IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

MONDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL APPEAL NO: 277 OF 2013

Appeal filed under Section 374(2) of Cr.P.C against the judgment dated 31-12-2012 Passed in SC No.510/2011 on the file of the Court of the V Additional District and Sessions Judge (Fast Track Court) Ranga Reddy District.

Between:

Vadee Lazar , Lazarous, S/o Mobaiah, Occ: Watchman at a Newly Constructing Apartment New Maruthi Nagar Colony Virat Nagar, Jillellaguda Saroornagar Mandal Ranga Reddy District. **...Appellant/Accused**

AND

The State of AP., Rep by its Public Prosecutor High Court of AP., Hyderabad through SHO., Meerpet Cyberabad Ranga Reddy District.

...Respondent/Complainant

Counsel for the Appellant : Sri G. Gnana Raghav Amicus Curiae

Counsel for the Respondent : Sri D. Arun Kumar Additional Public Prosecutor

The Court delivered the following:

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE SMT.JUSTICE TIRUMALA DEVI EADA

CRIMINAL APPEAL No.277 of 2013

Date:20.04.2026

Between:

Vadee Lazar @ Lazarous

... Appellant /complainant

And

The State of A.P.,
Rep. by the Public Prosecutor,
High Court of A.P.,
Through SHO, Meerpet,
Cyberabad, Ranga Reddy District.

... Respondent

JUDGMENT:

This Criminal Appeal is filed by the appellant-accused aggrieved by the judgment dated 31.12.2012 passed in SC No.510 of 2011 by the V Additional District & Sessions Judge (Fast Track Court), Ranga Reddy District.

2. Heard Sri G. Gnana Raghav, learned *Amicus Curiae* appearing for the appellant and Sri D. Arun Kumar, learned Additional Public Prosecutor for the respondent-State.

3. The case of the prosecution is that that on 02.09.2011 at 10.30 p.m., while the victim girl, who is aged 10 years, was present at Ganesh Pandal near their house, an unknown person approached and

enticed her to accompany him, by offering a biscuit packet to a nearby apartment, which is under construction, where he removed her garments and attempted to assault her sexually. It is alleged that upon hearing her hues and cries, the neighbours gathered and rescued her and some of them have beaten the offender as a result of which, he sustained minor injuries and that the elder of the colony prevented them from attacking the accused and called the police. Upon enquiry, the unknown person was identified as one Lazarus, aged 25 years.

3.1. On the complaint given by the father of the victim i.e. PW.1, the police registered Crime No.423 of 2011 for the offence under Section 354 against the said Lazarus. After thorough investigation, the police filed charge sheet and cognizance of the offence was taken and the case was committed to the court of V Additional District & Sessions Judge, (Fast Track Court), Ranga Reddy District for trial.

3.2. To substantiate its case, the prosecution has examined PWs.1 to 6 and marked Exs.P1 to P10. No evidence was adduced by the defence. Based on the evidence on record, the trial court has convicted the accused for the offence under Section 354 IPC and sentenced him to undergo simple imprisonment for five years and to pay a fine of Rs.500/-, in default to suffer imprisonment for three months for the said offence. Aggrieved by the said judgment of

conviction and sentence, the present appeal is preferred by the appellant.

4. Perused the record.

5. Learned counsel for the appellant-accused has submitted that there are many improvements in the evidence of PWs.1 to 4 and that there is no probability of the alleged incident to have occurred. He further has submitted that if all the allegations of the prosecution are believed to be true, the place of offence is an under construction building and that if the accused have taken the victim to the third floor of the premises, there is no possibility of the people staying in the ground floor to hear the hues and cries of the victim girl, which is highly improbable and that the said fact is also admitted by PW.4. He further has submitted that the victim has stated that she was handed over to her Aunt immediately after the incident and the said Aunt is not examined by the prosecution, who would be a crucial witness and that the apparel of the victim also were not seized by the police. Just because of the enmity of the father of the victim with the accused, he has filed a false case against the accused and that the chain of events is not closely linked so as to connect the accused with the alleged crime. Further, the victim was not at all a minor and that the case of the prosecution itself is false and hence, prayed to acquit the accused.

