

IN THE COURT OF THE SPECIAL JUDGE FOR TRIAL OF
OFFENCES AGAINST WOMEN-CUM-V ADDITIONAL DISTRICT &
SESSIONS JUDGE, VIZIANAGARAM.

Present: SMT. N. PADMAVATHI,
Special Judge for trial of Offences against Women-cum
V Additional District Judge, Vizianagaram,

Monday, this the 22nd day of April, 2024

SESSIONS CASE No.59/2022

Name of the Complainant	State represented by the Inspector of Police, Bobbili Police Station.
Name of the accused	Valluru Naresh, S/o Satyanarayana, Age 29 years, Setti Balija, Chollangi Village, Thallarevu Mandal, East Godavari District, working as Police Constable in East Godavari District and undergoing Grey Hounds Training at Visakhapatnam.
Charges	Charges under sections 376(2)(n), 313 and 417 of IPC .
Plea of the accused	Pleaded not guilty
Finding of the Judge	:Accused is found not guilty
Sentence or order	IN THE RESULT , the accused is found not guilty of the offences punishable under sections 376(2)(n), 313 and 417 of IPC. Accordingly, the accused is acquitted under Section 235 (1) of Cr.P.C., for the said offences. The bail bonds of the accused shall continue for a period of six months as provided U/s.437-A Cr.P.C. Unmarked non-valuable case property, if any shall be destroyed after expiry of appeal time.
Prosecution conducted by	Additional Public Prosecutor, Vizianagaram.
Defence conducted by	Sri M. Vijay Mohan Rao and Smt. B. Rojarani, Advocates.

This case is coming on 19.04.2024 for final hearing before me in the presence of the learned Additional Public Prosecutor for the complainant/state and of Sri M. Vijay Mohan Rao and Smt. B. Rojarani, Advocates for accused, after having stood over for consideration till date, this court delivered the following:-

J U D G M E N T

The Inspector of Police, Bobbili Police Station, has filed charge sheet against the accused for the offences punishable under Sections 417, 420, 376 and 313 of I.P.C., in Crime No.37/2020 of Bobbili Police Station.

2. **The case of the prosecution in brief as per the averments in the charge sheet is as follows:-**

The victim/P.W.1 studied up to Degree and at present preparing for competitive Examinations. About seven years back while the victim was studying 1st year Degree, the accused who was residing in Relli Street, Bobbili and studying B. Tech in Swamy Vivekananda College, Komatipalli and daily used to pass through the street in front of the house of the victim, got acquaintance with the victim. While so, on one day the accused sent his phone number 9618635990 through one Thota Renuka/L.W.4, who is the friend of the victim and asked the victim to talk with the accused. The victim had talk with the accused over phone to that number. The victim and accused had been talking together from then and the accused made the victim to believe that he was loving her and used to follow her. Then the accused completed B. Tech and went to his village. Later the accused came to Bobbili for collecting certificates and called the victim's friend Karri Umamaheswari/L.W.3 and asked the victim to meet him at the house of said Umamaheswari/L.W.3. Accordingly the victim met the accused at

the house of Umamaheswari/L.W.3 at Davala Veedhi, Bobbili and had talk with the accused. Then the victim informed Ijjurothu Devi/L.W.6 that the accused promised her to marry and had sexual intercourse with her. Later the accused went to Kakinada. In the year 2018, the victim admitted in Syam Institute at Kakinada for coaching. Then the accused used to call the brother of the victim viz., Parameswara Kanikanta/L.W.2 over phone and had talk with the victim. The accused had sexual intercourse with the victim on five occasions in the room near R.T.C. Complex, Kakinada. The victim used to inform the fact to Ijjurothu Devi/L.W.6 over phone while she was undergoing coaching at Kakinada whenever the accused was having sex with her. The victim after returning to her house at Bobbili, she could not attain periods and immediately she informed the fact to the accused. On that the accused said that they have to study and this matter was not put forth before their parents and friends to convince her to abort her pregnancy, but the victim did not agree for that. While so, the victim carrying third month, one day the accused called her to Kakinada with love and forcibly administered some tablets and as a result aborted her pregnancy. Later the accused called her with phone No.8309063194 to her phone No.8099981811 and had talk with her. When the victim pressurized to marry her, for which the accused denied to marry her and asked her to report the matter to whomsoever she like and when the victim was about to contact him over phone, the accused kept her number in Block List. The victim informed the fact to Parameswara Manikanta/L.W.2, P.W.2 and Pothireddi Appanna/L.W.7.

