

**IN THE COURT OF SPECIAL JUDICIAL MAGISTRATE OF FIRST CLASS
(MOBILE) -CUM-III ADDITIONAL JUNIOR CIVIL JUDGE :: ELURU**

Present: Sri P.Paresh Kumar,
Special Judicial Magistrate of First Class (MOBILE)
-cum- III Additional Junior Civil Judge, Eluru.

Tuesday, the 7th day of March, 2023

P.R.C.No.9 of 2022

Between:

State: Inspector of Police, Eluru Rural Circle
Crime No.126 of 2022 of Pedapadu Police Station ...Complainant

And

Jangam Anand Babu, S/o Prasad, Age 28 years, Caste SC Mala,
Kotha Mupparru village, Pedapadu Mandal.

... Accused

This case is coming on this day before me for hearing in the presence of the Assistant Public Prosecutor for the complainant and Sri N. Venkata Rao, Advocate, counsel for Accused and upon perusing the material on record, the Court made the following:

COMMITTAL ORDER

The Inspector of Police, Pedapadu Police Station, filed this case in Crime No.126/2022 of Pedapadu Police Station alleging that the de-facto complainant-cum-victim Chebathina Chinna Kumari w/o Anthony, 24 years, SC (Mala), is a resident of D. No. 1-96, Kotha Mupparru (V), Pedapadu (M) and she is married and blessed with one daughter and a son and her husband (LW.2) doing coolie works and she is doing work in brick kiln. The accused is also resident of Kotha Mupparru (V), Pedapadu (M) and he is mason worker by profession and married and blessed with two sons. The accused has coveted eye over the de-facto complainant-cum-victim and he previously outraged the modesty of the de-facto complainant and the police registered a case in Cr. No. 130/2020 U/s 341, 354 (A) & (D) IPC of Pedapadu Police Station on 17-6-2020 at 8-10 PM and it is presently Pending Trial before the Hon'ble court vide CC. No. 142/2020. But the accused didn't stop effort and

determined to commit rape against the de-facto complainant-cum-victim and to exploit her sexually, that on 16-3-2022 night the husband of the de-facto complainant (LW.2) went to his parent's house locally to see his maternal aunt Kotamma who came to his parent's house. The son of the de-facto complainant Chebathina Sandeep as usual went to the house of his elder father Chebathina Ravi to sleep. The de-facto complainant and her daughter Aishwarya alone slept in the house. At about 11-30 PM the accused who was proceeding towards his house from village center, has observed that the motorcycle of the LW.2 is not present and he determined that it is good opportunity to execute his plan, had trespassed criminally in to the house of the de-facto complainant and lay on her. The de-facto complainant woke up and noticed the accused and he gagged her mouth with his hand. The de-facto complainant tried to put screams, then the accused slapped on her both jaws and kicked her on her lower abdomen and due to which the de-facto complainant suffered reel of eyes and collapsed. The accused without any hesitation has taken the de-facto complainant and lay her on the bed and gagged her mouth with his hands and torn her nighty and committed rape and thereby exploited her sexually. At that time the accused Sperm spilt on the nighty of the de-facto complainant as well as on the bed sheet. Meantime her husband (LW.2) just came to house and the neighbors (LWs 3 to 8) and on seeing them, the accused pushed them and tried to flee, but the LW.2 and neighbors caught him and the accused disputed with him and escaped. The LW.2 returned back and questioned what wrong happened to him and the de-facto complainant narrated entire thing. On 16-3-2022 night the de-facto complainant with LW.2 and family members approached village elders (LWs 10 & 11) and informed about the occurrence meantime the accused and his family members came and the accused informed with the elders (LWs 10 & 11) that the LW.2 disputed with him and assaulted. The LWs 10 & 11 assured to talk in the morning because it is late in the night.

Upon which the de-facto complainant and the LW.2 left from village with fear that the accused and his family members will assault them. On 17-3-2022 morning the de-facto complainant turned up to Pedapadu Police Station and lodged a written complaint about the occurrence.