He relied upon the decision of the High Court of Madhya Pradesh at Jabalpur in **Rammu @ Ramlal v. The State of M.P.**[1]

6. The learned Additional Public Prosecutor has submitted that the prosecution could prove the offences alleged against the accused beyond reasonable doubt. He further submitted that the contents of the complaint are well corroborated by the evidence of PWs.1 to 4. The evidence of the victim is enough to convict the accused and that her evidence is also corroborated with the evidence of the other witnesses on record and the trial court has rightly convicted the accused and therefore, he prayed to uphold the same.

7. Now, the points that arise for consideration are:

1. Whether the prosecution could prove the offence under Section 354 IPC against the appellant beyond reasonable doubt?

2. Whether the conviction and sentence passed by the trial court are sustainable in law and under the facts?

3. To what relief?

POINT No.1:

8. The appellant-accused is facing the allegations for the offence under Section 354 IPC. The said Section is extracted hereunder for the sake of reference:

[1] **Crl.A. No.1573 of 2003 decided on 30.04.2024**

"354. Assault or criminal force to woman with intent to outrage her modesty.—

Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to five years, and shall also be liable to fine."

9. The victim girl is examined as PW.3. She is aged 10 years as on the date of her examination i.e. on 28.08.2012 and the offence is alleged to have occurred one year prior to her date of examination. PW.3 stated clearly in her evidence that during the last year Ganesh festival she was attending pooja at the Ganesh Pandal in their locality and after taking prasadam while she was returning to her house, the accused called her and told her that biscuits and cooked rice are ready in his house and that if she accompanies him, he would give the same to her. He took her to the apartment nearby and that he made her naked and lay on the ground and fell upon her. She raised hue and cry and after biting the hand of the accused, she ran down to the stair case by shouting. On hearing her shouting, the public came up into the building and enquired her as to what happened. She narrated the same to them. Then the said persons caught hold of the accused and beat him. In the meantime, her senior maternal Aunt came there and took her to their hut and after getting her properly dressed, she was taken to police station. PW.3 also identified the accused present in the

dock. In her cross-examination, nothing much was elicited to discredit her evidence.

10. PW.1 is the father of PW.3-victim. The version of the victim is well corroborated by the evidence of PW.1. It is elicited from him that the said incident occurred at around 10.00 p.m., and that when he was searching for his daughter and was going upstairs of the building then he saw his daughter running down the building in a naked state.

11. PWs.2 and 4 are the residents of the same locality. Their evidence also corroborates the version of the victim. Further, it is elicited in the evidence of PW.2 that there were other apartments also near the Ganesh pandal, and in the apartment, which is opposite to the under construction apartment with three floors i.e. the place of occurrence, several families were residing in all the five floors. While, PWs.2 and 4 were performing pooja at around 10.00 p.m., the residents of the building had seen a girl in naked state in the third floor and also the girl was shouting and weeping. So, they immediately rushed to these witnesses and informed that something wrong was going on in the under construction building. Then, the people have started going towards the upper floors of the said apartment. PW.2 is the person, who stopped the persons from beating the accused and called the police and they have also sent PW.1 to the police station to

file the complaint. PW.4 is another neighbour. He too stated that the residents in the nearby apartment informed them that they have heard the hues and cries from the under construction building, which is opposite to their building and immediately, they rushed there and found the victim girl coming down in a naked state by weeping. It is elicited from him that the accused was also in a naked state and the people, who gathered there, beat the accused and on seeing the same, PW.2 stopped them and handed over the accused to the police.

12. Thus, the evidence of PWs.1 to 4 are is corroborated. However, the defence counsel has argued that PW.4 has admitted that the shoutings of a person made from the upstairs of the under construction building cannot be heard by the people in the ground floor. An answer is found in the evidence of PWs.2 and 4. They have stated that there are other buildings, which are totally occupied and that the residents of the building which is opposite to the building under construction (scene of offence), have seen the victim girl raising hues and cries and intimated the people near the Ganesh pandal. On hearing from them, the people near Ganesh Pandal have rushed to the scene of offence. The evidence on record suggests that there is not much distance between the Ganesh pandal and the under construction building as well as the opposite building which is fully occupied by the

residents. The Crime Detail Form also shows a building opposite to the scene of offence. Thus, the evidence of PWs.1 to 4 is well corroborated and there is nothing much elicited during their cross-examination to discredit their evidence.

