, on 21.08.2017, two additional charges under Sections 376 and 404 IPC were framed against him.

**2.** Substance of the charge is that, on 14.10.2011, the accused committed rape on Koppuravuri Lakshmi Kumari (hereinafter referred to as "the deceased") and, thereafter, stabbed her with a knife, causing

her death, and also removed gold ornaments (M.Os.1 to 7) from her dead body, thereby committed the offences punishable under Sections 302, 376 and 404 IPC**.**

**3.** After completion of trial, learned Additional Sessions Judge convicted the accused under Section 302 IPC and sentenced him to suffer Rigorous Imprisonment ***'FOR LIFE TILL HE IS ALIVE'*** and also to pay a fine of Rs.2,000/- in default, to suffer Simple Imprisonment for a period of six (6) months. However, the learned Additional Sessions Judge acquitted the accused under Sections 376 and 404 IPC.

**4.** Case of the prosecution, as emanated from the evidence of prosecution witnesses, briefly, is as follows:

**i)** Originally, the accused is resident of Jammalamadaka Village, Macherla Mandal. All the material prosecution witnesses are residents of Vinukonda Town. The deceased was also resident of Vinukonda Town. P.W.2 is husband and P.W.3 is cousin of the deceased respectively. As the deceased and P.W.2 had no children, they adopted a son, who was aged about 12 years.

**ii)** P.W.2 was carrying on business in pickles and disposable items at Vinukonda, and the deceased used to assist him in the said business. The accused was working as a clerk in the wholesale shop of P.W.4, situated near the shop of P.W.2. With an intention to steal the jewellery worn by the deceased, the accused used to visit her shop and engage her in conversation.

**iii)** The deceased was a member in Pearls Chit Fund Company Limited, Vijayawada. As the chit had matured, she intended to visit office of the said company at Vijayawada to collect the cheque towards the maturity amount. Accordingly, on 14.10.2011, at about 09:00 a.m., she informed P.W.2 of her intention to go to Vijayawada and obtained his permission to collect the said cheque.

**iv)** At the time of leaving Vinukonda, the deceased was wearing M.Os.1 to 7. P.W.2 advised her to meet P.W.3 at Narasaraopet and proceed to Vijayawada along with him. However, the deceased did not meet P.W.3 and proceeded without him. She did not return home on that day.

**v)** While so, on 15.10.2011, at about 02:00 p.m., P.W.1, Village Revenue Officer of Nallapadu, came to know that the dead body of a woman was lying on the western side of St. Joseph's College, opposite Loyola Public School. Immediately, he proceeded to the said place along with his staff and found the dead body of a woman, aged about 36 to 40 years. He noticed injuries on her neck and throat. Thereafter, he went to the police station and lodged a report.

**vi)** P.W.9, Sub-Inspector of Police, Nallapadu Police Station, received Ex.P1-report from P.W.1 and registered a case in Crime No.510 of 2011 under Section 302 IPC. He issued copies of FIR to all the concerned. FIR was marked as Ex.P18. Further, investigation was

taken over by P.W.10, the then Inspector of Police, Medikonduru Police Station.

**vii)** Having received copy of FIR, P.W.10 proceeded to Nallapadu Police Station, secured the presence of P.W.1 and recorded his statement. Thereafter, P.W.10, along with P.W.1 and another, went to the scene of offence and got the scene photographed through P.W.6. Photographs were marked as Ex.P13. He prepared a rough sketch-Ex.P19 at the scene of offence. He also prepared an observation report-Ex.P2 at the scene of offence. He also seized M.Os.10 to 18 from the scene of offence. He sent the dead body to Government General Hospital, Guntur.

**viii)** On 16.10.2011, P.W.12, the then Inspector of Police, Nallapadu Police Station, took up further investigation. On 17.10.2011, P.W.2 approached P.W.12 and informed him that he had identified the dead body of the deceased from a newspaper report. Thereafter, P.W.12, along with P.W.2, went to the mortuary of Government General Hospital, Guntur, and held inquest over the dead body in the presence of P.W.7 and another. Inquest report was marked as Ex.P14. Thereafter, he examined and recorded statements of the prosecution witnesses, including P.Ws.3 to 5.

**ix)** On 25.10.2011, on receipt of credible information, P.W.12, along with mediator-P.W.1 and another, proceeded to Macherla and

apprehended the accused near Park Centre. He seized gold ring (M.O.1) from the possession of the accused under a cover of panchanama-Ex.P3. On the same day, at about 11.00 p.m., pursuant to the confession made by the accused, P.W.12, along with P.W.1 and another, proceeded to the house of the father-in-law of the accused, situated at Kothapalvai Village, and seized M.Os.2 to 9 under a cover of panchanama.

