

APVZ000011012023



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,

Thursday, this the 17th day of July, 2025

SESSIONS CASE No.91/2023

Name of the Complainant	State represented by the Sub-Inspector of Police, Disha Women Police Station, Vizianagaram.
Name of the accused	Muppalla Ashwin Reddy, S/o late Niranjan Reddy, Age 20 years, Caste by Reddy, Rosanuru, Rajupalem, Pellakuru Mandal, Thirupati District, Studying Degree.
Charges	Charge under section 307, 323, 420 and 354-D of IPC., against the accused.
Plea of the accused	Accused Pleaded not guilty.
Finding of the Judge	: Accused is found not guilty of the offences punishable Under Sections 307, 420 and 354-D of I.P.C. Accordingly the accused is acquitted

U/s.235(1) Cr.P.C., for the said offences.

Accused is found guilty of the offence punishable U/s.323 of I.P.C. Accordingly, the accused is convicted U/s.235(2) Cr.P.C., for the above said offence.

Sentence or order

Hence, the accused is sentenced to undergo **Rigorous Imprisonment of One Year** and to pay fine of **Rs.1,000/- (Rupees One Thousand only)**, in default of payment of fine amount, the accused shall suffer simple imprisonment for a period of **One Month**, for the offence punishable U/s.323 of I.P.C.

The remand period of accused, if any is given set off as per U/s.428 of Cr.P.C.

Unmarked non-valuable case property, if any shall be destroyed after expiry of appeal time.

Accused is informed about his right of appeal before the Hon'ble High Court of Andhra Pradesh, Amaravathi.

The Office is directed to furnish free copy of this Judgment to the accused.

Prosecution conducted: Additional Public Prosecutor, Vizianagaram.
by

Defence conducted by Sri S. Jagannadham Naidu, Advocate.

This case is coming on 07.07.2025 for final hearing before me in the presence of the learned Additional Public Prosecutor for the complainant/State and of Sri S.Jagannadham Naidu, Advocate for accused, after having stood over for consideration till date, this court delivered the following:-

J U D G M E N T

The Sub-Inspector of Police, Disha Women Police Station, Vizianagaram has filed charge sheet against the accused for the offences punishable under Sections 354-D, 420, 323 and 307 of I.P.C., in Crime No.41/2023 of Disha Women Police Station, Vizianagaram.

2. The case of the prosecution in brief is as follows :

L.W.1/P.W.1 is native of Vedayapalem of Nellore District. The accused and P.W.1 studied in the same School from 8th Class to 10th Class. Since then they both were became friends and used to talk over phone with each other even after completing their 10th Standard. Later P.W.1 got a Medicine Seat in MIMS College at Nellimarla of Vizianagaram. While she was studying 3rd Year MBBS, as the father of the accused was died due to Heart Attack, he used to ask money from P.W.1 to meet his needs. For which, P.W.1 also used to give money as asked by the accused. Taking advantage of the

same, the accused used to ask money from P.W.1 saying unreasonable causes. Likewise, in total, P.W.1 gave an amount of Rs.3,00,000/- to the accused on various occasions. After some days, P.W.1 **used to ask for repayment of** the money from the accused. While things stood thus, the accused came to Vizianagaram and used to force P.W.1 to love him saying that he loves her from her School days itself. While so, on 29.03.2023 at 5-00 p.m., the accused went to P.W.1's Hostel, contacted her and asked her to come out of her room to talk with him. On that when P.W.1 came out of her Hostel, the accused made squabble with P.W.1 by demanding her to love him. During such squabble, accused kicked P.W.1 on her stomach and attempted to commit murder by holding her gullet (throat) with his hands, shouting that he will kill her, if she does not love him. On hearing the cries of P.W.1, her friends i.e., L.W.3/Avidhaldeep and P.W.4 rushed to the spot and rescued P.W.1 from the hands of the accused.