2. Basing on the report, LW.17 registered a case in Cr.No. 126/2022 U.S. 448, 376 and 323 of IPC of Pedapadu P.S. was registered against Accused. During the course of investigation, LW.17 examined witnesses and recorded their statements and visited the scene and seized bed sheet and nighty of L.W.1 before the mediators in the presence of mediators and photographed the scene in various angles and prepared rough sketch. LW.12. Dr. K. Ajay, Civil Assistant Surgeon, Community Health Center, Chintalapudi who conducted potency examination against the accused U/s 54-A Cr.P.C and issued potency certificate. He opined that there is nothing to suggest that the above person is incapable of performing the sexual act. LW.13. Dr. K. Shalini, Civil Assistant Surgeon, District Hospital, Eluru who conducted medical examination against the de-facto complainant and gave her final opinion that the victim was habituated to sexual intercourse. On 22.03.2022 at 6.00 P.M. the accused was arrested by the L.W.18 near his house at Kotha Mupparru village and Pedapadu mandal and send him to Judicial custody and further after receipt of all necessary documents received by L.W.18, the Inspector of Police laid the charge sheet against Accused U.Sec. 448, 376 and 323 of IPC of Pedapadu P.S.

3. On 12.12.2022, this Court took cognizance of the offence under Sections 376, 448 and 323 of IPC against Accused.

4. The Accused who is on bail and he was represented by his own learned counsel.

5. On appearance of Accused, copies of documents, on which, the prosecution intends to rely upon were furnished as required u/s.207 Cr.P.C.

6. Having heard the learned Assistant Public Prosecutor and upon perusing the material on record and keeping in view the fact that as the offence under Section 376 of IPC is exclusively triable by a Court of Session, this Court is of the view that it is a fit case to commit the case to the Hon'ble Court of Session, West Godavari Division, Eluru.

7. In the result, the case is committed to the Court of Hon'ble Session, West Godavari Division, Eluru, under Section 209(a) of Cr.P.C. Accused who is in Judicial Custody at District Jail, Eluru is informed that he has to appear before the Hon'ble Court of Session as per orders issued by the Hon'ble Sessions Court as provided under Section 209(b) of Cr.P.C. The Office is directed to submit the entire case record along with the property to the Court of Hon'ble Sessions Judge, Eluru under Section 209(c) of Cr.P.C. Notify the committal of the case to the learned Public Prosecutor under Section 209(d) of Cr.P.C.

Typed to my dictation by the Typist, corrected and pronounced by me in open Court, this the 7th day of March, 2023.

Sd/ Sri P. Paresh Kumar
Special Judicial Magistrate of First Class(MOBILE)-
-cum-III Additional Junior Civil Judge, Eluru, W.G.Dt.

Appendix of Evidence

Nil

Sd/ Sri P.P.K.
SJFCM(M)-Cum-III AJCJ, Eluru.

True Extract showing the **Preliminary Register Case No.9/2022** on the file of the Spl. Judl. Magistrate of I Class (Mobile)-Cum-III Addl. Junior Civil Judge, Eluru, connected with Cr.No.126/2022 of Pedapadu Police Station.

1. Number of the case : P.R.C. No.9/2022

2. Name of the accused :

Jangam Anand Babu, S/o Prasad, Age 28 years, Caste SC Mala, Kotha Mupparru village, Pedapadu Mandal.