**x)** On 26.11.2015, at about 07.30 p.m., P.W.12 visited the scene of offence and seized the knife (M.O.20) under a cover of panchanama- Ex.P10. Thereafter, P.W.12 returned to the police station and arrested the accused who was remanded to judicial custody. He also sent the material objects to the RFSL for examination. RFSL report was marked as Ex.P16.

**xi)** In the meanwhile, P.W.12 sent the dead body for postmortem examination. P.W.8, Assistant Professor, Guntur Medical College, conducted autopsy over the dead body. He opined the cause of death was due to multiple stab injuries to the neck, associated with recent forcible sexual intercourse. He issued postmortem certificate-Ex.P15, and the final opinion- Ex.P17.

**xii)** After collecting all documents and after completion of investigation, P.W.12 filed charge sheet.

**5.** In support of its case, the prosecution examined PWs.1 to 12 and marked Exs.P1 to P21 and exhibited MOs.1 to 20. On behalf of the defence, Ex.D1, portion of statement recorded under Section 161 Cr.P.C., was marked.

**6.** When the accused was examined under Section 313 Cr.P.C., he denied the incriminating evidence appearing against him. Accepting the evidence of P.Ws.2 to 5 coupled with the evidence of P.W.1, the learned Additional Sessions Judge, convicted the accused as aforesaid.

**7.** Heard Sri Venkata Durga Rao Anantha, learned counsel for the appellant and Sri C.Panini Somayaji, learned Additional Public Prosecutor for the respondent/State.

**8.** Learned counsel for the appellant contends that there are no eyewitnesses to the incident and that the prosecution case rests entirely on the basis of circumstantial evidence. He further contends that the prosecution has failed to establish even a single circumstance connecting the appellant with the alleged offence. According to him, the prosecution has also failed to establish, even prima facie, that the deceased was last seen in the company of the appellant. Learned counsel further contends that, though the deceased had been missing since 14.10.2011, her husband, P.W.2, did not choose to lodge any report before the police till 17.10.2011. He contends that, except the

so-called recovery of M.Os.1 to 7 on 25.10.2011, there is no other material connecting the appellant with the alleged offence. He further contends that the incident took place at Nallapadu, whereas M.Os.1 to 7 were recovered at Macherla, which is situated at a distance of about 120 kilometres from Nallapadu. Learned counsel for the appellant contends that P.W.12, Investigating Officer, took the assistance of P.W.1, Village Revenue Officer of Nallapadu, and took him to Macherla, as though no Village Revenue Officer was available in Macherla town. As such, learned counsel for the appellant requests this Court to allow the appeal by setting aside the conviction and sentence recorded by the learned Additional Sessions Judge.

**9.** On the other hand, learned Additional Public Prosecutor opposed the appeal, contending that M.Os.1 to 7, being the gold jewellery belonging to the deceased, were recovered at the instance of the appellant pursuant to his confessional statement. He further contends that the appellant has failed to offer any explanation for his possession of M.Os.1 to 7, belonging to the deceased, if he had not committed the offence. As such, he requests this Court to dismiss the appeal by confirming the conviction and sentence recorded by the learned Additional Sessions Judge.

**10.** We have carefully scrutinized the entire evidence on record.

**11.** P.W.1 is the Village Revenue Officer of Nallapadu, who set the criminal law into motion. In his evidence, P.W.1 merely stated that, on coming to know about the presence of a female dead body on the western side of Saint Joseph College, he went to the police station and lodged a report- Ex.P1.

**12.** So far as P.W.2 is concerned, he is none other than the husband of the deceased. In his evidence, P.W.2 stated that, on 14.10.2011 at about 9.00 a.m., the deceased left for Pearls Chit Fund Company Limited, Vijayawada, to collect the matured chit amount. He further stated that he had advised the deceased to take P.W.3, who was at Narasaraopet, along with her while proceeding to Vijayawada. However, the deceased did not visit the house of P.W.3. P.W.2 further deposed that, on 17.10.2011, after seeing the photograph of the deceased in a newspaper, he went to meet P.W.12, investigating Officer. However, P.W.2 did not lodge any report with the police.

**13.** P.W.3 is cousin of the deceased. His evidence does not in any manner advance the case of the prosecution and is confined to the fact that they searched the surrounding areas to ascertain the whereabouts of the deceased.

