SS,J
Crl.R.C.No. 1109 of 2009
Dated 18.11.2026

APHC010326282009

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

WEDNESDAY, THE 18th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 1109 OF 2009

Between:

1. K.RANGANATHAPPA, S/O RANGADHAMAPPA, CULTIVATION R/O BUDDAIAHPALYAM, MADAKASIRA MANDAL, ANANTHAPURA DIST.

...PETITIONER

AND

1. THE STATE OF A P, REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF A.P., HYDERABAD.

...RESPONDENT

Counsel for the Petitioner:

1. PALLE SRINIVASA REDDY

Counsel for the Respondent:

1. PUBLIC PROSECUTOR

The Court made the following:

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 1109 OF 2009

ORDER:

1. Instant Criminal Revision Case has been preferred by the Petitioner under Sections 397 and 401 of the Criminal Procedure Code, 1973, against Judgment, dated 18.06.2018 passed in Crl.A.No.68 of 2008 by the learned Additional Sessions Judge, Hindupur, wherein and where under he modified order of conviction and sentence passed vide Judgment, dated 10.07.2008, in S.C.No.312 of 2007 by learned Assistant Sessions Judge, Hindupur.

2. The petitioner was arrayed as an accused before the learned Trial Court for commission of offence under sections 324 and 354 of the Indian Penal Code (I.P.C). Both the courts below are on concurrent finding in respect of offence punishable under section 354 and 324 of the Indian Penal Code. Challenging the said concurrent finding, instant criminal revision case has been preferred.

3. **Brief facts of the prosecution case:** On 17.12.2006 at about 6.00 P.M., while P.W.1 cleaning utensils in front of her house, accused came there with an intention to outrage her modesty and tried to trespass into the house. When she questioned about his trespass, then, the accused informed his intention and put his hands on her chest and pulled, due to which, she received

bleeding injuries on her chest. Accused also caught hold of her tuft and dragged her and when she cried, the accused pulled her ear, due to which she received injury. On hearing her cries neighbours came there, rescued her from the hands of accused, accused fled away from the place of offence. A report was received on 20.12.2006 by police, on the basis of which, crime No.117 of 2006 for the offence under sections 324 and 354 of the Indian Penal Code was registered. Investigation of police ended in charge sheet.

4. During trial, on behalf of prosecution seven (07) witnesses were examined as P.W.1 to P.W.7. Report and other documents were marked as Ex.P.1 to Ex.P.5.

On behalf of decence none were examined. Some contradictions in the statements of prosecution witnesses were marked as Ex.D.1 to Ex.D.4.

5. After recording evidences and after hearing of parties, learned trial court found the petitioner to be guilty for the offence punishable under sections 354 and 324 of the Indian Penal Code and sentenced him to suffer Rigorous Imprisonment for a period of seven (07) years for the offence punishable under section 354 of I.P.C., and also further sentenced to undergo Rigorous Imprisonment for a period of three (03) years for the offence punishable under section 324 of I.P.C. Both the sentences were ordered to run concurrently.

6. The order of conviction was challenged before the learned appellate Court i.e., Additional Sessions Judge, Hindupur. Learned Appellate Court, after hearing the parties, by passing the impugned Judgment, is of the view that the conviction under sections 354 and 324 of I.P.C., are maintainable, but imposition of sentence is on higher side, and it was modified. The conviction recorded against appellant-accused to suffer rigorous imprisonment for seven (07) years for the offence under section 354 of I.P.C., is reduced into rigorous imprisonment for two (02) years; and further the conviction to suffer rigorous imprisonment for three (03) years for the offence under section 324 of I.P.C., is reduced into rigorous imprisonment for six (06) months. The conviction and sentence recorded on both counts was ordered to run concurrently, with the benefit of set-off under section 428 of Cr.P.C. Hence, this Revision Case has been preferred.

7. **Submissions of learned counsel for petitioner:** Sri Palle Srinivasa Reddy, learned counsel for Petitioner, submits that the learned courts below have failed to appreciate the facts and circumstances of this case. Admittedly, there was three (03) days delay in lodging the F.I.R. Alleged offence was committed on 17.12.2006 and the report – Ex.P.1 was lodged to the police on 20.12.2006. Prosecution has not explained such inordinate delay. He further submits that if a crime was reported to the police with delay, there may every chance of concoction and exaggeration of facts. There was admitted enmity

between petitioner and accused and therefore, the petitioner was falsely implicated in this case. He further submits that the alleged incident happened in the year 2006. Already, 20 years has been elapsed. Petitioner has suffered immense due to long pendency of the criminal litigation, rather, he has also suffered incarceration during the enquiry, investigation and trial period, thereby, he prayed for leniency.

