

**TABULAR FORM ANNEXED TO THE JUDGMENT IN  
SESSIONS CASE NO.186 of 2022**

**IN THE COURT OF V ADDITIONAL DISTRICT AND SESSIONS JUDGE-CUM-  
SPECIAL COURT FOR TRIAL OF OFFENCES AGAINST WOMEN,  
WEST GODAVARI, ELURU.**

**UNDER RULE 318 OF THE CRIMINAL RULES OF PRACTICE.**

|    |                                                                  |   |                                                                                                                                                                                                                                                                                                                                                              |
|----|------------------------------------------------------------------|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Sessions Case No. and P.R.C.No: with name of the committal court | : | S.C.186/2022 and P.R.C.No.6 of 2020 II Addl.Civil Judge(Junior Division)-cum-II Addl.Judicial Magistrate of First Class, Eluru.                                                                                                                                                                                                                              |
| 2. | Name of the Police station                                       | : | Crime No.465/2019 of Eluru II Town Police Station.                                                                                                                                                                                                                                                                                                           |
| 3. | Name of the Accused and particulars                              | : | <ol style="list-style-type: none"> <li>1. Sayyad Begam W/o late Mastan, 32 yrs, Sekhar street, Powerpeta, Eluru.</li> <li>2. Olupalli Durga Rao S/o Ajay,, 35 yrs, Vangayagudem, Eluru.</li> <li>3. Addanki Jaganmohana Rao S/o Narayana Rao, 29 yrs, Kunukumadu village, Chintalapudi mandal.</li> </ol>                                                    |
| 4. | Date of offence                                                  | : | 18-12-2019                                                                                                                                                                                                                                                                                                                                                   |
| 5. | Date of complaint                                                | : | 18-12-2019                                                                                                                                                                                                                                                                                                                                                   |
| 6. | Date of apprehension                                             | : | 19-12-2019                                                                                                                                                                                                                                                                                                                                                   |
| 7. | Date of release on bail                                          | : | 24-12-2019                                                                                                                                                                                                                                                                                                                                                   |
| 8. | Date of committal order                                          | : | 05-07-2022                                                                                                                                                                                                                                                                                                                                                   |
| 9. | Date of commencement of trial                                    | : | 23-08-2024                                                                                                                                                                                                                                                                                                                                                   |
| 10 | Date of close of Trial                                           | : | 13-09-2024                                                                                                                                                                                                                                                                                                                                                   |
| 11 | Date of Sentence of Order                                        | : | 28.10.2024                                                                                                                                                                                                                                                                                                                                                   |
| 12 | Sentence                                                         | : | In the result, A1 to A3 are found not guilty for the offence under section 370 of IPC and Sec.3, 4 and 5 of ITP Act. Accordingly, they are acquitted under section 235 (1) Cr.P.C. Bail bonds of accused shall remain in force for a period of six months and thereafter shall stand cancelled as contemplated U/Sec.437-A Cr.P.C. M.O.1/two cell phones and |

|    |                                                                                                                                   |   |                                                                                                                                                                                                                                                           |
|----|-----------------------------------------------------------------------------------------------------------------------------------|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |                                                                                                                                   |   | M.O.2/cash of Rs.2,300/- shall be returned to committal Court with a direction to confiscate to state after expiry of appeal time. M.O.3/one condom packet shall be returned to committal court to destroy the case property after expiry of appeal time. |
| 13 | Explanation for the delay                                                                                                         | : | No avoidable Delay                                                                                                                                                                                                                                        |
| 14 | Appeals as prescribed under rule 319 of Crl.Rules of Practice with regard to the diary extract submitted by the Committing Court. | : | --                                                                                                                                                                                                                                                        |

V Addl. District & Sessions Judge-cum-  
Special Court for trial of offences against women  
West Godavari, Eluru.

**IN THE COURT OF V ADDITIONAL DISTRICT AND SESSIONS JUDGE –  
CUM-SPECIAL COURT FOR TRIAL OF OFFENCES AGAINST WOMEN,  
WEST GODAVARI AT ELURU.**

Present: **Smt. G.RAJESWARI,**  
V Addl. District Judge-cum – Spl. Court  
for trial of offences against women, Eluru.