**14.** P.W.4 is owner of a shop situated adjacent to the shop of P.W.2. In his evidence, he stated that the accused had worked in his shop as

a clerk. His evidence, however, does not in any manner advance the case of the prosecution.

**15.** P.W.5, a resident of Vinukonda town, stated in his evidence that, on the fateful day, at about 9.00 a.m., he saw the deceased boarding bus at Vinukonda to proceed to Vijayawada. He further stated that the accused also boarded the same bus while it was in motion. Of course, apart from the accused and the deceased, several other passengers were travelling in the said bus. There is no evidence on record as to what transpired thereafter till 17.10.2011. It was only on 17.10.2011 that P.W.2 approached P.W.12, Investigating Officer, and stated that he could identify the dead body of the deceased from the photograph published in the newspaper.

**16.** Thereafter, P.W.12 apprehended the accused on 25.10.2011 and recovered M.Os.1 to 7, gold jewellery, at the instance of the accused at Macherla. P.W.12, in his evidence, stated that he had taken P.W.1, Village Revenue Officer of Nallapadu, along with him to Macherla to act as a mediator for seizure of M.Os.1 to 7. Thus, P.W.1 was brought all the way from Nallapadu to Macherla to act as a mediator for all practical purposes.

**17.** According to the prosecution, the appellant committed theft of jewellery belonging to the deceased for the sake of money. In such

circumstances, it is highly improbable that, after committing theft of M.Os.1 to 7 from the deceased, the accused would have kept the said jewellery at his father-in-law's house without making any attempt to dispose of the same.

**18.** Further, the prosecution placed reliance on the evidence of P.W.5 to establish that the deceased was last seen in the company of the accused. However, P.W.5 never stated that the deceased and the accused were travelling together in the bus. He merely stated that, while the bus in which the deceased was travelling was in motion, the accused also boarded the same bus. P.W.5, in his evidence, admitted that he had not stated this fact before P.W.12, the Investigating Officer, during the course of investigation. Thus, P.W.5 introduced this fact for the first time before the Court by stating that he had seen the accused boarding the very same bus. As already pointed out, there is no evidence to show that the deceased and the accused were travelling together or were seen in each other's company. As such, the said circumstance does not, in any manner, incriminate the appellant or connect him with the commission of the offence.

**19.** So far as recovery of M.Os.1 to 7 is concerned, we are not inclined to place any reliance on the same. As already observed, it is highly improbable to accept that the accused, after committing theft of the jewellery, would have kept the same at his father-in-law's house

without making any attempt to dispose them. Further, the Investigating Officer did not secure the assistance of any local person from Macherla town at the time of seizure of M.Os.1 to 7, but instead brought P.W.1, Village Revenue Officer of Nallapadu, to act as a mediator. Having regard to these circumstances, we are not inclined to place any reliance on the alleged recovery of M.Os.1 to 7 at the instance of the accused.

**20**. Further, the learned Additional Sessions Judge acquitted the appellant for the offence punishable under Section 404 IPC. In view of the said acquittal, and having regard to the infirmities in the alleged recovery, as discussed supra, the said recovery cannot be treated as a reliable circumstance to connect the appellant with the commission of the offence under Section 302 IPC. Thus, the prosecution has failed to establish the circumstances relied on by it beyond reasonable doubt. Consequently, the conviction and sentence recorded by the learned Additional Sessions Judge against the appellant are liable to be set aside.

2**1.** In the result, the Criminal Appeal is allowed and the conviction and sentence recorded by the learned V Additional District & Sessions Judge-cum-Special Judge for Trial of Offences against Women, Guntur under Section 302 IPC against the appellant in Sessions Case No.88 of 2015 *vide* judgment dated 17.12.2018 is hereby set aside and he is

acquitted of the offence under Section 302 IPC. Fine amount if any paid by the appellant shall be refunded to him. As the appellant/accused was already released on bail by order, dated 12.09.2024, *vide* I.A. No.2 of 2024 in terms of the order, dated 02.11.2016, passed by the Combined High Court in ***Batchu Rangarao and others Vs The State of Andhra Pradesh (Crl.A.M.P.No.1687 of 2016 in Crl.A.No.607 of 2011***), his bail bonds shall stand cancelled.

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

**K.SURESH REDDY,J**

**PURUSHOTTAM KUMAR CHINTALAPUDI,J**

Date: 02.11.2026
Asr

**THE HON'BLE SRI JUSTICE K.SURESH REDDY**

**AND**

**THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI**

**JUDGMENT**

**Criminal Appeal No.666 of 2019**

*(per Hon'ble Sri Justice K.Suresh Reddy)*

Date: 02.11.2026
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