

**IN THE COURT SPECIAL SESSIONS JUDGE FOR TRIAL OF
CASES OF ATROCITIES AGAINST WOMEN-CUM-
IV ADDL.DISTRICT AND SESSIONS JUDGE, NIZAMABAD.**

**Present: Sri D.Durga Prasad,
Court of Special Sessions Judge for Fast
Tracking Cases relating to Atrocities against
Women-cum-IV Additional District and Sessions Judge,
Nizamabad.**

Dated: 17th day of JULY, 2026

Sessions Case No. 60 of 2026

(Cr.No. 171 of 2025 of Railway Police station, Nizamabad)

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| 1 | Name of the complainant | The State of Telangana through the Sub
Inspector of Police, Railway Police
station, Nizamabad |
| 2 | Name of the Accused person | |
| 3 | Offences charged | Under Sections 75, 79 BNS & Sec 9 of
POSH act 2013 |
| 4 | Crime No.& Name of the PS | 171 of 2025 of Railway Police station,
Nizamabad |
| 5 | Plea of the Accused | Pleaded not guilty |
| 6 | Finding of the Court | Not found guilty |
| 7 | Sentence or order | In the result, the accused is found
not guilty for the offence punishable
under Section 75, 79 BNS & Sec 9 of
POSH act 2013 and that he is acquitted
for the same under section 258 (1)
BNSS. The bail bonds of Accused shall
be in force for a period of 6 (six)
months as under Section 485 BNSS. |
| 8 | Name of the prosecution
counsel | Sri. M Neeraja, Special Public
Prosecutor |
| 9 | Name of the Defence counsels | Sri. P Anand Reddy
learned Advocate for the Accused |

This case is coming before me for final hearing in the presence of Sri M Neerajad, Special Public Prosecutor for the State and of Sri. P Anand Reddy, Advocate for the Accused and upon hearing both sides and perusing the material on record, this Court delivered the following:

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

1. The Sub Inspector of Police, Railway Police station Nizamabad has filed Charge sheet in Cr.No. 171 of 2025 of Railway Police station, Nizamabad for the offences punishable under Sections 75, 79 BNS & Sec 9 of POSH act 2013 against the accused.

GIST OF THE CHARGE SHEET:-

2. i. This is a case of Sexual Harassment and intended to insult the modesty of women at working place. Facts of the case are that on 26.08.2025 at about 12.00 hrs 1, SIRP of RPS Nizamabad received a telugu written petition from the complainant Smt. Gudumala Swaroopa W/o Lingam, age: 33 yrs, caste: BC-A, Medhari, occp: Track Maintainer, R/o Janakampet Nizamabad in which she submits that her father, Gudumala Sailu, had worked as a Track Maintainer in Railways and had taken voluntary retirement in 2016, after which she was appointed as a Track Maintainer. She first worked between Janakampet-Bodhan line as RGK Gatekeeper till March 2025. Later On 17th June she was transferred to Sirnapally where she joined Gang duty.

She further stated that one Rudavath Ravi was working as Gang No.7 Muqaddam, and from the time she joined there, whenever he found her alone, he used to speak to her in an indecent and harassing manner. On 12.08.2025 while on duty, he forcibly took her phone and kept it with him. He threatened her saying that if she obeyed his words only then he would allow her to do duty, otherwise he would put her absent for duties. She also mentioned that on 13th August he again spoke to her in an improper manner. On 14.08.2025 she was unable to attend duty and went to SSE/P.way office at Nizamabad, but as the officer was not available she could not explain her problem. The next day when she attended duty, Muqaddam was absent and she worked with another colleague. But from 16.08.2025 onwards, when she was assigned under Muqaddam, he started marking her absent continuously for five days, citing late arrival. He told her that only if she produced a medical fitness certificate, he would take her on duty.

ii. Further on 18.08.2025 after duty hours the complainant went to SSE/P.way and pleaded before the SSE, telling him that Muqaddam was harassing her with insulting words and her gang members were not supporting her. She requested that she be posted as an attender in office to avoid harassment. But the SSE told her that she must continue in her duty, otherwise she could resign. Later, she informed her superior officer J.E about

the matter. On 22.08.2025, while she was working with one Rahul, Muqaddam asked Rahul to check the complainant's phone stating that a recording would be there and turn it off. Then the complainant said to Muqaddam that if the recording was not there, she would beat him with a slipper, and if it was there, he can beat her. Rahul checked her phone and informed Muqaddam that there was no recording as the phone was switched off. On that, the complainant bet the Muqaddam with her shoe. She complained that Muqaddam had no authority to check her personal phone.