Monday, this the 28<sup>th</sup> day of October, 2024.

**SESSIONS CASE No.186 of 2022**

|    |                                         |   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----|-----------------------------------------|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Name of the Accused and Particulars     | : | 1. Sayyad Begam W/o late Mastan, 32 yrs, Sekhar street, Powerpeta, Eluru.<br>2. Olupalli Durga Rao S/o Ajay,, 35 yrs, Vangayagudem, Eluru.<br>3. Addanki Jaganmohana Rao S/o Narayana Rao, 29 yrs, Kunukumadu village, Chintalapudi mandal.                                                                                                                                                                                                                                                                                                                                               |
| 2. | Charge                                  | : | Under Section 370 of IPC and Sec.3, 4 and 5 of ITP Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 3. | Plea of accused                         | : | Pleaded not guilty                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 4. | Finding of the Judge and order Sentence | : | Found not guilty                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 5. | The prosecution is conducted by         | : | Additional Public Prosecutor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 6. | The accused is defended by              | : | Sri <b>B.Jagannadha Reddy, B.Appala Reddy</b> , the learned counsels for A1 and A2.<br>Sri <b>K.V.R.K. Subbarao</b> , the learned counsel for A3                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 7. | The case committed by                   | : | II Addl.Civil Judge(Junior Division)-cum-II Addl.Judicial Magistrate of First Class, Eluru.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 8. | Date of Sentence or Order               | : | In the result, A1 to A3 are found not guilty for the offence under section 370 of IPC and Sec.3, 4 and 5 of ITP Act. Accordingly, they are acquitted under section 235 (1) Cr.P.C. Bail bonds of accused shall remain in force for a period of six months and thereafter shall stand cancelled as contemplated U/Sec.437-A Cr.P.C. M.O.1/two cell phones and M.O.2/cash of Rs.2,300/- shall be returned to committal Court with a direction to confiscate to state after expiry of appeal time. M.O.3/one condom packet shall be returned to committal court to destroy the case property |

|  |  |                              |
|--|--|------------------------------|
|  |  | after expiry of appeal time. |
|--|--|------------------------------|

This case is coming on 30.09.2024 for final hearing before me in the presence of Additional Public Prosecutor for the State and of Sri **B.Jagannadha Reddy, B.Appala Reddy**, the learned counsels for A1 and A2 and of Sri **K.V.R.K. Subbarao**, the learned counsel for A3 and having stood over for consideration till this day, this Court delivered the following:-

### **//J U D G M E N T//**

The Inspector of Police, Eluru II Town PS filed charge sheet against accused for the offence punishable U/Sec.370 of IPC and Sec.3, 4 and 5 of ITP Act, 1956 in Crime No.465/2019 of Eluru II Town Police Station.

#### **2. The case of the prosecution in nutshell is;**

On 18-12-2019 LW1-Inspector of Police, Eluru II Town PS received credible information about A1 and A2 maintain brothel house at H.No.20-B-2-53, Sekher street, Power peta, Eluru. He obtained search proceedings vide C.No.87/SDOE-N/2019, dt.18-12-2019 from Sub-Divisional Police Officer, Eluru. The investigating officer along with his staff and mediators conducted raid in the said premises and found A1 and A2 have procured female person for prostitution with A3, who came to the brothel house for indulging in the prostitution. All of them were arrested in the presence of mediators, seized cash of Rs.1800/- and two mobiles phones and two condoms packets from the possession of the accused under the cover of mediator's report.

**3.** Basing on the mediator's report a case was registered in crime No.465/2019 of Eluru II Town PS against accused for the offence U/Sec.370 of IPC and Sec.3, 4 and 5 of ITP Act, 1956 by the investigating officer and investigated.

