

IN THE COURT OF IV ADDITIONAL METROPOLITAN MAGISTRATE :: VIJAYAWADA

Present :: **Smt. S. Komala Valli,**
IV Addl. Metropolitan Magistrate, Vijayawada

Thursday, the 23rd day of February, 2023

P.R.C.No.65/2022

Between

State, represented by Inspector of Police,
Ibrahimpatnam Police Station
(Cr.No.275/2022)

... Complainant

And

1. Pappula Chittamma
2. Rentapalli Durga Rao
3. Rentapalli Nagaraju
4. Rentapalli Mariyadasu
5. Rentapalli thirupathi Rao @ Chinnodu

... Accused

This case is coming on this day for hearing before me in the presence of learned Assistant Public Prosecutor for State and of Sri K.Krishnam Raju, Advocate for A1, and Sri Chalasani Ajay Kumar, Advocate for A2 to A5, and upon perusing the material available on record and having stood over till this day for consideration, this court delivered the following:

ORDER

State, represented by Inspector of Police, Ibrahimpatnam has filed charge sheet against accused in Cr.No.275/2022 alleging that the accused committed the offences under Sections 302, 324, r/w 34 IPC.

2. The case of the prosecution in brief is :

A1 is mother of deceased Papula Balakoti. A1 is having illegal affair with A5. In that issue deceased frequently use to quarrel with his mother. On 11-4-2022 also at about 3.00 P.M the deceased quarreled with his mother A1 in that regard and tried A1 to beat her. Then A1 went into the house of her neighbor Rentapalli Lingamma, to escap from the deceased. The deceased also entered into the house of Lingamma and tried to beat his mother A1. At that time Lingamma interfered to rescue A1. Then the deceased beat her with scythe on her hands and abdomen. On seeing the

same the husband and the relatives of Lingamma beat the deceased with hands due to which the deceased fell down on the road. Then A1 came outside the house of Lingamma with hand and attacked the deceased on his back side of the neck. As a result the deceased received bleeding injuries and immediately he was shifted to Vijayawada General Hospital in 108 ambulance where the deceased died at 6.22 p.m while undergoing treatment.

3. Based on the compliant given by LW.1 – P.Krishna Koteswara Rao the uncle of deceased, LW-16 Sub-Inspector of Police, Ibrahimpatnam registered the case in Cr.No.275/2022 U/s.323, 302 IPC issued FIR and submitted original FIR to this court and copies of the officers concerned. After receipt of the copy of FIR LW-17 the Inspector of Police, Ibrahimpatnam took up investigation, visited the scene of offence inspected the same in the presence of mediators and prepared scene observation report and Rough sketch and seized the blood strained cement road pieces under cover of scene observation report. He also got taken the photographs of the scene of offence, held inquest on the dead body of deceased in the presence, of the blood relatives and examined the witnesses and recorded their statements. Based on the statement of witnesses, he altered section of law from 323, 302 IPC to 324 and 302 IPC and filed a memo before this court to that effect.

4. During the course of investigation on 16-4-2022 LW-7 arrested and recorded the confession statement of A1 and in pursuance of the confession of A1, he seized the clots of blood strained axe from the house of A1 under cover of mahazer and sent A1 for judicial remand. Thereafter, on 29-4-2022 he also arrested A2 to A5 in the presence of mediators, recorded their confession statement and sent them also for judicial remand.

Thereafter, LW17 – the Inspector of Police, sent the material objects to the FSL. After receipt of FSL report, postmortem of report of deceased and the final opinion of the medical officer about the death of deceased, he concluded the investigation and filed charge sheet against A1 to A5 before this court for the offences u/s 302, 324 r/w 34 IPC.

5. Cognizance was taken against A1 to A5 for the offences u/s u/s.302, 324 r/w 34 IPC. On appearance of accused copies of documents furnished to the accused u/s 207 Cr.P.C. The offence u/s 302 IPC is exclusively triable by the Hon'ble Court of Sessions. Therefore, the case of the accused is committed to the Hon'ble Metropolitan Sessions Judge, Sessions Division at Vijayawada for trial of case under u/sec. 209(a) Cr.P.C.

6. Accused 1 to 5 are released on bail as per the orders of Hon'ble XIII Addl. Sessions Judge, Vijayawada vide CrI.M.P.No.579/2022, dt. 25.02.2022 for A2 to A4, CrI.M.P.No.710/2022, dt.15.06.2022, for A5, CrI.M.P.No.849/2022, dt.06.07.2022 for A1. The accused are allowed to be on bail during and till the completion of trial u/s 209(b) Cr.P.C.

7. The entire record and case property, if any, is submitted to the Hon'ble Metropolitan Sessions Court, Vijayawada u/sec. 209(c) Cr.P.C.

8. The Office is directed to notify the Public Prosecutor about the commitment of the case under Section 209(d) Cr.P.C.

Typed to my dictation, corrected and pronounced by me in the open court this the 23th day of February, 2023.

IV ADDL. METROPOLITAN MAGISTRATE,
VIJAYAWADA

Copy to;

The Public Prosecutor, Metropolitan Sessions Court, Vijayawada