iii. The Muqaddam Rudavath Ravi has mentally and physically harassed her. Due to his constant torture, she felt extremely depressed and even thought of ending her life. She further stated that though she had informed her SSE, no action was taken, and hence this situation had worsened. Therefore, she requested strict action against him.

iv. Basing on the facts of the complaint, Pw-3 registered a case in Crime No. 171/2025 U/Sec 75, 79 BNS & Sec 9 of POSH Act-2013 and took up the investigation.

v. During the course of the investigation, PW-3 examined PW-1 and recorded her statement U/Sec. 180 BNS and incorporated in part-II CD. Further made a call to Pw-2, examined and recorded his statement U/Sec. 180 BNS and incorporated in part-II CD. Further, on 16.12.2025 at 18.00 hrs, the accused

mentioned in col.no.11 was voluntarily came to RPS Nizamabad and confessed to have committed this offence, as such notices U/s 35 (3) BNSS were given to the accused and released on bail with instructions to appear before the Hon'ble court, whenever he was summoned. After completion of investigation, the charge sheet is filed agaisnt the accused for the offence under section 75, 79 BNS & Sec 9 of POSH Act-2013.

PROCEDURE AT LEARNED MAGISTRATE COURT:-

3. On considering the entire record, this case was taken on file, for the offence Sections 75, 79 BNS & Sec 9 of POSH act 2013 against Accused and registered it as PRC No 2 of 2026.

4. On appearance of the accused, the copies of all the documents were furnished to him under Section 230 BNSS. Subsequently on perusal of the record, the committal court committed the case to the Court of sessions, and in turn, this case is made over to this Court for disposal according to law.

CHARGE FRAMED BY LEARNED PREDECESSOR:-

5. On appearance of the accused before this court, the accused is examined under Section 228 BNSS., for which he denied the offences, and upon consideration, charges under Sections 75, 79 BNS & Sec 9 of POSH act

2013 against Accused has been framed, read over and explained to the accused in his own language, for which, he denied the charge, pleaded not guilty, and claimed to be tried as per law.

PROSECUTION WITNESS:-

6. In order to establish the accusations made against the accused , the prosecution during the course of trial, has got examined PWs.1 to 3 of which PW1 is the victim and defacto complainant, PW2 is the eye witness and Pw3 is the investigating officer.

DOCUMENTS EXHIBITED:-

7. The prosecution also relied on the documentary evidence vide Ex.P1 is the complaint given by PW1 to the police and Ex.P2 is the FIR.

8. After completion of evidence, the court has done 351 BNSS examination and explained the incriminating evidence for which the accused denied the incriminating evidence and reported no defence evidence.

ARGUMENTS PUT FORTH BY PROSECUTION SIDE

9. Learned Prosecutor on behalf of the prosecution side argued inter alia that the evidence on record clearly establishes the case of the prosecution side beyond all reasonable doubt and as such, the accused is required to be convicted of the offence alleged against him.

ARGUMENTS PUT FORTH BY DEFENCE SIDE

10. In oppugnation the learned legal counsel for the Accused mainly argued apart from arguing other aspects which this Court would discuss in the course of discussion that the story is cooked up and that the allegation made are false. The learned Counsel for accused vehemently contended that there is no iota of truth in the prosecution witnesses, as such the accused is entitled for acquittal.

11. On rival contentions being made across the bar and on perusal of oral and documentary evidence on record the following point emerged for determination is :

Whether the prosecution is able to prove the guilt of the accused beyond all the reasonable doubt for offences under Section 75(2), 78(2), 351 (2) BNS?

BURDEN OF PROOF:-

12. The Hon'ble supreme court in a decision reported in **Bhagwan Jagannath Markad & Ors Vs.State Of Maharashtra**¹, with regard to the burden of proof on the prosecution to prove the guilt of an accused, has held as under:

"It is accepted principle of criminal jurisprudence that the burden of proof is always on the prosecution and the accused is presumed to be innocent unless proved guilty. The prosecution has to prove its case beyond reasonable doubt and the accused is entitled to the benefit of the reasonable doubt. The reasonable doubt is one which occurs to a prudent and reasonable man.