3. Later P.W.1 informed about the incident to her father i.e., P.W.2 over phone. It is on his arrival to Vizianagaram on 30.03.2023, she along with her father approached the Station House Officer, Disha Women Police Station, Vizianagaram i.e.,

P.W.7 and lodged a report against the accused. Basing on the report, a case in Cr.No.41/2023 under Sections 354-D, 420, 323 and 307 of I.P.C., was registered against the accused. Accordingly on completion of investigation, P.W.7/Sub-Inspector of Police, Disha Women Police Station, Vizianagaram filed charge sheet against the accused, stating that accused followed P.W.1 in the name of love stated to her by false reasons and took money of Rs.3,00,000/- from her and did not return the same and also assaulted P.W.1 and even attempted to commit murder of P.W.1 by holding her gullet tightly by demanding her to love him or otherwise he will kill her.

4. The Special Judicial Magistrate of First Class (Mobile)-cum-II Additional Junior Civil Judge, Vizianagaram, took cognizance of the case for the offences punishable U/s.307, 354-D, 420 and 323 of I.P.C., against the accused.

5. After appearance of the accused, case copies and documents were furnished to the accused as required U/s.207 of Cr.P.C.

6. Upon considering the material on record, the Special Judicial First Class Magistrate (Mobile)-cum-II Additional Junior Civil Judge, Vizianagaram, has committed the case to the

Hon'ble Court of Sessions Division vide Orders in P.R.C.No.10/2023m, dated 09.08.2023, as the offence punishable U/s.307 of I.P.C., is exclusively triable by the Court of Sessions Division.

7. The learned Principal District & Sessions Judge, Vizianagaram, took the case on file for the offences punishable under Sections 307, 354-D, 420 and 323 of I.P.C., and made over the case to this Court for disposal of the case according to Law.

8. On appearance of the accused, case copies were furnished to him.

9. After hearing both side counsel, and on perusal of the record, this Court has framed the charges for the offences punishable under Sections 307, 323, 420 and 354-D of I.P.C., the same were read over and explained to accused in Telugu, for which he pleaded not guilty and claims to have been tried.

10. In order to bring home the guilt of the accused for the charged offence levelled against him, the prosecution has examined the defacto-complainant-cum-victim as P.W.1; her father as P.W.2; her classmates-cum-friends as P.Ws.3 and 4; the Doctor who treated P.W.1 and issued wound certificate vide

Ex.P.2 was examined as P.W.5; P.W.6 is one of the mediators for recording the confessional statement of the accused; and P.W.7 is the Investigating Officer. Exs.P.1 to P.6 were marked on behalf of the prosecution.

11. After completion of prosecution evidence, the accused was examined U/s.313 Cr.P.C., by explaining the incriminating evidence available on record against him, for which he denied and reported no defence evidence.

12. Heard arguments on both sides.

13. Now, the Point for consideration is :

Whether the prosecution could establish beyond reasonable doubts that accused by committing “stalking” troubled the victim and “voluntarily caused hurt” besides making an “attempt to commit murder” of victim on 29.03.2023 by forcing her to love him and even “cheated” the victim and induced her to deliver total amount of Rs.3,00,000/- to him ?

14. **POINT**:- The case of the prosecution in the lines of Ex.P.1 contents, is that P.W.1 had acquaintance with the accused during their Schooling at Nellore and their friendship continued further. Later P.W.1 joined in MBBS course at MIMS College, Vizianagaram and was prosecuting her education by