13. The learned counsel for the appellant has further argued that Ex.P.1-complaint does not disclose the details that the child was seen in naked state when she was coming down and that the said improvement is made in the evidence of the witnesses including PW.1. But, a complaint cannot be an encyclopedia. An overall perusal of the complaint under Ex.P1 reveals that on 02.09.2011 at around 10.30 p.m., one unknown offender has taken the daughter of the complainant from the Ganesh Pandal to the adjacent building, which is under construction and attempted to outrage her modesty and when she raised hue and cry, the public gathered at the scene of offence. Thus, the evidence of the PW.1 corroborates the complaint. The said argument of the counsel for the appellant that there are improvements in the evidence of PW.1 cannot be sustained. The material averments that are made in Ex.P1 are deposed by PW.1. Not only PW.1, but the neighbouring/ circumstantial witnesses have also stated the same.

14. Learned counsel for the appellant has further contended that the victim has stated that she was handed over to her Aunt

immediately after the incident and the said Aunt is not examined by the prosecution, who would be a crucial witness and that the apparel of the victim also was not seized by the police. In support of his contention, he relied upon the decision of the High Court of Madhyapradesh in **Rammu @ Ramlal**'s case (cited supra), wherein it was observed that the prosecutrix has deposed in her examination in chief that the accused tore her bra and also tore the buttons of blouse but these articles have not been seized by the police and that the prosecutrix has not given the above two articles to the police for seizure and there is no explanation for non-seizure of the above two articles and that as per the prosecution story, immediately after the incident she went to her husband and informed him about the incident. But, the prosecution has given up the evidence of husband. In the said case, the trial court has convicted the accused, but the High Court has set aside the conviction.

15. In the present case, the victim is a 10 year old girl. She cannot be expected to reveal all the details of her wearing apparel at the time of alleged incident and also with regard to whom she was handed over. PWs.1, 2 and 4 have uniformly stated in their evidence that when they were rushing upstairs on hearing the cries of the victim, the victim was coming down in a naked state and they caught hold of

the accused. It is also brought out in the evidence of PW.3-victim that she was given another set of clothes after the incident. The non-seizure of the wearing apparel, by the prosecution is a lapse on their part in the investigation, but the said lapse cannot defeat the case of the victim. For the said reason, the conviction cannot be set aside when the other evidence is unimpeachable and points out the alleged acts of the accused constituting the ingredients of the offence under Section 354 IPC. Therefore, the facts of the cited decision differ with the case on hand and hence, the same cannot be applied to the present case.

16. On a thorough perusal of the evidence on record, it is held that the prosecution could bring home the guilt of the accused by proving the charge under Section 354 IPC against the accused beyond reasonable doubt.

POINT No.2:

17. Hence, it is held that the trial court has rightly appreciated the evidence on record and has convicted the accused and there is no reason to interfere with the judgment of conviction and sentence passed by the trial court. Therefore, the same is upheld and the appeal is liable to be dismissed. The point No.2 is answered accordingly.

POINT No.3:

18. In the result, the Criminal Appeal is dismissed confirming the judgment of conviction and sentence dated 31.12.2012 passed in SC No.510 of 2011 by the V Additional District & Sessions Judge (Fast Track Court), Ranga Reddy District, against the appellant-accused for the offence under Section 354 IPC and the appellant - accused is directed to surrender before the trial court forthwith to serve the sentence of imprisonment passed against him. The bail granted to the appellant-accused shall stand cancelled. If the appellant fails to surrender as ordered, the trial court is directed to take steps in accordance with law.

Miscellaneous Petitions pending, if any, shall stand closed.

SD/- N.SRIHARI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The V Additional District and Sessions Judge (Fast Track Court) Ranga Reddy District. (With records)
2. The ~~Station House Officer~~ Superintendent, Central Jail, Cherlapally, Ranga Reddy District. (By Special Messenger)
3. The Station House Officer, Meerpet, Cyberabad, Ranga Reddy District.
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
5. One CC to Sri G. Gnana Raghav, Amicus Curiae
6. Two CD Copies

DL/KA

HIGH COURT

DATED: 20/04/2026

JUDGMENT

CRLA.No.277 of 2013



DISMISSING THE CRIMINAL APPEAL

9 PMT
24/04/26