

**IN THE COURT OF FIRST ADDL. JUNIOR CIVIL JUDGE -CUM
FIRST ADDL. JUDL. MAGISTRATE OF FIRST CLASS, NARSAPUR**

Present:- Sri.K.Srinivas,
I Addl. Junior Civil Judge -cum-
I Addl. Judicial Magistrate of I Class,
Narasapuram.

Tuesday, this the 9th day of May, 2023

P.R.C.No. 16/2022

Between :

The State, Represented by its
Inspector of Police,
Narsapur Circle

..... Complainant.

A N D

1. Chippala Seshu Babu @ Seshu, S/o Tata Rao, 31 years, Agnikula Kshatriya, Pedapallavapalem, H/o Mogaltur Village and Mandal.

2. Chippala Satyanarayanamma, W/o Tata Rao, 50 years, Agnikula Kshatriya, Pedapallavapalem, H/o Mogaltur Village and Mandal.

(Accusation not proved)

3. Chippala Tata Rao, S/o Satyanarayana, 55 years, Agnikula Kshatriya, Pedapallavapalem, H/o Mogaltur Village and Mandal.

(Accusation not proved)

4. Chippala Mohan Kumar, S/o Tata Rao, 32 years, Agnikula Kshatriya, Pedapallavapalem, H/o Mogaltur Village and Mandal.

(Accusation not proved)

5. Chippala Sravani, W/o Mohan Kumar, 30 years, Agnikula Kshatriya, Pedapallavapalem, H/o Mogaltur Village and Mandal.

(Accusation not proved)

6. Tirumani Pavani, W/o Harish, 30 years, Agnikula Kshatriya, Pedapallavapalem, H/o Mogaltur Village and Mandal.

(Accusation not proved)

7. Tirumani Harish, S/o Rama Krishnam Raju, 35 years, Agnikula Kshatriya, Pedapallavapalem, H/o Mogaltur Village and Mandal.

(Accusation not proved)

..... Accused

This case is coming on 10-04-2023 for committal before me in the presence of Assistant Public Prosecutor for State and of Sri M. Venkatrama Reddy, Counsel for accused and upon perusing the charge sheet and other material papers on record and upon hearing both sides and having stood over for consideration till this day, this Court delivered the following :

ORDER

1. The Inspector of Police, Narasapur Circle filed Charge Sheet against the accused No.1 with the following allegations in brief :

The Defacto-Complainant-cum-Victim Koppada Sri Vani, D/o Ganeswara Rao, is resident of Pedapallavapalem, H/o Mogaltur Village and Mandal. She studied degree and at present she is staying with her parents. Accused No.1 Chippala Seshu Babu @ Seshu is also resident of Pedapallavapalem and he is working as AC mechanic at Vijayawada and relative to the defacto complainant. Mother of accused No.1 Chippala Satyanarayanamma is frequent visitor to the house of Complainant and whenever she visited she used to assist her in domestic works. A-1 developed covert eye over the defacto complainant expressing love and promised to marry her, but the complainant did not accept the proposal and revealed the same with her family members. But the accused did not stop. On 24-8-2021 accused did phone call to complainant and asked her to come to his house as his mother asked her. Complainant has gone to his house and found none were present in the house except accused. Accused dragged complainant into his house forcibly and committed sexual assault against her without her will and consent and satisfied his sexual desire. After that accused requested the complainant not to reveal to anybody, he will certainly marry her. The defacto complainant remained silent and did not reveal with her family members. Complainant believed the accused that he will marry her. The accused several times enjoyed the victim sexually at her house in the absence of inmates in the house. On 15-12-2021 complainant Koppada Sri

Vani learnt that the accused did not abide his promise to marry her and looking marriage alliance with another lady. Complainant revealed entire thing with her parents and they put the matter before elders and they went to the hosue of the accused and questioned about the occurence, but accused gave evasive reply. As per advice of elders on 9-1-2022 night defacto complainant turned up to Mogaltur P.S and lodged written complaint.

Basing on the complaint a case in Crime No. 19/2022 under section 417, 376 (2) (n), 313, 354 (D) r/w section 34 of IPC of Mogaltur Police Station was registered on 9-1-2022 at 8-15 pm and L.W.16 S.I of Police took up investigation. During the cours eof investigation he forwarded the Complainant for medical examination. On 10-1-2022 he visited Pedapallavapalem examined witnesses and recorded their statements, he got drafted scene observation report, got photographed and prepared rough sketch. In this case there is no concrete evidence against A-2 to A-7 to prove their guilt. Hence, accusation against A-2 to A-7 not proved and deleted sections 313 and sec. 34 IPC. On 26-2-2022 L.W.13- V. Gowry Shankar, Principal Junior Civil Judge-cum-Judicial Magistrate of First Class, Narasapuram has recorded 164 Cr.P.C Statement of L.W.1- Koppada Sri Vani. On 22-1-2022 at 12-00 noon accused was arrested and sent for judicial custody. After receipt of RFSL Report on 22-2-2022 and after completion of investigation, investigating officer filed charge sheet.

2. Protest petition is filed under S.R.No.6569/2022 to add the accused No.2 to 7 and the same was dismissed by this Court by pronouncing Order dated 21-11-2022.

3. This case was taken on file for the offence under sections 417, 376 (2) IPC against the sole accused No.1.

4. Accused No.1 was enlarged on bail as per the Orders of Hon'ble V Additional Sessions Judge-Cum-Special Court for Trial of offences against

Woman, West Godavari, Eluru in CrI.M.P.No. 156/2022 dated 21-03-2022 he was released on 22-03-2022.

5. After appearance of the accused all the documents on which the prosecution relying on are all supplied to the accused, which is required under section 207 Cr.P.C.

6. Upon perusal of the charge sheet and other material on record, a prima facie case is made out against the accused for the offence punishable under sections 417, 376 (2) IPC. On which section 376 (2) IPC is exclusively triable by Hon'ble Court of Sessions. So, the case is committed to the Hon'ble Court of Sessions, West Godavari District at Eluru under section 209 (a) Cr.P.C.

7. The accused is directed to produce solvencies and accordingly accused produced solvencies and the same is accepted.

8. The office is directed to submit entire record and material objects if any, to the Hon'ble Court of Sessions, West Godavari, Eluru as envisaged under section 209 (c) Cr.P.C.

9. The office is directed to notify to the Public Prosecutor, Eluru about the commitment of case to the Hon'ble Sessions Court, West Godavari, Eluru under section 209 (d) Cr.P.C.

10. When questioned the accused about the means to defend the case, he submitted that he has got means to engage an Advocate in Sessions Court.

11. In the result, the case is committed to the Court of Sessions under section 209 (a) Cr.P.C.

Typed to my dictation by the Stenographer, corrected and pronounced by me in open Court this the 9th day of May, 2023.

Sd/- Sri K. Srinivas,
I Addl. Junior Civil Judge -cum-,
I Addl. Judl. Magistrate of I Class,
Narasapuram