

CALENDAR & JUDGMENT
IN THE COURT OF THE I ADDL. CIVIL JUDGE (JUNIOR DIVISION),
SATTENAPALLI.
CALENDAR CASE No.823/2022

1. Date of Offence	:	29-10-2022
2. Date of Complaint or report	:	02-11-2022
3. Date of apprehension of the accused	:	---
4. Date of release on bail	:	---
5. Date of commencement of trial	:	01-08-2024
6. Date of close of trial	:	28-10-2024
7. Date of Sentence or Order	:	01-11-2024
8. Explanation of delay if any	:	Delay is due to non-production of witnesses in time by the prosecution and finally arguments were heard on both sides on 29.10.2024 and finally judgment was pronounced on 01.11.2024.

COMPLAINANT:

State rep by Sub-Inspector of Police,
Atchampeta P.S.

ACCUSED:

1. Bhukya Peda Gopya Naik @ Gopa Naik, S/o. Chinna Naik, 36 years,
 2. Bhukya China Gopya Naik @ China Gopa Naik, S/o. China Naik, 30 years,
 3. Bhukya Chinna Naik, S/o. Sakriya Naik, 60 years,
 4. Bhukya Balamma Bai, W/o. Peda Gopa Naik @ Peda Gopya Naik, 30 years,
 5. Bhukya Ramanamma @ Ramani Bai, W/o. Chinna Naik, 55 years,
 6. Bhukya Durga Bai, W/o. China Gopya Naik @ China Gopya Naik, 25 years,
-All the accused are R/o. Putlagudem village, Atchampeta Mandal.

Section of Law : U/secs.294-b, 506, 509 r/w.34 of IPC

Finding of Court : Accused is found not guilty.

Sentence/ Order: In the result, the court found that A1 to A6 are not guilty for offences punishable U/secs.294-b, 506, 509 r/w.34 of IPC and they are acquitted under Section 255(1) Criminal Procedure Code and set at liberty. The bail bonds of A1 to A6 shall remain in force for a period of six months U/s.437-A of Cr.P.C.

I ADDL. CIVIL JUDGE (JUNIOR DIVISION),
SATTENAPALLI.

IN THE COURT OF THE I ADDL. CIVIL JUDGE (JUNIOR DIVISION),
SATTENAPALLI

PRESENT:- Smt.P.Priyadarsini,
I Addl. Civil Judge (Junior Division), Sattenapalli,
Friday, this the 01st day of November, 2024
CALENDAR CASE No.823/2022

Between :

State rep by Sub-Inspector of Police,
Atchampeta P.S.

.... Complainant

-And-

1. Bhukya Peda Gopya Naik @ Gopa Naik, S/o. Chinna Naik, 36 years,
 2. Bhukya China Gopya Naik @ China Gopa Naik, S/o. China Naik, 30 years,
 3. Bhukya Chinna Naik, S/o. Sakriya Naik, 60 years,
 4. Bhukya Balamma Bai, W/o. Peda Gopa Naik @ Peda Gopya Naik, 30 years,
 5. Bhukya Ramanamma @ Ramani Bai, W/o. Chinna Naik, 55 years,
 6. Bhukya Durga Bai, W/o. China Gopya Naik @ China Gopya Naik, 25 years,
-All the accused are R/o. Putlagudem village, Atchampeta Mandal.

... Accused.

This case is coming on this day for hearing before me in the presence of learned APP for complainant and Sri A.Nagarjuna, learned counsel for accused having stood over till this day for consideration this court delivered the following.

J U D G E M E N T

1. State represented by Sub Inspector of Police, Atchampeta Police Station filed a charge sheet against accused in Cr.No.148/2022 of Atchampeta Police station for the offence punishable U/secs. 506, 509 r/w.34 of IPC.

2. The brief facts of the prosecution case were as follows:

(a) The LW1-Bhukya Prameela Baik is resident of Putlagudem village of Atchampeta Mandal. LW2-Bhukya Venkateswarlu is resident of husband of LW1. LWs1, 2 and A1 to A6 belongs to same community and all are residents of Putlagudem village of Atchampeta Mandal. Previously there exists petty quarrels in between both families. LW1 raised kenaf plants in his vacant place which is located by the side of LW1's house. While so, on 29.10.2022 at

about 05.30 P.M, A4 pulled out kenaf plants, on seeing the same LW1 rushed to A4 and questioned about his act. Then A4 abused LW1 in filthy language. Thereafter A1 to A3, A5 to A6 intentionally interfered in the issue and abused LW1 in filthy language and threatened on point of death. On seeing the same LWs3 to 6 intervened and admonished A1 to A6 and pacified the issue. On that the LW1 gave report to police. Basing on the report given by LW1, the LW7/SI of police registered the case in Cr.No.148/2022 U/secs.506, 509 r/w.34 of IPC. Thereafter he took up investigation and examined LWs1 to 6 recorded their detailed statements. The LW7 visited scene of offence place drafted scene observation report and drew rough sketch. Later LW7/SI of police served 41(a) notice to accused persons and after completion of investigation he filed charge sheet before the court against accused.

3. This court took cognizance for the offences punishable U/secs. 294-b, 506, 509 r/w.34 of IPC against accused.

4. On appearance of the accused the case papers were served to the accused as contemplated u/sec.207 of Cr.P.C.

5. A1 to A6 were examined u/sec.251 of Cr.P.C and the accusation leveled against them u/secs.294-b, 506, 509 r/w.34 of I.P.C was read over and explained to them in Telugu and the accused pleaded not guilty and claimed to be tried.

