

IN THE COURT OF THE PRINCIPAL ASSISTANT SESSIONS JUDGE
AT :: KARIMNAGAR..

PRESENT: Smt. M.ARUNA,
PRL. ASSISTANT SESSIONS JUDGE,
KARIMNAGAR.

Thursday, the 2nd day of March, 2023

SESSIONS CASE NO. 286 of 2018

(On committal made by the learned Additional Judicial Magistrate of First Class, Husnabad, vide PRC No.1/2018, dated 19.03.2018)

Name of the Complainant : The Sub-Inspector of Police P.S.,
Bejjanki, (Cr. No.7/2013 of P.S.,
Bejjanki)

Name of the Accused : **A1** - Puli Rajaiah, S/o. Hanmaiah,
Aged 47 years, Caste: Goud, R/o.
Vadloor.
A2 - Banala Ella Reddy, S/o. Lachi
Reddy, Aged 56 years, R/o. Vadloor.
(Died)
A3 - Annadi Shekar Reddy, S/o.
Ram Reddy, Aged 39 years, R/o.
Vadloor.
A4 - Mahnkala Pochamallu @
Pochaiah, S/o. Chinna Pochaiah,
Aged 45 years, Caste: Madiga, R/o.
Vadloor.
A5 - Banala Shekar Reddy, S/o.
Balreddy, Aged 40 years, R/o.
Vadloor. **(Deleted)**
A6 - Puli Praveen, S/o. Balram,
Aged 24 years, Caste: Goud, R/o.
Vadloor.
A7 - Jella Parsharam, S/o.
Komuraiah, Aged 28 years, Caste:
Yadav, R/o. Vadloor.

A8 - Jella Parsharamulu, S/o. Pochaiah, Aged 32 years, Caste: Yadav, R/o. Vadloor.

A9 - Puli Ramesh, S/o. Chandraiah, Aged 27 years, Caste: Goud, R/o. Vadloor.

A10 - Mahankala Rajaiah, S/o. Mallaiah, Aged 70 years, Caste: Madiga, R/o. Vadloor.

A11 - Kukkala Rajaiah, S/o. Komuraiah, Aged 45 years, Caste: Yadav, R/o. Vadloor.

Charge	: U/s. 143, 342, 435, 448 read with 149 of Indian Penal Code and Section 4 of PDPP Act.
Plea of the Accused	: Not Guilty
Finding of the Court	: Not Guilty
Sentence or Order	: The accused No.1, 3, 4 and 6 to 11 are found not guilty for the offences punishable under Section 143, 342, 435, 448 read with 149 of Indian Penal Code and Section 4 of PDPP Act, and accordingly, they are acquitted under Section 235(1) Cr.P.C., for the said offences. The bail bonds of accused persons shall stand cancelled after the appeal time.
Prosecution conducted by	: Sri G. Raji Reddy, Additional Public Prosecutor.
Accused defended by	: Sri G.Sathyanarayana Reddy Advocate for Accused.

This case is coming before me on 24.02.2023 for final hearing in the presence of Sri G.Raji Reddy, Additional Public Prosecutor for the State/Complainant, Sri G.Sathyanarayana Reddy, Advocate for Accused, and upon perusing the material papers on record, having heard and having stood over for consideration till this day, the Court delivered the following:-

:: J U D G M E N T ::

1. The Sub-Inspector of Police, P.S., Bejjanki, has filed charge sheet in Crime No.7/2013 for the offences punishable under Section 143, 342, 435, 448 read with 149 of Indian Penal Code and Section 4 of PDPP Act, against the accused.
2. The brief facts of the case as per charge sheet is that on 07.01.2013 at 17.00 hours the complainant Deekonda Nagaraju, S/o. Buchaiah, came to the police station and lodged a written report stating that he is working as A.E., Operation at Thotapally and under his purview Khasimpet Sub-Station is also there. On 07.01.2013 at 12.30 hours P.Rajeshwer Rao/L.W.2, who is working in Khasimpet Sub-station made a phone call and informed that Vadloor villagers Puli Rajaiah/A1, Banala Yella Reddy/A2, Annadi Shekar Reddy/A3, Mahankali Pochaiah/A4, Banala Shekar Reddy/A5 and some others trespassed into the Sub-Station premises by alleging that power is not properly supplied to the farmers and pushed the said Rajeshwer Rao/L.W.2 and Myaka Mahesh/L.W.3 into a room and confined them and brought out the furniture of Sub-Station to outside and set fire then away from there and later linemen/operator released them from the room. The worth of the burnt

public property is about Rs.20,000/-. Therefore, he requested to take necessary action against the persons who set fire to the Government property.