staying in the Hostel of the said College. While so, during her 2nd year, accused by stating that his father was dead and he was in need of money, took an amount of Rs.3,00,000/- in installments from her. While things stood thus, for the last one month prior to lodging report vide Ex.P.1, dt.30.03.2023, accused started saying that he likes P.W.1 since their childhood and insisted her to love him, even by threatening her in that regard. While so on 29.03.2023 at 5-00 p.m., by visiting her Hostel asked P.W.1 to come out of the Hostel and when she came out of the Hostel, by picking up quarrel with her by demanding as to whether she is going to love him or not, even kicked on her stomach and threatened to do away her life, in case of not loving him and even pressed her neck/throat with hands and accordingly made an attempt to commit murder of P.W.1. It is on hearing the cries raised by P.W.1, her friends Mahita (P.W.4) and Avichal came to her rescue and got removed her from the clutches of the accused. Then the accused shulk away from the said place. After informing the said incident to her father (P.W.2), it is on the next day i.e., on 30.03.2023 P.W.1 along with her father turned up before

P.W.7/Sub-Inspector of Police, Disha Women Police Station, Vizianagaram, and lodged Ex.P.1/Report.

15. Coming to the evidence adduced by the prosecution, P.W.1/defacto-complainant-cum-victim, gave evidence almost in the same lines as mentioned in Ex.P.1, however added that accused became her friend from 8th Standard and their friendship continued even after 10th Class, i.e., even after her joining at MIMS College, Vizianagaram. Further, she deposed that in fact by stating that his father died, accused used to take hand loan from her now and then, to meet his expenses. Later started saying that he is having feelings towards her and asked her to love him. When she stated that she do not have such feelings on him, accused started **blackmailing her that he will complain to her parents that he moved with him closely** and even started saying that she did not take any such hand loan and did not fell in due of any such amount to her. Later she started avoiding him. While so, on one day accused came to their Hostel in Vizianagaram and by stating that he wanted to talk to her i.e., on 29.04.2023 and **while they were talking**, quarrel took place between them, in which the accused kicked on her stomach and even caught **hold her**

neck in anger. On hearing the cries raised by her, her friends namely Mahitha (P.W.3) and Avichaldeep came to the said place.

16. In the cross-examination P.W.1 confirmed the fact that after one year of joining at MIMS College by her for M.B.B.S., the father of accused was died. She even made a statement that it is due **to poor financial condition**, subsequent to the death of his father, accused even discontinued his education. Further deposed that by the time of lodging Ex.P.1 report, there were abrasions on her neck and contusion at her ribs and even before lodging Ex.P.1 report, she went to their College Hospital and took treatment as she was **suffering with pain**, however, did not disclose about the assault made by the accused on her, while taking treatment initially at MIMS Hospital, Vizianagaram and did not even mention about the said fact in Ex.P.1/report. P.W.1 denied the suggestion that afore mentioned friends and her senior are not eye witnesses to the said incident. She testified that she do not have much acquaintance with Avichaldeep (Senior), Tirumalasetty Mahitha (P.W.4) and Yaswanth (P.W.3) are her classmates. Mahitha is her hostel mate also.

17. The evidence of P.W.2/father of P.W.1, is that on 29.03.2023 at about 8-00 p.m., he received phone call from his elder daughter, informing that some issue was going on in MIMS College, in which P.W.1 was studying. Immediately on the next day he came down to Vizianagaram, enquired with P.W.1 about the incident and came to know from her that the accused asking amounts from her **on account of death of his father**, to meet his expenses, as they **both were friends from 8th Standard** onwards. Accordingly P.W.1 used to pay money to the accused now and then and **was in touch with him** over phone. However, as there was change in the behaviour of accused gradually, she started avoiding him. On that, accused was following her regularly by making phone calls during night hours and was not leaving her. In that process only, all of a sudden, by coming down to Vizianagaram on the previous day i.e., on 29.03.2023, attacked her, when P.W.1 made an attempt to take back her Mobile Phone from the accused. At that time, accused caught hold her neck. Meanwhile her friends saw the same and then accused went away from the said place, as they tried to caught hold him.

Later he along with P.W.1 went to Police Station and gave report to the accused.