Thus, before weighing the evidence, this Court must reiterate the foundational principles governing criminal trials. The burden to prove the guilt of the accused rests entirely and unequivocally upon the prosecution. This burden never shifts.

The standard of proof required is the highest known to law and proof beyond all reasonable doubt. A reasonable doubt is not a mere possible doubt, a speculative doubt, or a doubt based on fanciful conjecture. It is a doubt based upon reason and logic, arising from the evidence or the lack thereof, after a careful and impartial consideration of the entire record. If, upon such consideration, the Court is left with any reasonable doubt regarding the accused's guilt, the benefit of that doubt must ineluctably accrue to the accused, entitling him to an acquittal. The presumption of innocence is not a mere formality but a substantive right that clothes the accused until the prosecution discharges this onerous burden.

DISCUSSION PART & FINDING ON POINT NO:1:-

13. Before embarking upon the fulcrum of the case, in the fitness of things it would be desirable to refer to Sections:-

> **Section 75 of BNS-**

A man committing any of the following act: physical contact and advances involving unwelcome and explicit sexual overtures; or a demand or request for sexual favours; or showing pornography against the will of a woman; or making sexually coloured remarks, shall be guilty of the offence of sexual harassment. Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) of sub-section (1) shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both. Any man who commits the offence specified in clause (iv) of sub-section (1) shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

> **Section 76 of BNS-**

Whoever assaults or uses criminal force to any woman or abets such act with the intention of disrobing or compelling her to be naked, shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to seven years, and shall also be liable to fine.

> **Section 9 of POSH act**

Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee if so constituted, or the Local Committee, in case it is not so constituted, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident:

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee or the Chairperson or any Member of the Local Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing:

Provided further that the Internal Committee or, as the case may be, the Local Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding three months , if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

(2) Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section.

BURDEN OF PROOF:-

14. The Hon'ble supreme court in a decision reported in **Bhagwan Jagannath Markad & Ors Vs.State Of Maharashtra**¹, with regard to the burden of proof on the prosecution to prove the guilt of an accused, has held as under:

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after a careful and impartial consideration of the entire record. If, upon such consideration, the Court is left with any reasonable doubt regarding the accused's guilt, the benefit of that doubt must ineluctably accrue to the accused, entitling him to an acquittal. The presumption of innocence is not a mere formality but a substantive right that clothes the accused until the prosecution discharges this onerous burden.

DISCUSSION PART & FINDING ON POINT :-

15. The prosecution has charged accused Nos.1 to 4 for the offences punishable under Sections 75, 76 BNS and Section 9 of Prevention of sexual harassment act . The burden squarely lies upon the prosecution to establish each ingredient of the offences beyond reasonable doubt.

16. So, the burden never shifts, once the prosecution succeeds in establishing a cogent and reliable chain of evidence, the defence must probabalise its plea through acceptable material.

17. Pw1 is the defacto complainant who has moved the law into motion by way of giving report to the police vide Ex.P1 which is registered as Ex.P2 FIR.

18. The oral evidence of Pw1 which is reiteration of Ex.P1 report appears that on 12-08-2025 while she was duty the accused took her phone and switched off and said there is no problem if she do not cut the trees but

asked her to obey his words, but she continued her work and left 5.00 p.m. On the next day, she went to duty with him at the same place, the accused took the phone and asked her and requested her to spent 5 minutes with her, harassed her sexually, she resisted and continued her work and left the place at 5.00 p.m. On 14-08-2025 she took leave as she is not able to bear the harassment of the accused. On the next day, she went to duty and another person is present and left after work. On 16-08-2025 the accused has put absent even though she attended duty as she did not listen and said that he will give attendance only if she listen to him but she did not heed him. On 18-08-2025 she went to office and informed to her officer but he did not respond positively. The accused again stated that she has to listen to him if not he will put absent. She took the Medical Fitness certificate to same to Higher official/JE and informed to JE about the misbehavior of accused and that she cannot work with him. Then JE deputed her to work with Pw.2. While they are both of working the accused came to them and said to Pw.2 to check her phone stating that she will record and PW.2 checked the phone. Then she said the accused will file the case. The accused is working as Key men.