3. Basing on the report, P.Mallaiah/L.W.8, Sub-Inspector of Police, P.S., Bejjanki registered a case in Crime No.7/2013 under Sections 143, 342, 435, 448 read with 149 of Indian Penal Code and Section 4 of PDPP Act, and took up the investigation. During the course of investigation, L.W.8 examined and recorded the statement of L.W.1 at police station and rushed to the scene of offence situated at Kashimpet Sub-Station and observations incorporated in crime detail form. Later L.W.8 secured the presence of L.W.5 got photographed through him and recorded the statements of L.W's 2 to 5. According to L.W's 1 to 4 who are the victims and eye witnesses stated the same in their statements who were trespassed into the Sub-Station and restrained L.W.2 and also set fire to the furniture and in view the complicity, A5/Banala Shekar Reddy is not established hence, his name is deleted from the charge sheet.

4. While the efforts are in progress, on 28.01.2013 basing on reliable information, L.W.8 and men rushed to Vadloor village and apprehended the accused near Gram Panchayath office at 12.00 hours and on interrogation the accused voluntarily confessed to have committed the offence. Later the accused were brought to the police station and affected their arrest and

produced before the court for judicial remand and after completion of entire investigation, he filed charge sheet against the accused by deleting the name of alleged A5/Banala Shekar Reddy.

5. This case was taken on file by taking the cognizance for the offences punishable under Section 143, 342, 435, 448 read with 149 of Indian Penal Code and Section 4 of PDPP Act, against the accused No.1 to 11 and registered it as PRC No.1/2018 on the file of Additional Judicial Magistrate of First Class, Husnabad and on appearance of the accused No.1 to 11, case documents were furnished to them as contemplated under Section 207 of Cr.P.C. While it is so, on 20.11.2013 accused No.2 reported died and death certificate filed to that effect. As the alleged offence is exclusively triable by the Court of Sessions as such, committed the same to the Hon'ble Principal District and Sessions Court, Karimnagar by following the procedure under Section 209 of Cr.P.C., and in turn registered it as S.C. No.286/2018 and made over to the Court of Assistant Sessions Judge at Huzurabad and later when the case was at the stage of trial, as per the orders of Hon'ble High Court, Hyderabad vide ROC No.346/E1/2021 dated 01.06.2022, this case was transferred to this Court for disposal in accordance with law.

6. In order to prove its case, the prosecution listed as many as 8 witnesses and examined L.W.1/P.W.1/D.Nagaraju, is the complainant, L.W.2/P.W.2/Rajeshwar Rao, is the electricity employee and victim,

L.W.3/P.W.3/M.Mahesh, is also electricity employee, L.W.4/P.W.4/S.Kanakaiah, is the village Sunkari, L.W.5/P.W.5/G.Sumith Reddy, is the photographer and L.W.6/P.W.6/B.Mallaiah, is panch for crime details form. L.W.7/Ammula Mallaiah, panch for crime details form and L.W.8/P.Mallaiah, Sub-Inspector of Police, who is the Investigation Officer and who filed charge sheet were given up by the learned Additional Public Prosecutor.

7. In support of oral evidence, the prosecution also marked Ex. P1 to P4. After closure of prosecution evidence, the accused No.1, 3, 4 & 6 to 11 are examined under Section 313 of Cr.P.C., for which they denied the incriminating circumstances appearing against them in the evidence of prosecution and pleaded their false implication, however, they did not choose to lead any evidence in defence.

8. Heard both sides.

9. Now the point for determination is:

"Whether the prosecution has proved the guilt of the accused No.1, 3, 4 & 6 to 11 for the offences punishable under Section 143, 342, 435, 448 read with 149 of Indian Penal Code and Section 4 of PDPP Act, beyond all reasonable doubt"?

POINT:

10. The learned Additional Public Prosecutor for the prosecution argued that on 07.01.2013 at 12.00 noon, L.W.2/P.W.2/Myaka Mahesh, Lineman,

Kasimpet Sub-Station made a phone call to L.W.1/P.W.1/Deekonda Nagaraju, AE/Operation, Thotapalli, informing that the accused trespassed into the Sub-Station premises on the ground that P.W.1 is not supplying power properly to the farmers, pushed P.W.1 away and confined P.W.2 in a room and later the accused persons brought the furniture of the Sub-Station and set to fire, as a result of which the government has loss to a tune of Rs.20,000/-. Thus, the accused have committed the offences charged above.

11. On the other hand, the counsel for the accused persons argued that the accused are no way concerned with the alleged case and they never went to the Sub-Station and set fire the furniture of the government. In this case except the complainant L.W.1/P.W.1 no other witness supported the case of prosecution. The victim/P.W.2 who was alleged to be confined in a room was also not supported the case of prosecution and turned hostile. P.W's 3 and 4 who are eye witness also not supported the case of prosecution. P.W.6 panch for crime details form did not support the case of prosecution stating that while he was proceeding towards the road, police called him and asked him to put his signature. Therefore, the prosecution failed to prove it's case against the accused persons, as such they are entitle for the acquittal for the charged offence.