**4.** During investigation the investigating officer again visited the scene of offence, observed scene in the presence of mediators, prepared rough sketch, examined the witnesses and recorded their statements. Later, the investigating arrested A1 to A3 on 18-12-2019 and forwarded to Judicial Custody. After completion of investigation the investigating officer laid charge sheet against accused for the offence 370 of IPC and Sec.3, 4 and 5 of ITP Act.

**5.** The learned II Addl.Civil Judge(Junior Division)-cum-II Addl.Judicial Magistrate of First Class, Eluru took cognizance for the offence U/Ss.370 of IPC and Sec.3, 4 and 5 of ITP Act assigned P.R.C.No.6/2020 and issued summons to the accused. On appearance of the accused, the trial Court furnished copies of case documents to the accused as required U/s.207 of Cr.P.C.

**6.** After following due procedure, this case was committed to the Court of Sessions by the learned trial Judge U/s.209 Cr.P.C. proceedings. The Hon'ble Prl.District Court assigned this case as S.C.No.186/2022 and made over to V Additional District Court, Eluru, for trial and disposal according to Law.

**7.** After receipt of record and on appearance of accused having heard the accused and learned Addl.PP, this court framed charge U/Ss.370 of IPC and Sec.3, 4 and 5 of ITP Act against the accused read over and explained to them in Telugu U/Sec.228 (2) Cr.P.C., for which the accused pleaded not guilty and claimed to be tried.

**8.** In the course of trial, prosecution examined PW.1 to PW.4 and Ex.P1 to Ex.P4 and M.O.1 to MO.3 are marked. On behalf of accused no defence witnesses were examined and no documents were marked.

**9.** On closure of prosecution evidence accused were examined U/Sec. 313 Cr.P.C., explaining the incriminating circumstances against them. Accused denied the incriminating evidence spoken against them and reported no defence evidence.

**10.** Heard the learned Additional Public prosecutor and the counsel for the accused.

**11. Now, the point for determination is :**

*Whether the prosecution proved the guilt of accused for the offence U/Ss.370 of IPC and Sec.3, 4 and 5 of ITP Act against accused beyond reasonable doubt ?*

**12. POINT:** To prove offence its case the prosecution has examined Pw.1 to PW4 and got marked Exs.P1 to P4 and M.O.1 to MO3.

**13.** The learned APP has contended that Pw2 is the VRO in whose presence the search was conducted and all the accused were apprehended while organising prostitution and participating in the prostitution, he has clearly spoken about identification of the accused and he identified them by names which is supported by the evidence of Pw3/constable who has also identified the property and the accused and accused confessing before them which is supported by the evidence of Pw4 the investigating officer who has spoken about his investigation, arrest of accused and seizure of the property. The prosecution has clearly establishes that accused have been organising prostitution by trafficking the woman. Therefore, the accused are liable for conviction.

**14.** On the other hand, the learned defence counsel for the accused contended that there is absolutely no evidence against the accused and no victim has been examined in this case. In such case how the prosecution to prove that the woman has been trafficked. Added to this, there is material objects seized are not tallied with the material objects produced before the court and there is no corroboration between Pw2 to PW4 in connection with seizure of the property and proceedings under ExP2. Therefore, the prosecution has miserably failed to prove the case against the accused and accused are entitled for acquittal.

**15.** Taking into consideration the contention of learned APP and learned counsel for accused, the evidence on record is to be viewed.

**16.** It is necessary to go through the section **370 of IPC** and section **3, 4 and 5 of ITP Act**.

**370. Trafficking of a Person.—**

**(1)Whoever, for the purpose of exploitation, (a) recruits, (b) transports, (c) harbours, (d) transfers, or (e) receives, a person or persons, by—**

First.— using threats, or

Secondly.— using force, or any other form of coercion, or

Thirdly.— by abduction, or

Fourthly.— by practicing fraud, or deception, or

Fifthly.— by abuse of power, or

Sixthly.— by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received, commits the offence of trafficking.