18. In his evidence, P.W.2 also deposed that in the Police Station, accused admitted about taking amount of Rs.3,00,000/- from P.W.1 and even executed a Pronote, duly filled up by him in favour of P.W.1. Further deposed that subsequent to recording his statement, the Police have even recovered the Mobile Phone, which was gifted to accused by P.W.1 earlier, and after going through the contents of such Mobile Phone recovered from accused and handed over to P.W.2, he came to know that accused was having so many illegal contacts with some other girls and he was in the habit of playing on line Games and to meet such expenses, he was in the habit of recording the calls made by the girls and used to blackmail them to reveal of such information to their parents, in case of not giving amounts to him.

19. In his evidence P.W.2 also made a mention that because of his limitations, he did not try to get correct and complete information about the relationship between P.W.1 and accused, but he is of the opinion that there **may be a love affair** between P.W.1 and accused and according to his

understanding, they were **very close**. P.W.2 also clarified that as such information came to his knowledge after recording statement, on account of recovery of Mobile Phone recovered from accused, he could not disclose these facts, while recording his statement by the Investigating Officer.

20. The evidence of P.W.3/the Classmate of P.W.1, is that on 29.03.2023 between 4-30 or 5-00 p.m., when he was present **in the Campus of MIMS College**, Vizianagaram, he noticed that accused by taking Mobile Phone of P.W.1 from her hands was breaking it, at the second year Block of MIMS College. Immediately he went there. By then Avichaldeep was already present there. On his enquiry, he came to know that accused by beating P.W.1 and by caught holding her neck, gave a threat to do away her life. He also deposed that he got knowledge that accused who is a known person to P.W.1 and was in the habit of taking money from her, on the ground that one of his family member was died and to meet his necessities. Further deposed that on some such occasions, even he gave amount to accused on the request made by P.W.1 and came to know from Avichaldeep and Mahita that **accused was not in a position to repay** the amount taken from P.W.1 and was

insisting her to love him and to marry him and in that regard, he assaulted P.W.1 on that day. Then he along with Avichaldeep calm down the accused later after arrival of the father of P.W.1, in pursuance of phone call made by P.W.1 to her family members, they lodged a report against the accused and the Police recorded his statement.

21. P.W.4/Classmate-cum-Hostel mate of P.W.1 deposed that she **knew accused as a friend of P.W.1**, while studying 2nd Year MBBS, on one day evening P.W.1 came to her room by crying and stated that accused was beating her. At that time she was very weak and informed that she did not take any food. Then it is she, who took P.W.1 outside of the Hostel to have something to eat. At that time accused came to her and broken her Mobile Phone. Immediately their Senior Avichaldeep and Classmate P.W.3 rushed to the spot and took away the accused. At that time P.W.1 even shown the bruises over her **stomach** and near to her chest. Before that P.W.1 even complained her that she is **afraid of speaking with accused** and will not go to talk to him. Then Avichaldeep and P.W.3 took P.W.1 and accused to the terrace of the house of P.W.3, to enquire about the issue. On the same night even

Police examined her. On the next day after arrival of the father of P.W.1, they lodged a report against the accused. She also deposed that she came to know from P.W.1 that the accused used to take money from P.W.1 now and then.

22. P.W.5/the Doctor, who examined P.W.1 on 30.03.2023 at 4-22 p.m., deposed that at that time she noticed abrasions on the left arm, pain on the left side of the abdomen and neck of P.W.1. Accordingly, she issued wound certificate under Ex.P.2.

23. P.W.6/the V.R.O.-cum-mediator, for recording the confessional statement of accused in the Police Station, after arrest of accused on 31.03.2023, deposed about the same. However, as the same is hit by Sections 25 and 26 of the Indian Evidence Act, the same cannot be made use of by the prosecution, to prove the guilt of the Accused.