8. **Submission of the State:** Learned Additional Public Prosecutor - Sri Panini Somayaji, submits that the delay in lodging F.I.R., has been properly explained by P.W.1 in her evidence before learned Trial Court, as well as in Ex.P.1 it was also narrated properly. It has been specifically taken note of by learned Trial Court that due to the fear of accused, she could not go to the police station, immediately, to lodge a report against the accused. During trial, P.W.1 has stated the same fact that she has been subjected to the cross examination by defence. Her credibility was not disturbed on that point. Learned Additional Public Prosecutor further argued that learned Appellate Court has also taken note of that point and is of the view that the delay in lodging F.I.R., is not fatal to the prosecution case.

9. **Observation of this Court:** In this case, there are concurrent findings by the Courts below for commission of offence by petitioner under sections 354 and 324 of I.P.C., for outraging modesty of a women and causing

grievous hurt, has been reported to the police by Ex.P.1. The victim i.e., woman whose modesty bas been outraged has deposed as P.W.1. The only question whether three (03) days delay in lodging the F.I.R., has been properly explained by the prosecution. In Ex.P.1, the victim has narrated to the police that on the next day morning when she was about to give report to police, accused threatened her with dire consequences to kill her and on fear, she did not go to the police station to give report, she remained in her house; on the next day and on the third day, she along with her husband went to the Madakasira Police Station to give report to the police. Report of P.W.1 was marked as Ex.P.1. Said fact was properly narrated by P.W.1 in her evidence before the Trial Court as P.W.1. P.W.1 was thoroughly cross examined by defence. The fact regarding delay in lodging F.I.R., was sufficiently corroborated by the prosecution through P.W.1 statement.

10. In a criminal revision case, when appreciation of evidence is in question, the High Court in exercising jurisdiction in criminal revision is only to look into the finding of learned Trial Court and the Appellate Court regarding their finding of analyzing evidentiary value regarding facts. Basically, in a criminal revision, the High Court should not interfere with the factual finding of the Courts below, unless and until it can be shown that the observation of learned Trial

Court and the Appellate Court are palpably illegal and pervasive, which resulted to miscarriage of justice.

11. The Hon'ble Supreme Court in **Criminal Appeal No. 554 of 1995** in **State of Kerala –Vs. Puttumana Illath Jathavedan Namb**oodiri, with **SLP (Crl.) No.1466 of 1994** in **Managing Director, Western India Plywoods -vs. Puthumana Illath Jathavedan Namboodiri, decided on 11.02.1999**[1] at para No.5 of the judgment held as follows:

> 5. …… In Its revisional jurisdiction, the High Court can call for and examine the record of any proceedings for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order. In other words, the jurisdiction is one of Supervisory Jurisdiction exercised by the High Court for correcting miscarriage of justice. But the said revisional power cannot be equated with the power of an Appellate Court nor can it be treated even as a second Appellate Jurisdiction. Ordinarily, therefore, it would not be appropriate for the High Court to re-appreciate the evidence and come to its own conclusion on the same when the evidence has already been appreciated by the Magistrate as well as the Sessions Judge in appeal, unless any glaring feature is brought to the notice of the High Court which would otherwise tentamount to gross miscarriage of justice. ……..”

In view of the law laid down by the Hon'ble Supreme Court, it appears that in this particular case, learned Trial Court as well as learned Appellate Court has not committed error in analyzing the delay in lodging report. Thus, in my view, the contention raised by learned Counsel for petitioner has got no merit to entertain. Instant Criminal Revision Case appears to be meritless and the same is liable to be dismissed. The conviction and sentence passed by learned Appellate Court is hereby maintained.

[1] (1999) 2 SCC 452

12. It is argued by learned Counsel for petitioner that the petitioner being accused has suffered immense, due to long pendency of the dispute due to instant Criminal Revision Case. Admittedly, the litigation is running since the year 2006. Already, 20 years has been elapsed; the petitioner convicted for an offence of outraging the modesty of a women and causing grievous hurt. The offence of outraging modesty of a woman is a heinous offence to the society. Offence of such nature did not deserve leniency. In my view, the learned Appellate Court has already considered and sentence has been reduced from seven (7) years to three (3) years for the offence under section 354 of IPC and also reduced from three (3) years to six (06) months for the offence under section 324 of IPC. Hence, I find no justification to further interfere and take leniency.

13. Accordingly, Criminal Revision Case is dismissed.

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

15. 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 petitioner to comply this order.

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

17. 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: 18.11.2026
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THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

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