**Sec.3 Punishment for keeping a brothel or allowing premises to be used as a brothel.—**

—(1) Any person who keeps or manages, or acts or assists in the keeping or management of, a brothel

**S.4 Punishment for living on the earnings of prostitution.—**

(1) Any person over the age of eighteen years who knowingly lives, wholly or in part, on the earnings of the prostitution of 1 [any other person]

[(2) Where any person over the age of eighteen years is proved—

(a) to be living with, or to be habitually in the company of, a prostitute; or

(b) to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that such person is aiding, abetting or compelling her prostitution; or (c) to be acting as a tout or pimp on behalf of a prostitute.

**17. Sec.5. Procuring, inducing or taking 4[person] for the sake of prostitution.—(1) any person who—**

procures or attempts to procure a 4[person], whether with or without his consent, for the purpose of prostitution; or

induces a 4[person] to go from any place, with the intent that he may for the purpose of prostitution become the inmate of, or frequent, a brothel; or

takes or attempts to take a 4[person], or causes a

4[person] to be taken, from one place to another with a view to his carrying on, or being brought up to carry on prostitution; or causes or induces a 4(person) to carry on prostitution;

**18.** To prove the offence the prosecution has to establish that the accused has induced any person for the purpose of exploitation for receiving any payment or benefit to get the consent of the person it amounts to trafficking.

**19.** As per charge sheet no witness has been shown as victim in this case, so which person has been trafficked, there is absolutely no evidence section 370 of IPC has to be brushed aside. The charge under section 370 of IPC fails.

**20.** Now, coming to the other charges is concerned. Pw1 is said to be the owner of the house, she has deposed that she knows Lw2/Danalakshmi, who was a tenant in their house, she does not know others. She identifies the woman standing in the court hall as tenant in her house. She does not remember her name and she does not know anything about the case. She was declared hostile. Her 161 statement is marked as Ex.P1.

**21.** Pw2, who is the mediator has spoken about they conducting search on 18-05-2016 in door no 20-a-2-53 and found one male and one female person trying to escape, on questioning them, they did not give proper reply and the female disclosed her identity as Sayed Begum and confessed about commission of offence, condom packets were seized under Ex.P2/mediator's report, two cell phones and Rs.2,300/- cash were also seized and she also identifies A1 to A3. Coming to cross examination it was elicited that Ex.P2 does not disclose the time of starting the proceeding under Ex.P2 and the time of closing the proceedings, it also does not contain the number of portions of the house and number of woman's residing in the scene of offence house. It was also elicited the signatures of constables and Head Constable who participated in the raid were not obtained on Ex.P2. She admitted that MO.3 is Kohinoor brand as per ExP2, whereas, MO3 which is produced into court is Kamasuthra and it also does not

contain any identification slips. These aspects elicited in the cross examination of Pw2 clearly goes to show that the property seized as per ExP2 is not produced into the court which throws a cloud of doubt over the case of prosecution.

**22.** Pw3 is the constable participated in the raid as already elicited in the cross examination of Pw2 that to prove the presence of this witness he has not signed on Ex.P2. So, his presence itself becomes doubtful. He has corroborated Pw2 in all aspects with regard to accused confessing and also he identified. Coming to chief examination he has not spoken about seizure of condoms which is spoken by Pw2 as well as supported by Pw4. So, his presence becomes doubtful. More particularly, when he is also part of the raid party and he is a Police person. So, his evidence cannot be taken as corroboration to the evidence of Pw2.

**23.** Pw4 is the investigating officer, who conducted search and seizure, he has spoken about accused confession, seizure of property and registration of the case. Ex.P3 is the FIR and Ex.P4 is the rough sketch marked through him. He identified the women in court hall and also the accused persons by name. Coming to cross examination he has admitted that as per the search proceedings the door number is mentioned as 20-b-2-53, whereas, Ex.P2 shows that the door number as 20-a-2-53. So, this aspect elicited clearly establishes that search proceedings were obtained from one door number, whereas, search under Ex.P2 was conducted under other door number. There is no explanation from the prosecution to clear the ambiguity. He further admitted that he has not secured any document to prove the house alleged scene of offence also. He has not issued search notice to the owner of the house. He admitted the scene of offence is busy locality and residential locality. He has not obtained signatures of inmates of that locality in Ex.P2. He has not taken any identification and address of particulars of Victim Sujatha. So, this admissions of the investigating officer shows that he made no effort to ascertain to whom the house belongs, no search proceedings were served and search proceedings are itself defective as the door