24. P.W.7/the Investigating Officer, deposed about her investigation. In her cross-examination, it was elicited that though the scene observation report vide Ex.P.6 and the photos taken at the time of observing the scene of offence vide Ex.P.5, revealing that the said proceedings were taken place from 4-00 p.m., to 4-30 p.m., disclosing the presence of P.W.1 even at

that time, the wound certificate of P.W.1 vide Ex.P.2 reveal that she was examined by the Doctor at 4-22 p.m., itself, which is quite impossible. Because P.W.1 deposed that it will take 25 minutes to reach Disha Women Police Station, Vizianagaram from MIMS. Whereas P.W.7 deposed that it will take 35 minutes to 40 minutes to reach Disha Women Police Station, Vizianagaram, from MIMS College. Whereas, Ex.P.1 disclosed to have been registered at 3-00 p.m., 30.03.2023. Which means after registering the Crime, P.W.7 can reach MIMS College by 3-45 p.m., and if at all she along with P.W.1 were there at the scene of offence till 4-30 p.m., examining P.W.1 by P.W.5 at 4-22 p.m., is quite impossible.

25. In the light of this sort of evidence adduced by the prosecution, when the essential ingredients to make out the offence U/s.307 of I.P.C., is carefully gone into, it reads that :

*"Whoever **does any act** with such **intention** or **knowledge**, and under such circumstances that, if he by that act caused death, he would be guilty of murder, then only such person shall be held liable for the punishment of the offence of attempt of murder the victim."*

26. Here in this case, according to the evidence of P.W.1/victim, on 29.03.2023, it is while they both were **talking**,

quarrel took place in between them, then, accused kicked on her stomach and even caught hold her neck in anger. As admitted by P.W.1 in her cross-examination, the incident took place out side of their Hostel and on the way leading to Hospital there will not be any restriction to the general public to move on the road. So, even according to the evidence of P.W.1, it was not an isolated place.

27. Further, the gravity of the injury as can be seen from the wound certificate of P.W.1 vide Ex.P.2, it does not reveal any such bony injury and all such injuries like abrasions on left arm complaint of plain on the abdomen and neck are simple in nature. When it is the clear evidence of P.W.1 that accused who caught hold of her neck in anger and has kicked on her stomach, certainly under any such of imagination, it cannot be held that accused had any such intention or **knowledge** that under such circumstances by said act, **he is going to cause death** of P.W.1. Moreover, though Ex.P.1 contents reveal, as if while pressing her neck, accused even gave threat and shouted that he will kill P.W.1 in case of not loving him, Such words are not spell out by P.W.1, in her evidence. So, in these circumstances, absolutely I find no such ingredients which

attracts the offence of “attempt to murder as per the parameters laid down U/Sec.307 of I.P.C., against the accused.

28. With regard to the offence punishable U/s.420 of I.P.C., as vehemently argued by the learned defence counsel, to bring home the guilt of the accused for the offence punishable U/s.420 of I.P.C., the prosecution must invariably establish that the accused “cheated” P.W.1 either by way of “dishonest concealment” of any fact or by “playing” any sort of “deception” on her, by giving any such false information to her **so as to deceive** her and thereby **induce** her to deliver any such amounts to him, which she may not have given, **if she was not so, deceived** by the accused. Then only accused can be held liable for the offence punishable U/s.420 of I.P.C.

29. Here in this case, the contents of Ex.P.1 and also the evidence of P.W.1, reveal that while studying 2nd year MBBS, accused stated that his father died and as such only he was in need of money to meet his expenses. Accordingly out of friendship in between them, it is P.W.1, who gave amounts to the accused in installments totaling to a tune of Rs.3,00,000/-. Confirmation of the “death of father of the accused”, while studying 2nd year MBBS by P.W.1, during her cross-

examination makes it clear that accused did not make any false statement to P.W.1 for the purpose of deceiving her, in order to induce her to deliver such amounts to him. Because P.W.1 categorically deposed that it is on account of his poor financial condition resulted due to the death of father, accused even discontinued his education.