.... Accused

3. SUBSTANCE OF THE COMPLAINT:

That the de-facto complainant-cum-victim Chebathina Chinna Kumari w/o Anthony, 24 years, SC (Mala), is a resident of D. No. 1-96, Kotha Mupparru (V), Pedapadu (M) and she is married and blessed with one daughter and a son and her husband (LW.2) doing coolie works and she is doing work in brick kiln. The accused is also resident of Kotha Mupparru (V), Pedapadu (M) and he is mason worker by profession and married and blessed with two sons. The accused has coveted eye over the de-facto complainant-cum-victim and he previously outraged the modesty of the de-facto complainant and the police registered a case in Cr. No. 130/2020 U/s 341, 354 (A) & (D) IPC of Pedapadu Police Station on 17-6-2020 at 8-10 PM and it is presently Pending Trial before the Hon'ble court vide CC. No. 142/2020. But the accused didn't stop effort and determined to commit rape against the de-facto complainant-cum-victim and to exploit her sexually, that on 16-3-2022 night the husband of the de-facto complainant (LW.2) went to his parent's house locally to see his maternal aunt Kotamma who came to his parent's house. The son of the de-facto complainant Chebathina Sandeep as usual went to the house of his elder father Chebathina Ravi to sleep. The de-facto complainant and her daughter Aishwarya alone slept in the house. At about 11-30 PM the accused who was proceeding towards his house from village center, has observed that the motorcycle of the LW.2 is not present and he determined that it is good opportunity to execute his plan, had trespassed criminally in to the house of the de-facto complainant and lay on her. The de-facto complainant woke up and noticed the accused and he gagged her mouth with his hand. The de-facto complainant tried to put screams, then the accused slapped on her both jaws and kicked her on her lower abdomen and due to which the de-facto complainant suffered reel of eyes and collapsed. The accused without any hesitation has taken the de-facto complainant and lay her on the bed and gagged her mouth with his hands and torn her nighty

and committed rape and thereby exploited her sexually. At that time the accused Sperm spilt on the nighty of the de-facto complainant as well as on the bed sheet. Meantime her husband (LW.2) just came to house and the neighbors (LWs 3 to 8) and on seeing them, the accused pushed them and tried to flee, but the LW.2 and neighbors caught him and the accused disputed with him and escaped. The LW.2 returned back and questioned what wrong happened to him and the de-facto complainant narrated entire thing. On 16-3-2022 night the de-facto complainant with LW.2 and family members approached village elders (LWs 10 & 11) and informed about the occurrence meantime the accused and his family members came and the accused informed with the elders (LWs 10 & 11) that the LW.2 disputed with him and assaulted. The LWs 10 & 11 assured to talk in the morning because it is late in the night. Upon which the de-facto complainant and the LW.2 left from village with fear that the accused and his family members will assault them. On 17-3-2022 morning the de-facto complainant turned up to Pedapadu Police Station and lodged a written complaint about the occurrence.

2. Basing on the report, LW.17 registered a case in Cr.No. 126/2022 U.S. 448, 376 and 323 of IPC of Pedapadu P.S. was registered against Accused. During the course of investigation, LW.17 examined witnesses and recorded their statements and visited the scene and seized bed sheet and nighty of L.W.1 before the mediators in the presence of mediators and photographed the scene in various angles and prepared rough sketch. LW.12. Dr. K. Ajay, Civil Assistant Surgeon, Community Health Center, Chintalapudi who conducted potency examination against the accused U/s 54-A Cr.P.C and issued potency certificate. He opined that there is nothing to suggest that the above person is incapable of performing the sexual act. LW.13. Dr. K. Shalini, Civil Assistant Surgeon, District Hospital, Eluru who conducted medical examination against the de-facto complainant and gave her final opinion that the victim was habituated to sexual intercourse. On 22.03.2022 at 6.00 P.M. the accused was arrested by the L.W.18 near his house at Kotha Mupparru village and Pedapadu mandal and send him to Judicial custody and further after receipt of all necessary documents received by L.W.18, the Inspector of Police laid the charge sheet against Accused U.Sec. 448, 376 and 323 of IPC of Pedapadu P.S.