number in search proceedings and the door number in Ex.P2 under which search was conducted are different. Added to this, he has not examined the victim said to have been trafficked. He also stated that he has not secured the call data of A1 and victim. This was elicited as there was a mentioned in ExP2 that through phone the victim was called for indulging in sexual act. He also admitted that ExP2 does not contain how many portions the scene of offence was consists and there is no time starting time of the proceedings and the ending time of the proceedings. Further in the cross examination of A3 counsel it was elicited that his investigation does not disclose who are the inmates of alleged scene of offence. He has not examined any other inmates except Lw2. So, his evidence does not inspire confidence when he failed to examine the victim or take her particulars. As discussed earlier, in such case which woman was trafficked by A1 to A3 and which woman was exploited by A1 to A3 is a question which left unanswered by the prosecution. Added to this, there is no corroboration with regard to the property seized under ExP2. As discussed earlier, the brand of the condom packets is different and one witness even does not speak about seizure of condom packets. Added to this, the investigating officer has not been examined in this case and inspite of giving several opportunities the prosecution failed to produce the investigating officer and filed re-open petition without any valid reasons which was dismissed. The prosecution failed to examine the investigating officer which is also fatal to the case of prosecution. All these aspects create a doubt over the case of prosecution and whenever a doubt arose the doubt should go in favour of the accused. Point is answered.

**24.** In the result, A1 to A3 are found not guilty for the offence under section 370 of IPC and Sec.3, 4 and 5 of ITP Act. Accordingly, they are acquitted under section 235 (1) Cr.P.C. Bail bonds of accused shall remain in force for a period of six months and thereafter shall stand cancelled as contemplated U/Sec.437-A Cr.P.C. M.O.1/two cell phones and M.O.2/cash of Rs.2,300/- shall be returned to committal Court with a direction to confiscate to state after expiry of appeal time. M.O.3/one condom packet shall be returned to committal court to destroy the

case property after expiry of appeal time.

Dictated to the Stenographer, transcribed by him, corrected and *pronounced* by me in open Court, on this the 28<sup>th</sup> day of October, 2024.

V Addl. District & Sessions Judge-cum-  
Special Court for trial of offences against women  
West Godavari, Eluru.

**APPENDIX OF EVIDENCE**  
**WITNESSES EXAMINED**

**FOR PROSECUTION:**

**For Defence :: None**

PW1- P.Rajani Kumari  
PW2- K.Ramu  
PW3- R.Naveen Kumar  
PW4- Y.Bala Rajaji

**EXHIBITS MARKED**

**For Prosecution::**

Ex.P1- 161 Cr.P.C statement of PW1  
Ex.P2- Mediator's report  
Ex.P3- FIR  
Ex.P4- Rough sketch

**For Defence::** Nil

**MATERIAL OBJECTS MARKED**

M.O.1- Two cell phones  
M.O.2- Cash of Rs.2300/-  
M.O.3- One condom packet

V AD & SJ, Eluru

Copies to:

1. The Registrar (Judl.) High Court of Andhra Pradesh, Nelapdu, Guntur District (through C.D).
2. The District Collector, W.G., Eluru.
3. The Director of prosecution, Vijayawada.
4. The Superintendent of Police, W.G., Eluru.
5. Additional Public Prosecutor, V Addl.District and Sessions Court –cum-Special Court for trial of offences against women, W.G., Eluru.
6. II Addl.Civil Judge(Junior Division)-cum-II Addl.Judicial Magistrate of First Class, Eluru.





//T.C.F.B.O.//

Chief Administrative Officer,  
V Additional District & Sessions Court,  
West Godavari, Eluru.