30. P.W.2 being the father of P.W.1 deposed as if accused was in the habit of blackmailing the girls known to him, by giving a threat of revealing their conversation with him, to their parents and used to spend such amounts to meet his expenses of playing on line games. But, admittedly such a fact was not revealed by P.W.2 while recording his statement by P.W.7 and such a fact was not corroborated by P.W.1 and it was not even find place in Ex.P.1. Further, P.W.3 being Classmate of P.W.1 deposed that it is on the request made by P.W.1, even he gave certain amounts to accused now and then. So, the question of **deceiving P.W.1** and **inducing her** to deliver amounts to him by making any **such false representation**, does not find place either in the contents of P.W.1 or after careful scrutiny of evidence given by the prosecution witnesses. Adding to it, P.W.1 categorically deposed that she gave said

amounts to the accused as **hand loan** and later accused **denied to have** taken such hand loan amount from her. Whereas P.W.2 deposed that in the Police Station he even obtained promissory note from accused in favour of P.W.1 for such an amount, on his admission of receiving such amounts from P.W.1.

31. In these circumstances, absolutely I find no such ingredients of “cheating P.W.1” and thereby dishonestly inducing her to deliver amounts to accused, so as to make out an offence punishable U/s.420 of I.P.C. Above all as admitted by P.Ws.1, 2 and 7, absolutely there is no recorded evidence/documentary evidence for the proof of payment of any such amounts by P.W.1 to the accused as alleged by the prosecution.

32. Therefore, in these circumstances, even with regard to the offence punishable U/s.420 of I.P.C., I hold that the prosecution miserably failed to bring home the guilt of the accused for the offence punishable U/s.420 of I.P.C.

33. With regard to the offence punishable U/s.354-D, it reads as under :

Stalking:- "Any man, (i) who follows a woman and contacts, or attempts to contact

such woman **to foster personal interaction repeatedly despite a clear indication of disinterest** by such woman; or (ii) monitors the use by a woman of the internet, e-mail etc., then he is said to have been committed the offence of "stalking".

34. Here in this case as vehemently argued by the learned defence counsel, the close and careful scrutiny of the evidence of P.Ws.1 to 4 made it clear that accused and P.W.1 were classmates while studying 8th Class to 10th Class at Akshara Vidyalayam in Nellore. Later they continued their friendship, though they have been joined in Junior Intermediate at two different Colleges i.e., in Nellore and at Chennai respectively and were in touch with each other over phone. Further, the evidence given by P.W.2/father of victim made it clear that it is out of such friendship, P.W.1 went to an extent of giving amounts to accused, which includes the Fee amount sent to her by her father to apply for supplementary Exams. Admittedly, P.W.1 has no independent source of income. But without disclosing the necessities of the accused to her family

members, P.W.1 was in the habit of giving amounts to the accused secretly and even by making a request to his Classmate like P.W.3. "Further, as per the understanding of P.W.2, who has gone through the chatting between P.W.1 and accused, from the Mobile Phone gifted to the accused by P.W.1, after it was recovered from the accused by the Police and handed over to him, there may be "love affair" between P.W.1 and accused and they were very close to each other. Further, the close and careful perusal of contents of Ex.P.1, does not reveal anywhere that at any point of time P.W.1 expressed her disinterest by giving a clear indication of the same to the accused. But for the first time in her evidence P.W.1 deposed that when accused started saying that he has feelings towards her and asked her to love him, she stated that she do not have such feelings. Then the accused started blackmailing to complain to her parents that she moved closely with him.

35. In these circumstances, "following P.W.1 and making an attempt to come in contact with her, to foster personal interaction with her repeatedly despite a clear indication of disinterest" would not arise. Because by then they were already moving closely with each other since long. Because

P.Ws.2 and 3 deposed that they knew accused as a friend of P.W.1. When admittedly accused is not a resident of Vizianagaram, the question of seeing the accused prior to the incident by P.Ws.3 and 4 would arise, only when there is a habit of prior visiting to the Hostel of P.W.1 by accused, i.e., prior to 29.03.2023.