4. Name of the complainant : State: Inspector of Police, Pedapadu Police Station.

5. Names of the witnesses for prosecution

- 1) Chebathina Chinna Kumari w/o Anthony, 24 years, SC (Mala), D. No. 1-96, Kotha Mupparru (V), Pedapadu (M).
- 2) Chebathina Anthony s/o Bala Swamy, 26 years, SC (Mala), D. No. 1-96, Kotha Mupparru (V), Pedapadu (M).
- 3) Ilaparthi Nani s/o Yesu Ratnam, 37 years, SC (Mala), Kotha Mupparru (V), Pedapadu (M).
- 4) Ilaparthi Ruthamma w/o Nani, 34 years, SC (Mala), Kotha Mupparru (V), Pedapadu (M).
- 5) Mantangi Benjamin, s/o (late) John, 30 years, SC (Mala), Kotha Mupparru (V), Pedapadu (M).
- 6) Kama Shyam Babu s/o (late) Prasad, 30 years, SC (Mala), Kotha Mupparru (V), Pedapadu (M).
- 7) Ilaparthi Kamala w/o Sundara Rao, 37 years, SC (Mala), Kotha Mupparru (V), Pedapadu (M).
- 8) Rapaka Jeeva Ratnam s/o Aseervadam, 40 years, SC (Mala), Kotha Mupparru (V), Pedapadu (M).
- 9) Butta Mariyamma, w/o Raju, 31 years, SC (Mala), Kotha Mupparru (V), Pedapadu (M).
- 10) Talari Varam s/o Yesu Dasu, 42 years, SC (Mala), Kotha Mupparru (V), Pedapadu (M).
- 11) Erikapati Raja Ratnam s/o Suseswara Rao, 40 years, SC (Mala), Kotha Mupparru (V), Pedapadu (M).
- 12) Dr. K. Ajay, Civil Assistant Surgeon, Community Health Center, Chintalapudi.
- 13) Dr. K. Shalini, Civil Assistant Surgeon, District Hospital, Eluru.
- 14) WPC 645 G. Chukkamma of Pedapadu Police Station.
- 15) Nukala Ramesh Babu s/o Gopala Krishna Murthy, 54 years, Kapu, Village Revenue Officer, Kotha Mupparru (V), Pedapadu (M).
- 16) Vemuri Daveedu Raju s/o John Shelly, 48 years, SC (Mala), Village Revenue Assistant, Pedapadu (V) & (M).
- 17) K. Naga Babu, Sub-Inspector of Police, Pedapadu Police Station.
- 18) Sri. N. Durga Prasad, Inspector of Police, Eluru Rural Circle.

6. Result of the enquiry : Case is committed to the Court of Sessions, W.G., Eluru, u/s. 209(a) Cr.P.C.

7. Date of offence : 16.03.2022

8. Date of complaint : 17.03.2022

9. Date of apprehension of appearance : 22.03.2022

10. Date of closing of enquiry : 07.03.2023

11. Explanation for delay : NIL.

**Sd/-Sri P. Paresh Kumar
SPL.JUDL.MAGISTRATE OF I CLASS
(MOBILE)-CUM-III AJCJ, ELURU**

Classification Statement in P.R.C.No.9/2022 on the file of Spl.Judl. Magistrate of I Class(Mobile) for trial of cases under PCR Act-cum III Addl. Junior Civil Judge, Eluru, West Godavari District connected with Cr.No.126 of 2022 of Pedapadu Police Station.

Sl. No.	Name & Address of the Witness	Village	Bus/Train	Remarks
1.	Chebathina Chinna Kumari	Kotha Mupparru	Bus	-
2.	Chebathina Anthony	Kotha Mupparru	Bus	-
3.	Ilaparthi Nani	Kotha Mupparru	Bus	-
4.	Ilaparthi Ruthamma	Kotha Mupparru	Bus	-
5.	Mantangi Benjamin	Kotha Mupparru	Bus	-
6.	Kama Shyam Babu	Kotha Mupparru	Bus	-
7.	Ilaparthi Kamala	Kotha Mupparru	Bus	-
8.	Rapaka Jeeva Ratnam	Kotha Mupparru	Bus	-
9.	Butta Mariyamma	Kotha Mupparru	Bus	-
10.	Talari Varam	Kotha Mupparru	Bus	-
11.	Erikapati Raja Ratnam	Kotha Mupparru	Bus	-
12.	Dr. K. Ajay	Chintalapudi	Bus	-
13.	Dr. K. Shalini	Eluru	Bus	-
14.	WPC 645 G. Chukkamma	Pedapadu	Bus	-
15.	Nukala Ramesh Babu	Kotha Mupparru	Bus	-
16.	Vemuri Daveedu Raju	Pedapadu	Bus	-
17.	K. Naga Babu,	Pedapadu	Bus	-
18.	Sri. N. Durga Prasad	Eluru	-	-

**Sd/-Sri P. Paresh Kumar
SPL.JUDL.MAGISTRATE OF I CLASS
(MOBILE)-CUM-III AJCJ, ELURU**

Diary extract in P.R.C.No.9/2022 on the file of the Spl. Judl. Magistrate of I Class (Mobile)-Cum-III Addl. Junior Civil Judge, Eluru connected with Cr.No.126/2022 of Pedapadu Police Station.

