APHC010318302019

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3521]**
(Special Original Jurisdiction)

MONDAY, THE 2nd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL REVISION CASE NO: 1046/2019

Between:

1. KATTA VENKATESWARLU, S/O. NAGESWARA RAO, AGE 38 YEARS, R/O. KURRAVANIPALEM VILLAGE, KORISAPADU MANDAL, PRAKASAM DISTRICT

...PETITIONER

AND

1. STATION HOUSE OFFICER, KORISAPADU P.S., PRAKASAM DISTRICT AND THE STATE REP. BY IT'S PUBLIC PROSECUTOR, HIGH COURT AT AMARAVATI.
2. K PADMA, (CRIME NO.34 OF 2018 OF KORISAPADU POLICE STATION, PRAKASAM DISTRICT) RESPONDENT NO.2 IS IMPLEADED AS PER THE COURT ORDER DATED 24.08.2026 IN CRL.R.C.NO.1046 OF 2019.

...RESPONDENT(S):

Counsel for the Petitioner:

1. G VENKATA REDDY

Counsel for the Respondent(S):

1. PUBLIC PROSECUTOR (AP)
2. SHAIK MUKTHIYAR

The Court made the following:
ORDER:

Criminal Revision Case has been preferred under Sections 397 and 401 of the Code of Criminal Procedure (for brevity 'the Cr.P.C.'), challenging the impugned Judgment dated 03.12.2018 passed in Crl.A.No.284 of 2018 on the file of the learned Principal District and Sessions Judge, Prakasam at Ongole, whereby and whereunder, the conviction and sentence imposed by the learned Additional Judicial Magistrate of First Class, Addanki, in C.C.No.332 of 2018, dated 01.10.2018, were confirmed. The Petitioner was sentenced to imprisonment for a period of two years for the offence under Section 324 of the Indian Penal Code (for brevity, 'the I.P.C.') and two years for the offence under Section 506 of 'the I.P.C'.

2. Respondent No.2 is produced before this Court by the staff of Korisapadu Police Station. She expresses her inability to engage a Counsel. Therefore, Sri Shaik Mukthiyar is appointed as Legal Aid Counsel for Respondent No.2. The Secretary, High Court Legal Services Committee, is directed to issue necessary proceedings in this regard.

3. The learned Counsel for the Petitioner submits that Respondent No.2 intends to compromise the case with the Petitioner, as the Petitioner is none other than her own son and is looking after her welfare. Respondent No.2 submits that the Petitioner is suffering from health ailments and is unable to move due to pain in his legs.

4. The learned Counsel for the Petitioner further submits that the Petitioner was earlier in judicial custody from 13.06.2026 to 01.10.2026 for a period of

three and a half months. The learned Assistant Public Prosecutor submits that, pursuant to the execution of the Non-Bailable Warrant, the Petitioner has been in judicial custody since 07.10.2026.

5. Sri G. Venkata Reddy, the learned counsel for the Petitioner, while reiterating the grounds of the Criminal Revision Case, submits that the Petitioner suffered some injuries in an accident and is unable to move properly. He further submits that the Petitioner has been in judicial custody since 07.10.2026. In view of the compromise arrived at between the Petitioner and Respondent No.2, he urged this Court to dispose of the Criminal Revision Case by sentencing the Petitioner to the period of imprisonment already undergone by him.

6. *Per contra*, Mr. A. Sai Rohit, the learned Assistant Public Prosecutor, and Sri Shaik Mukthiyar, the Legal Aid Counsel for Respondent No.2, opposed the Criminal Revision Case on the ground that the prosecution had proved the guilt of the Petitioner beyond all reasonable doubt and that the grounds raised in the Criminal Revision Case are unsustainable. Hence, they prayed to dismiss the present Criminal Revision Case.

7. Heard the learned Counsel for Petitioner, the learned Legal Aid Counsel for Respondent No.2, and the learned Assistant Public Prosecutor.

8. Thoughtful consideration is bestowed on the arguments advanced by the learned counsel for both sides. I have perused the entire record.

9. Now the point for consideration is:

> *"Whether the impugned Judgment dated 03.12.2018 passed in Crl.A.No.284 of 2018 on the file of the Principal District and Sessions*

> *Judge, Prakasam at Ongole, is correct, legal, and proper with respect to its finding, sentence, or judgment, and there are any material irregularities? And to what relief?"*

10. In order to prove the guilt of the Petitioner beyond all reasonable doubt, the prosecution examined as many as six witnesses and marked Exs.P1 to P6. No exhibits were marked on behalf of the Petitioner, nor were any witnesses examined on his behalf.

11. As mentioned supra, the learned Trial Court convicted and sentenced the Petitioner for the offences punishable under Sections 324 and 506 of 'the I.P.C.' The Petitioner preferred an appeal against the said judgment, but the appeal was dismissed. The learned Appellate Court, in its judgment, had clearly dealt with all the grounds raised by the Petitioner in the present revision case. There is no material irregularity in the judgments rendered by the learned Trial Court and the learned Appellate Court, nor is there any miscarriage of justice. This Court is not inclined to re-appreciate the evidence of the prosecution witnesses by sitting as a second Appellate Court.