19. Pw2 testified that on 22-08-2025 while himself and Pw.1 are on duty and the accused came to place while they are working. The accused is

key men on that day. The accused stated to him to check the phone of Pw.1 and then Pw.1 said her phone is switched off if it is on she will beat the accused. He checked the phone of PW.1 and it is switched off. Pw.1 bet the accused.

20. The investigating officer/ Pw3 has stated the process of investigation done in chronological manner. The learned prosecutor got marked Ex.P2 is FIR.

21. It is the settled principle of criminal jurisprudence that the prosecution is required to prove the guilt of the accused beyond all reasonable doubt. The burden never shifts upon the accused. If two views are possible on the evidence, the view favourable to the accused must be adopted.

22. The prosecution mainly rests upon the testimony of PW.1, who is the alleged victim. No other witness has spoken about the alleged incidents of sexual harassment said to have occurred on 12-08-2025, 13-08-2025, 16-08-2025 and 18-08-2025.

23. There is no legal requirement that the testimony of the victim of a sexual offence should invariably be corroborated. If the testimony of the victim is natural, cogent, trustworthy and inspires confidence, the Court can base conviction solely upon such evidence.

24. PW.1 deposed that after joining gang duty under the accused, the

accused took away her mobile phone and switched it off on 12-08-2025. According to her, he stated that she need not cut trees but should obey his instructions. The prosecution has not explained how taking away the mobile phone by itself amounts to sexual harassment. The allegation may indicate misuse of authority or workplace misconduct, but it does not automatically establish the ingredients of Sections 75 or 79 BNS.

25. PW.1 further stated that on the next day the accused again took her phone and requested her to spend five minutes with him and sexually harassed her. This allegation constitutes the foundation of the prosecution case because it is the only specific allegation which can possibly attract the provisions relating to sexual harassment. However, during cross-examination, PW.3, the Investigating Officer, categorically admitted that PW.1 did not state before the police that the accused requested her to spend five minutes with him. The omission is not a minor omission. It relates directly to the alleged sexually colored advance. Such omission assumes significance because the Court is expected to compare the earliest version with the testimony before Court. Improvements made for the first time before the Court, particularly regarding the principal incriminating circumstance, affect the credibility of the witness. The omission admitted by PW.3 therefore creates doubt regarding the truthfulness of that particular allegation.

26. PW.1 further deposed that she took leave because she could not bear the harassment but no leave application has been produced and no medical record has been produced showing that she was mentally disturbed because of the alleged harassment. Although absence of medical evidence is not fatal, production of contemporaneous documents would have strengthened the prosecution.

27. PW.1 further alleged that on 16-08-2025 the accused intentionally marked her absent because she refused to obey him. This allegation could have been easily verified through railway attendance registers. Surprisingly, the prosecution neither seized nor produced any attendance register and muster roll, duty chart and attendance sheet not been exhibited. Thus, the allegation regarding wrongful marking of absence remains unsupported by documentary evidence.

28. PW.1 herself admitted that higher officials possess the authority to modify attendance. If that is so, the prosecution ought to have examined those officials. Further, no explanation has been offered for withholding such material witnesses. The Court is entitled to draw an adverse inference against the prosecution for non-examination of available material witnesses.

29. PW.1 further stated that she complained to higher authorities and she specifically named Nagabhushanam Chary and also referred to the Junior

Engineer/Pw2. But for the best known reasons, the investigating officer has not examined Nagabhushnam. Further, the alleged written complaint submitted to the superior officers has not been produced and PW.1 even admitted that she had not produced even the acknowledgment. Thus, the alleged prior complaint remains unsubstantiated. If such complaint had really been submitted immediately after the incident, it would have been the best contemporaneous evidence supporting the prosecution. Its non-production creates another missing link.

30. The prosecution also failed to collect records from the railway administration regarding any internal complaint and no report from the Internal Complaints Committee has been produced. Further, no evidence has been led regarding initiation of departmental proceedings. Thus, there is absolutely no documentary evidence corroborating the alleged workplace harassment.