3. On the report of the victim, the Inspector of Police, Bobbili Police Station/P.W.4 registered the F.I.R., in Cr.No.37/2020 U/s.417, 420, 376, 313 IPC of Bobbili Police Station, and investigated into. During the course of investigation, P.W.4 visited the scene of offence,

observed the same in the presence of Chilakalapalli Narayana/L.W.10 and Chanamalla Prasada Rao/L.W.11 and got drafted the observation report to that effect and examined as many as nine witnesses and recorded their statements U/s.161(3) Cr.P.C., arrested the accused on 14.02.2020 and sent him for judicial custody. Dr.G.Seshibhushana Rao/L.W.12, Medical Officer, Community Health Centre, Bobbili, examined the victim and issued medical certificate to that effect. Dr.G. Suresh Kumar/L.W.13, Professor, Psychiatrist, Andhra Medical College, Mental Care, Visakhapatnam, examined the accused and issued potency certificate. The Judicial First Class Magistrate, Bobbili/L.W.14, recorded the statement of the victim U/s.164 Cr.P.C. The Sub-Inspector of Police, Bobbili Police Station/P.W.3 visited Easwarreddi Lodge, Samarlakota, East Godavari District and recorded the statements of Mathalapati Jaggarao/L.W.8 and Dr.V. Ramakrishna Raju/L.W.9 U/s.161(3) Cr.P.C., and handed over to the Inspector of Police/P.W.4. Smt. K.T.R. Lakshmi/L.W.16, Sub-Inspector of Police, Bobbili Police Station recorded the statement of victim/P.W.1 U/s.161(3) Cr.P.C., and handed over the same to the Inspector of Police/P.W.4. After completion of investigation, the Inspector of Police, Bobbili Police Station/P.W.4 filed charge sheet against the accused for the aforementioned offences levelled against him.

4. The Additional Judicial Magistrate of First Class, Bobbili, took cognizance of the case for the offence punishable under Sections 417, 420, 376 and 313 of I.P.C., vide P.R.C.No.6/2020.

5. After appearance of the accused, copies of documents were furnished to him. Later after considering the material on record, the Additional Judicial First Class Magistrate, Special Mobile Court, Bobbili, had committed the case to the Hon'ble Sessions Division, Vizianagaram vide orders in P.R.C.No.6/2020.

6. The learned Principal District and Sessions Judge, Vizianagaram took the case on file for the offences punishable under Sections 417, 420, 376 and 313 of I.P.C., against the accused and made over the same to this Court for disposal according to Law.

7. After appearance of the accused, copies of the documents were furnished to him. After hearing both sides and upon considering the material on record, this Court framed the charges U/s.376(2)(n), 313 and 417 of I.P.C., against the accused, read over and explained the same to the accused in Telugu, he denied the same and claimed to be tried.

8. During the course of trial, in order to bring home the guilt of the accused for the charged offences, the prosecution has examined the victim as P.W.1; her mother as P.W.2; the Sub-Inspector of Police, Bobbili Police Station, who visited the scene of offence, prepared rough sketch and took photographs of the scene of offence, examined witnesses, as P.W.3; and the Inspector of Police, Bobbili Police Station, who registered the F.I.R., examined the victim and witnesses, and examined the mediators, and recorded their statements, prepared scene observation report, rough sketch of scene of offence, sent the victim for medical examination, arrested the accused, and after completion of investigation, filed charge sheet in this case, as P.W.4, and Exs.P.1 to P.11 are marked on behalf of the prosecution.

9. After closure of the prosecution evidence, accused was examined U/s.313 Cr.P.C., by explaining the incriminating material available on record against him, he denied the same and reported no defence evidence.

10. Heard arguments on both sides.

11. Now, the Point for consideration is :

Whether the prosecution could bring home the guilt of the accused for the offences punishable U/s.376(2)(n), 313 and 417 of I.P.C., beyond reasonable doubts ?

12. **POINT:-** As per the accusation leveled against the accused by the prosecution, about seven years back while the victim/P.W.1 was studying 1st year Degree, the accused got acquaintance with her, secured her phone number through her friend and used to talk to the victim over phone and followed her. Later accused went to Kakinada. In the year 2018 the victim/P.W.1 admitted in Syam Institute at Kakinada for coaching, then the accused used to talk to the victim through the phone of her brother, had sexual intercourse with the victim on five occasions in the room near R.T.C. Complex, Kakinada. Consequently the victim was conceived, then she informed the said fact to the accused, in turn he stated that as they have to study, and not to put forth the matter before their parents and tried to convince her to abort her pregnancy, but the victim did not agree for the same. While so, when the victim was carrying third month, the accused called her to Kakinada with love and forcibly administered some tablets and as a result, aborted her pregnancy. Later when the victim pressurized the accused to marry her, for which the accused denied to marry her and asked her to report the matter to whomsoever she like and when the victim was about to contact him over phone, he kept her number in Block List. Hence, the accused had committed the aforementioned charged offences leveled against him.