12. While deciding a Criminal Revision Case, it is apposite to refer the Hon'ble Apex Court in **Bindeshwari Prasad Singh v State of Bihar**[1] wherein at Paragraph No.13 it is held as under:

> *"13. ... In the absence of any legal infirmity either in the procedure or in the conduct of the trial, there was no justification for the High Court to interfere in exercise of its revisional jurisdiction. It has repeatedly been held that the High Court should not re-appreciate the evidence to reach a finding different from the trial Court. In the absence of manifest illegality resulting in grave miscarriage of justice, exercise of revisional jurisdiction in such cases is not warranted."*

[1] (2002) 6 SCC 650

13. The Hon'ble Supreme Court in **D Stephens v Nosibolla**[2] at Paragraph No.10 held as under:

> *"The revisional jurisdiction conferred on the High Court under S. 439, Cr.P.C., is not to be lightly exercised, when it is invoked by a private complainant against an order of acquittal, against which the Govt. has o right of appeal under S. 417. It could be exercised only in exceptional cases where the interests of public justice require interference for the correction of a manifest illegality, or the prevention of a gross miscarriage of justice. This jurisdiction is not ordinarily invoked or used merely because the lower court has taken a wrong view of the law or mis-appreciated the evidence on record."*

14. The Hon'ble Apex Court in **K Chinnaswamy Reddy v State of AP**[3], at Paragraph No.7 held as under:

> *"7. It is true that it is open to a High Court in revision to set aside an order of acquittal even at the instance of private parties, though the State may not have thought fit to appeal; but this jurisdiction should in our opinion be exercised by the High Court only in exceptional cases, when there is some glaring defect in the procedure or there is a manifest error on a point of law and consequently there has been a flagrant miscarriage of justice. Sub-section (4) of S. 439 forbids a High Court from converting a finding of acquittal into one of conviction and that makes it all the more incumbent on the High Court to see that it does not, convert the finding of acquittal into one of conviction by the indirect method of ordering retrial when it cannot itself directly convert a finding of acquittal into a finding of conviction. This places limitations on the power of the High Court to set aside a finding of acquittal in revision and it is only in exceptional cases that this power should be exercised. It is not possible to lay down the criteria for determining such exceptional cases which would cover all contingencies. We may, however, indicate some cases of this kind which would in our opinion justify the High Court in interfering with a finding of acquittal in revision. <u>These cases may be: where the trial court has no jurisdiction to try the case but has still acquitted the accused, or where the trial court has wrongly shut out evidence which the prosecution wished to produce. or where the appeal court has wrongly held evidence which was admitted by the trial court to be inadmissible, or where material evidence has been overlooked either by the trial court or by the appeal court, or where the acquittal is based on a compounding of the offence, which is invalid under the law</u>. These and other cases of similar nature can properly be held to be cases of exceptional nature, where the High Court can justifiably interfere with an order of acquittal; an in such a case it is obvious that it cannot be said that the High Court was doing indirectly what it could not do directly in view of the provisions of S. 439 (4). We have, therefore, to see whether the order of the High Court setting aside the order of acquittal in this case can be upheld on these principles."*

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[2] AIR 1951 SC 196

[3] AIR 1962 SC 1788

15. Keeping in view of all the principles laid down in the judgments referred *supra,* I shall proceed to decide this Revision Case without there being any *iota* of re-appreciation of evidence by sitting like a Second Appellate Court. Therefore, appreciation of the evidence is not practically possible and feasible.

16. Considering the facts and circumstances of the case and the nature of the evidence available against the Petitioner, this Court is not inclined to interfere with the convictions recorded against the Petitioner for the offences punishable under Sections 324 and 506 of 'the I.P.C.' Accordingly, the convictions are hereby confirmed. However, the Petitioner was in judicial custody from 13.06.2018 to 01.10.2018. Subsequently, as the Petitioner failed to appear before this Court, a Non-Bailable Warrant was issued against him, which was executed on 07.10.2026. Thereafter, he was in judicial custody in the District Jail for a period of three and a half months.

17. Respondent No.2, who is none other than the mother of the Petitioner, is present before this Court. She submits that the Petitioner met with a road accident and is unable to move properly. She further submits that there is a change in the attitude of the Petitioner and that he is repenting for his conduct. Be that as it may, no similar previous adverse antecedents have been reported against the Petitioner. The learned Trial Court as well as the learned Appellate Court have also not referred to any previous adverse antecedents culminating in convictions for offences of a similar nature.

18. Considering the facts and circumstances of the case, the Criminal Revision Case is disposed of by sentencing the Petitioner to the period of

imprisonment already undergone by him, while confirming the convictions recorded against him. The Petitioner shall be released forthwith, if he is not required in any other case.

19. Accordingly, the Criminal Revision Case is disposed of. There shall be no order as to costs.

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

DR. Y. LAKSHMANA RAO, J

Date: 02.11.2026
KMS

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL REVISION CASE No.1046 of 2019

Date:02.11.2026

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