12. P.W.1/D.Nagaraju, complainant deposed that on 0.01.2013 at about 12.00 noon L.W.2/P.W.2 made a phone call and informed him that about 100 or 150 members of Vadlur Village came to the Sub-Station at Khasimpet Village, due to non-supply of electricity and locked P.W's 2 and 3 in the Sub-Station room and took the furniture outside and set ablaze and thereafter P.W's 2 and 3 came out and on the same day he went to police station and lodged complaint (Ex.P1) at 05.00 pm.

13. P.W.2/Rajeshwar Rao, the then Operator of Kashimpet Village deposed about 20 persons came to Sub-Station saying that electricity is not supplying and took the furniture from his office and locked him inside the room, then he made a phone call to P.W's 1 and 3 and informed the same.

14. P.W.3/M.Mahesh, Lineman deposed that in the year 2013 he received a phone call from P.W.2 that some persons came to Sub-Station, Kasimpet and were striking accordingly, he went there and the persons who came to the Sub-Station burnt the furniture of the Office, then he immediately, made a phone call to P.W.1 who came there and lodged a complaint.

15. P.W.4/S.Kanakaiah, who is Village Sunkari and eye witness to the incident deposed that he do not know anything about this case and he did not witnesses any incident and turned hostile. Hence, the learned Additional Public Prosecutor requested this court to declare the P.W.4 as hostile and re-

examined the P.W.4 with regard to 161 Cr.P.C., statement, which is marked as Ex.P2, but he denied the same and further deposed that to help the accused he is deposing false.

16. P.W.5/G.Sumith Reddy, is the photographer and he deposed about taking of photograph/Ex.P3 and handing over the same to the police.

17. P.W.6/B.Mallaiah, who is panch for crime details form deposed that while he was proceeding toward the road, police called him and asked him to put his signatures. In the cross-examination he denied the suggestion that police called him and took his signature on crime details form and that he is deposing false on instance of police.

18. As per the prosecution version the P.W.2 at the electricity office when the accused persons trespassed into the office and alleged that there is no proper power supply to their fields, therefore, they kept the P.W.2 inside of the room and confined and later they took the furniture from the office and set afire, due to which there was a loss of public property to the tune of Rs.20,000/- and the P.W.2 informed the same to the P.W.1 and the same was witnessed by the P.W's. 2 and 4. P.W.4 turned hostile but even after reexamination by the prosecution nothing was elicited. The P.W.1 who lodged complaint basing on the information given by P.W.2. But in entire evidence of prosecution what was the alleged furniture burnt by the accused persons and what are the over tacts made by the accused is not mentioned

and the confession panchas turned hostile, the investigation officer is not examined by the prosecution as the prosecution given up the investigation officer. Therefore, in this case the prosecution did not prove the charged offences against the accused to convict them and it is the duty of the prosecution to establish the guilt of the accused beyond all reasonable doubt, but they failed. Therefore, the accused are entitled for acquittal, so the point is answered accordingly.

19. In the result, the accused No.1, 3, 4 and 6 to 11 are found not guilty for the offences punishable under Section 143, 342, 435, 448 read with 149 of Indian Penal Code and Section 4 of PDPP Act, and accordingly, they are acquitted under Section 235(1) Cr.P.C., for the said offences. The bail bonds of accused persons shall stand cancelled after the appeal time.

Dictated to Stenographer directly on computer on this the 2nd day of March, 2023.

Sd/-
PRL. ASST. SESSIONS JUDGE,
KARIMNAGAR.

APPENDIX OF EVIDENCE

WITNESSES EXAMINED

FOR THE PROSECUTION:

P.W.1	D.Nagaraju.
P.W.2	Rajeshwar Rao.
P.W.3	M.Mahesh.
P.W.4	S.Kanakaiah.
P.W.5	G.Sumith Reddy.
P.W.6	B.Mallaiah.

FOR THE DEFENCE

---None---

::EXHIBITS MARKED::

FOR PROSECUTION:

- Ex.P1 Report dated 07.01.2013 by P.W.1.
- Ex.P2 161, Cr.P.C., statement of P.W.4.
- Ex.P3 Photograph by P.W.5.
- Ex.P4 Signature on Crime Details Form by P.W.6.

FOR DEFENCE:

---Nil---

Material Objects

---Nil---

Sd/-
PRL. ASST. SESSIONS JUDGE,
KARIMNAGAR.

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