6. During the course of trial of this case, the prosecution has examined P.Ws.1 to 6 and got marked Exs.P1 to P6. The learned APP gave up the evidence of remaining witnesses.

7. After closure of prosecution evidence, A1 to A6 were examined u/sec.313 Cr.P.C. with the incriminating material available in the evidence of the prosecution witnesses, the accused denied the same and they did not adduce any defence evidence on their behalf.

8. Heard learned Assistant Public Prosecutor and counsel for accused. Perused the record.

9. Now the point for consideration is:

“Whether the prosecution is able to bring home the guilt of accused for the offence punishable U/Secs.294-b, 506, 509 r/w.34 of IPC beyond all reasonable doubt?”

10. Point:

In order to bring home the guilt of the accused, the prosecution has examined P.Ws.1 to 6 and got marked Exs.P1 to P6.

11. It is the case of prosecution that A1 to A6 in furtherance of common intention on 29.10.2022 abused PWs1 and 2 in filthy language and threatened them with dire consequences and committed offences punishable U/secs.294-b, 506, 509 r/w.34 of IPC.

12. It is the evidence of PW1/Bhukya Prameela Bai deposed that on 29.10.2022 at about 05.30 P.M, while she was at her vacant site near to her house, at that time A4 plucked kenaf plants. Then she asked A4 about his act and then the A4 abused her in filthy language and later all the accused also used unparliamentary language towards her. on that she gave report to police.

13. In addition to that the PW2 who is the husband of PW1 deposed that on 29.10.2022 at about 05.30 P.M, a dispute took place in between A1 to A6 and PW1. Then while they were returning to his agriculture field, PW1 stated to him that A1 to A6 used unparliamentary language towards her as she obstructed to pluck kenaf plants. Then they gave report to police.

14. It is the evidence of PWs3 to 5 that they do not know facts of the case. When PWs3 to 5 denied the case of the prosecution, the learned APP declared them as hostile witnesses and cross examined them. But nothing worthwhile was elicited from the said cross examination.

15. As seen the evidence of PW6/K.Paul Ravindra/Investigating officer, he deposed about procedural investigation conducted by him.

17. On scrutinization entire evidence on record, except PWs1 and 2 none of the witness corroborated with the case of the prosecution. It is the contention of learned counsel of the accused is that PWs1, 2 nowhere in their evidence stated about the unparliamentary words used by accused persons towards PW1. As rightly contended by learned counsel for accused on perusal of entire evidence of PWs1 and 2 not even a single unparliamentary words which is said to be uttered by accused persons towards PW1 was remain unspoken by PWs1 and 2.

18. Further it is the case of the prosecution that A1 to A6 threatened PWs1 and 2 with dire consequences. But from the evidence of PWs1 and 2 it is nowhere seen that A1 to A5 threatened PW1 with dire consequences. Moreover, in order to attract the ingredients of Section 506 I.P.C., the intention of the accused must be to cause alarm to the victim. Mere expression of words without any intention to cause alarm would not suffice. Mere vague and bald allegation that accused persons threatened the P.W1 with dire consequences is not sufficient to attract the provisions under Section 506 I.P.C. It should appear that the P.W1 fear for her life. None of the prosecution witnesses in their evidences before court nor in their chief affidavits stated about the alleged threat caused by accused persons.

19. In addition to that the evidence of Investigating officer is mere procedural one and he did not bring in any incriminating material against accused persons to prove the accusation levelled against them. Thus, there is no dire iota of evidence to connect these accused to the alleged offence and to establish that A1 to A6 in furtherance of common intention on 29.10.2022 abused PWs1 and 2 in filthy language and threatened them with dire consequences. It is a settled

principle of law that however a strong suspicion may be, it cannot take the place of truth. Amid of these circumstances, this court is of the opinion that the prosecution failed to prove its case beyond reasonable doubt. Hence, the accused is entitled for the benefit of Doctrine of Benefit of Doubt which leads to acquittal.

20. In the result, the court found that A1 to A6 are not guilty for offences punishable U/secs.294-b, 506, 509 r/w.34 of IPC and they are acquitted under Section 255(1) Criminal Procedure Code and set at liberty. The bail bonds of A1 to A6 shall remain in force for a period of six months U/s.437-A of Cr.P.C.

Typed to my dictation to Stenographer on Computer, corrected and pronounced by me in open court on this day of 01st day of November, 2024.

I Addl. Civil Judge (Junior Division),
Sattenapalli.

Appendix of Evidence
Witnesses Examined

For Prosecution:

P.W.1 B.Prameela Bai
P.W.2 B.Venkateswarlu
P.W.3 M.Govindu
P.W.4 P.Pullaiiah
P.W.5 A.Rambabu
P.W.6 K.P.Ravinder/SI of police

For Defence: - None-

Exhibits Marked.

For Prosecution:

Ex.P1 Report given by PW1.
Ex.P2 161 Cr.P.C statement of PW3
Ex.P3 161 Cr.P.C statement of PW4
Ex.P4 161 Cr.P.C statement of PW5
Ex.P5 FIR
Ex.P6 Rough sketch.

For Defence:

-Nil-

Material objects marked.

Nil

I Addl. Civil Judge (Junior Division),
Sattenapalli.