36. So, the close scrutiny of the evidence of P.Ws.1 to 3 gives raise to reasonable suspicion that on account of friendship and relation between P.W.1 and accused, which went to an extent of allowing the accused to handle the Bank Account of P.W.1 also (as deposed by P.W.2), accused started insisting P.W.1 to continue such close relation in the name of love. For which P.W.1 started avoiding the accused and as a result of such avoidance by P.W.1 only accused visited the Hostel of P.W.1 on 29.03.2023 and made a galata which was noticed by her friends and seniors i.e., P.Ws.3 and 4 and one Avichaldeep. Therefore, the question of making an attempt by accused to foster **personal interaction** with P.W.1 on 29.03.2023 is doubtful and accordingly with regard to the offence punishable U/s.354-D of I.P.C., I hold that the accused is entitled for benefit of doubt.

37. With regard to offence punishable U/s.323 of I.P.C., which provides that “whoever except in the case provided by Section 334 of I.P.C., (voluntarily causing hurt on provocation) voluntarily caused hurt” would be punished with imprisonment, the close and careful scrutiny of evidence given by P.Ws.1 to 4 made it clear that in fact on 29.03.2023, it is not P.W.1 who called the accused for the purpose of talking with him. On the other hand, the evidence given by P.W.4 made it clear that in fact on that day, P.W.1 complained to P.W.1 that she is afraid of speaking with the accused and will not go to talk to him. Despite of it, according to the evidence given by P.W.1, as accused came to their Hostel in Vizianagaram stating that he wanted to talk to her, she went to him i.e., on the way leading to Hospital, by coming out of her Hostel and while both they were talking, quarrel took place between them.

38. Further, according to the evidence of P.Ws.1, 2 and 3, in the said quarrel accused took the Mobile Phone of P.W.1 and when she tried to take back the same, accused caught hold her neck, even broken the said Mobile Phone and kicked on her stomach. Though P.W.3 deposed as if at the time of beating P.W.1, he was not present there, according to his evidence

immediately after the said incident, he rushed to the spot and by then their senior Avichaldeep was very much present at the spot i.e., at the exact scene of offence. Then he came to know from them that the accused was beating P.W.1. Whereas, P.W.4 deposed that on that day P.W.1, has even shows bruises over her stomach and near to her chest.

39. P.W.1 categorically deposed that because of such pain on the same day night she even took treatment at their Hospital i.e., MIMS, but did not disclose to the said Doctor about the assault made by the accused towards her and did not mention the said fact in Ex.P.1. But, is quite natural and understandable to the common sense of any ordinary prudent man. Because the issue is pertaining to a girl studying MBBS and her old friend who was troubling her on account of avoiding such close relationship with him by P.W.1. In such circumstances only, the said issue disclosed to have dealt by her senior and Classmate i.e., P.W.3 and one Avichaldeep as deposed by P.W.4, by taking both of them to the terrace of P.W.3, who was stayed in a rented accommodation near to Hostel as deposed by him and it is quite natural and common. However, on account of such an issue, which went to an extent

of manhandling P.W.1, ultimately he gave intimation about the said incident to her family member, who in turn told it to her father, which resulted in lodging Ex.P.1/report against the accused. Just because of the reason that there are some minor discrepancies in between the evidence given by the prosecution witnesses, like P.W.1 deposed that she made a call to her father, whereas P.W.2 deposed that he received call from the elder sister of P.W.1, informing that some issue is going on in the College of P.W.1 and that pacifying the said quarrel by taking P.W.1 and accused by taking them to the terrace of P.W.3, does not find place in the investigation done by P.W.7 and that all the Sec.161 Cr.P.C., Statements got prepared by P.W.7 through Computer System, and does not contain the signature of the scribe and that there is some discrepancy regarding the time at which P.W.1 was examined by P.W.5 on 30.03.2023, as well as the date of incident which was confused by P.W.1 in her evidence and at least clarified during her cross-examination etc., are not going to ruin the genuineness of the entire case of prosecution, when it is otherwise believable on account of cogent, convincing and corroborative evidence given by P.Ws.1 to 7 on all material aspects. Further, just because of