13. Coming to the evidence let in by the prosecution, P.W.1, who is the defacto-complainant-cum-victim in this case deposed that while she was studying Degree 1st year in Bobbili, he got acquaintance with the accused through her friend Renuka. Later they both used to talk with each other over phone. Subsequently when she went to

Kakinada for coaching, she met the accused in Kakinada, as he is native of Kakinada. She further deposed that at that time, she **voluntarily had** sexual intercourse with the accused and subsequently due to pressure brought on her and on the advice of her well wishers, she presented a report scribed by one of the personnel in the Police Station, against the accused. She further deposed that some of the contents of such report are only correct. Ex.P.1 is the said report given by her against the accused. Now she decided to lead her life without any sort of connection with accused. At that time the Police even took her to hospital and to a Magistrate where she gave her statement as tutored by the Police. Police did not examine her.

14. Even the mother of victim, who was examined as P.W.2, did not support the case of the prosecution by stating that she do not know the accused and the case facts and Police never examined her.

15. P.Ws.4 and 5 are the Investigating Officers in this case. They have deposed about their role in conducting investigation in this case from the moment of registering the crime to till date of filing of the charge sheet. So, it is clear that all the prime witnesses i.e., P.Ws.1 and 2 who are the best persons to speak about the commission of charged offences leveled against the accused, have turned hostile to the case of the prosecution and nothing material could be elicited during their cross-examination by the learned Additional Public Prosecutor, except got marking their incriminating part of Sec.161 Cr.P.C. Statements as Exs.P.2 and P.3.

16. So, in these circumstances, without any hesitation, the Court holds that the prosecution has miserably failed to bring home the guilt of the accused for the charged offences leveled against the accused. Accordingly, the Point is answered in negative against the prosecution, and answered in favour of the accused.

17. **IN THE RESULT**, the accused is found not guilty of the offences punishable under sections 376(2)(n), 313 and 417 of IPC. Accordingly, the accused is acquitted under Section 235 (1) of Cr.P.C., for the said offences. The bail bonds of the accused shall continue for a period of six months as provided U/s.437-A Cr.P.C. Unmarked non-valuable case property, if any shall be destroyed after expiry of appeal time.

Typed to my dictation by the Stenographer Grade-I (On Deputation), corrected and pronounced by me in open court on this the 22nd day of April, 2024.

**Sd/- N. PADMAVATHI,
SPECIAL JUDGE FOR TRIAL OF
OFFENCES AGAINST WOMEN-CUM- V
ADDITIONAL DISTRICT & SESSIONS JUDGE,
VIZIANAGARAM.**

Appendix of Evidence

Witnesses examined

For Prosecution:

For Defence: NIL.

- P.W.1 Defacto-complainant/Victim.
P.W.2 P. Chinnammadu.
P.W.3 V. Prasad Rao (Sub-Inspector of Police).
P.W.4 E. Keshava Rao (Inspector of Police).

Documents Marked

For Prosecution:

- Ex.P.1 Report of P.W.1 given to Police, dt.10.02.2020.
Ex.P.2 Sec.161(1) Cr.P.C., Statement of P.W.1, dt.10.02.2020.
Ex.P.3 Sec.161(1) Cr.P.C., Statement of P.W.2, dt.11.02.2020.
Ex.P.4 Rough sketch of the scene of offence, dt.18.03.2020.
Ex.P.5 Photographs-4 in number with corresponding C.D.
Ex.P.6 Original F.I.R., in Cr.No.37/2020 U/s.376, 417, 420, 313 IPC of Bobbili Police Station, dt.10.02.2020.

Ex.P.7 Scene observation report, dt.11.02.2020.
Ex.P.8 Rough sketch of the scene of offence, dt.11.02.2020.
Ex.P.9 Wound Certificate of the victim/P.W.1, dt.05.06.2020.
Ex.P.10 Potency Test Report of the accused, dt.,26.02.2020.
Ex.P.11 Call detail record (CDR) of accused.

For Defence: NIL.

Material Objects marked

- N I L -

**Sd/- N. PADMAVATHI,
SPECIAL JUDGE FOR TRIAL OF OFFENCES
AGAINST WOMEN-CUM- V ADDITIONAL
DISTRICT & SESSIONS JUDGE,
VIZIANAGARAM.**

Copy submitted to the Hon'ble Registrar (Judicial), Hon'ble High Court of Judicature at Amaravathi, Nelapadu (by way of C.D).

Copy submitted to the Hon'ble Principal District Judge, Vizianagaram.

Copies communicated to :

- 1.The Additional Judicial Magistrate of I Class, Bobbili.
2. The Addl., Public Prosecutor, Vizianagaram.
3. The District Collector, Vizianagaram.
4. The Inspector of Police, Bobbili Police Station.