- Dt. 12.12.2022 This court taken on file for the offence under Section 376, 448 and 323 of IPC on 01.02.2023. Issue summon to the accused. Call on 18.01.2023
- Dt.18.01.2023 Await summons, call on 27.01.2023
- Dt. 27.01.2023 Summons pending to accused, call on 14.02.2023
- Dt. 14.02.2023 PO is on O.H, hence matter posted to 16.02.2023
- Dt. 16.02.2023 Accused called present.Sri N.V.R filed MOA on behalf of accused in the place of M.R.For consideration call on 28.02.2023
- Dt. 28.02.2023 Accused called present. Prays time for filling surety, call on 07.03.2023
- Dt. 07.03.2023 Accused called present. Surety called present on behalf of Accused. They agreed to stood as surety in Sessions Court and the same is accepted.

Orders pronounced (vide separate order).

Having heard the learned Assistant Public Prosecutor and counsel for Accused and upon perusing the material on record and keeping in view the fact that as the offence under Section 376 of IPC is exclusively triable by a Court of Session, this Court is of the view that it is a fit case to commit the case to the Honble Court of Session, West Godavari Division, Eluru.

In the result, the case is committed to the Court of Honble Session, West Godavari Division, Eluru, under section 209(a) of Cr.P.C. Accused is informed that he will appear before the Honble Court of Session as and when summons are received as provided under Section 209(b) of Cr.P.C. The Office is directed to submit the entire case record along with the property to the Court of Honble Sessions Judge, Eluru under Section 209(c) of Cr.P.C. Notify the committal of the case to the learned Public Prosecutor under Section 209(d) of Cr.P.C.

**Sd/-Sri P. Paresh Kumar
SPL.JUDL.MAGISTRATE OF I CLASS
(MOBILE)-CUM-III AJCJ, ELURU**

FORM-31**NOTICE OF COMMITMENT BY MAGISTRATE OF PUBLIC PROSECUTOR****(See Section 209)**

The Special Judicial Magistrate of I Class (Mobile)-Cum-III Addl. Junior Civil Judge, Eluru, hereby gives notice that they are committed one P.R.C.No.9 of 2022 in Crime No.126 of 2022 of Pedapadu Police Station, for trial at the next Sessions; and the Magistrate hereby instructs the Public Prosecutor to conduct the prosecution of the said case.

The charge against Accused is that, etc. (state the offence as in the charge).

Dated, this the 7th day of March, 2023.

Seal

Sd/-Sri P. Paresh Kumar
SPL.JUDL.MAGISTRATE OF I CLASS
(MOBILE)-CUM-III AJCJ, ELURU

Office of the Spl. Judl. Magistrate of I Class (Mobile)
-Cum-II Addl. Junior Civil Judge, Eluru. Dt. .2023

From:
Sri P.Paresh Kumar,
Spl. Judl. Magistrate of I Class (Mobile)
-cum-III Addl. Junior Civil Judge,
Eluru.

To
The Hon'ble Prl. District and
Sessions Judge,
West Godavari District,
Eluru.

Honoured Sir,

Sub:- COURTS –CRIMINAL- Spl. Judl. Magistrate of I Class (Mobile)-
cum-III Additional Junior Civil Judge, Eluru – Submission of the
entire case record along with Committal Order, Classification
statement, Dairy extract, True extract and Form 31 in PRC
No.9/2022 on the file of this Court – Regarding.

* * * * *

In obedience to the reference cited, I am herewith submitting the
Committal Order, Classification statement, Dairy extract, True extract and
Form-31 along with the entire case record in PRC No.9 of 2022 on the file
of this Court connected with Crime No.126/2022 of Pedapadu police
station under Sections 376, 448 and 323 of IPC, after duly indexed.

Yours faithfully,

**Spl. Judl. Magistrate of I Class (Mobile)-Cum-
III Addl. Junior Civil Judge, Eluru.**

Encls:-

Entire case record in PRC 9/2022