the reason that there is no such visible injury on stomach or neck of P.W.1 at the time of her examination by P.W.5 i.e., nearly after 48 hours of the incident, it cannot be held that in the said incident accused did not cause any "hurt" to P.W.1 voluntarily. Because sustaining pain by P.W.1 by the act of the accused of kicking and beating her, also amounts to "voluntarily caused hurt" to her.

40. Therefore, in these circumstances, without any hesitation, this Court is of the considered opinion that the prosecution has successfully bring home the guilt of the accused for the offence punishable U/s.323 of I.P.C., beyond reasonable doubts.

41. **IN THE RESULT**, the accused is found not guilty of the offences punishable Under Sections 307, 420 and 354-D of I.P.C. Accordingly, the accused is acquitted U/s.235(1) Cr.P.C., for the said offences.

The accused is found guilty of the offence punishable U/s.323 of I.P.C. Accordingly, the accused is convicted under Section 235(2) Cr.P.C., for the above said offence.

Dictated to the Stenographer Grade-I (On Deputation), transcribed by him, corrected and pronounced by me in open court on this the 17th day of July, 2025.

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

When questioned the accused on quantum of sentence, he stated that he is having mother and his father is no more. His mother is depending on him and hence prayed to take a lenient view. However, having regard to facts and circumstances of the case and taking into consideration of the manner in which accused disclosed to had been, troubling prior to lodging Ex.P.1 report by her, to see that accused has not entertained an idea of repeating such acts in future, I am declined to invoke benefits of P.O Act in favour of Accused.

Hence, the accused is sentenced to undergo **Rigorous Imprisonment of One Year** and to pay fine of **Rs.1,000/- (Rupees One Thousand only)**, in default of payment of fine amount, the accused shall suffer simple imprisonment for a period of **One Month**, for the offence punishable U/section 323 of I.P.C.

The remand period of accused, if any is given set off as per U/Sec.428 Cr.P.C.

Unmarked non-valuable case property, if any shall be destroyed after expiry of appeal time.

Accused is informed about his right of appeal before the Hon'ble High Court of Andhra Pradesh, Amaravathi.

The Office is directed to furnish free copy of this Judgment to the accused.

Dictated to the Stenographer Grade-I (On Deputation), transcribed by him, corrected and pronounced by me in open court on this the 17th day of July, 2025.

**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 Victim/defacto-complainant.

P.W.2 M. Laxmi Narasimha Rao.

P.W.3 V. Yaswanth.

P.W.4 Mahita tirumala Setty.

P.W.5 P. Pragnya.

P.W.6 B. Sambhu Naidu.

P.W.7 N. Padmavathi.

Documents Marked

For Prosecution:

- Ex.P.1 Report of P.W.1 given to Police, dt. dt.30.03.2022.
- Ex.P.2 Wound Certificate of P.W.1, dt.31.03.2022.
- Ex.P.3 Original F.I.R., dt.30.03.2023 in Cr.No.41/2023
U/s.354-D, 420, 323, 307 IPC of Disha Women Police
Station, Vizianagaram.
- Ex.P.4 Rough sketch of scene of offence, dt.30.03.2023.
- Ex.P.5 3-Photographs.
- Ex.P.6 Scene observation report, dt.30.03.2023.

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 Judicial Magistrate of I Class, (Special Mobile Court), Vizianagaram.
2. The Addl., Public Prosecutor, Vizianagaram.
3. The District Collector, Vizianagaram.
4. The Sub-Inspector of Police, Disha women Police Station, Vizianagaram.