31. Coming to PW.2, he admittedly has no knowledge about the earlier incidents. He specifically admitted that he does not know about the previous incidents. Therefore, his evidence cannot corroborate the principal allegation of sexual harassment. PW.2 only stated that the accused asked her to check PW.1's phone and he verified the phone and found that it was switched off. Thereafter PW.1 beat the accused. Therefore, PW.2 supports only the

occurrence relating to checking of the mobile phone.

32. There is no whisper in the testimony of Pw1 about any sexual advance, about any obscene words, about any physical contact and any request for sexual favour. Consequently, PW.2's testimony falls short of proving the essential ingredients of Sections 75 and 79 BNS.

33. On the contrary, PW.2 corroborates the defence to the extent that PW.1 assaulted the accused. PW.1 herself admitted in cross-examination that she beat the accused with a slipper. This admission is significant because it is not disputed by either side. The prosecution has not explained why PW.1 assaulted the accused if the alleged sexual harassment had already occurred several days earlier. The admitted assault led to registration of an SC/ST case against PW.1.

34. PW.3 admitted that such case was registered prior to filing of the present charge-sheet. The investigation in that case was pending. Thus, the existence of the counter case is an admitted circumstance. Though a counter case by itself is not sufficient to discard the prosecution, it certainly requires the Court to scrutinize the evidence with greater caution. The defence consistently suggested that the present case is a counterblast to the SC/ST case. The suggestion has not been substantiated by defence evidence. Equally, the prosecution has not produced independent evidence dispelling such doubt.

Therefore, this surrounding circumstance assumes importance while appreciating the prosecution evidence.

35. PW.3 admitted that he examined only PW.1 and PW.2 and admitted that no other railway employee was examined, no independent witness was examined, no officer was examined, no documentary evidence regarding attendance was collected, no mobile phone data was seized and no electronic evidence was collected. Such investigation cannot be described as complete or comprehensive. The omissions in investigation have materially prejudiced the prosecution case.

36. Criminal Courts cannot convict merely because allegations have been made. Conviction must rest upon legally admissible and reliable evidence. Where important witnesses are withheld and material documentary evidence is not collected, benefit of doubt necessarily accrues to the accused.

37. The cumulative effect of the omissions, improvements and non-production of material evidence creates reasonable doubt regarding the prosecution version. Consequently, the Court is unable to hold that the prosecution has established beyond reasonable doubt that the accused committed sexual harassment within the meaning of Section 75 BNS. Likewise, the prosecution has failed to establish intentional insult to the modesty of PW.1 attracting Section 79 BNS.

38. Further, Section 9 of the POSH Act is only an enabling procedural provision for filing a complaint and does not itself create any criminal offence or prescribe punishment. Hence, no conviction can be based solely under Section 9 of the POSH Act.

39. Therefore, on an overall appreciation of the oral and documentary evidence, this Court is of the considered opinion that the prosecution has failed to establish the guilt of the accused beyond reasonable doubt. The accused is entitled to the benefit of doubt and deserves to be acquitted of the charges under Sections 75 and 79 of the Bharatiya Nyaya Sanhita, 2023

40. From the above, this Court holds that the prosecution has failed to prove beyond reasonable doubt that accused has committed the offences punishable under Sections Sections 75 and 79 of the Bharatiya Nyaya Sanhita, 2023.

RESULT:-

41. In the result, the accused is found not guilty for the offence punishable under Section 75, 79 BNS & Sec 9 of POSH act 2013 and that he is acquitted for the same under section 258 (1) BNSS. The bail bonds of Accused shall be in force for a period of 6 (six) months as under Section 485 BNSS.

Dictated to the Stenographer, transcribed by him and after correction pronounced by me in open court this the 17th day of JULY, 2026.

Special Sessions Judge
for Fast Tracking Cases relating to Atrocities against
Women-cum-IV Additional District and Sessions Judge,
Nizamabad

APPENDIX OF EVIDENCE
(Witnesses examined)

For the Prosecution:

1. PW1 – Smt G.Swaroopu is the victim and defacto complainant,
2. PW2 – Sri Rahul Kumar Mandel
3. Pw3 - Sri H Sai Reddy

For Defense:

EXHIBITS MARKED

For the Prosecution:

1. Ex.P1 is the complaint given by PW1 to the police.
2. Ex.P2 is the FIR

For the Defence: -Nil-

MATERIAL OBJECTS MARKED

- NIL-

Special Sessions Judge
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