

**TABULAR FORM ANNEXED TO THE JUDGMENT IN
SESSIONS CASE NO.187 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.187/2022 and P.R.C.No.7 of 2022 of I Addl.Civil Judge (Junior Division)-cum-I Addl.Judicial Magistrate of I Class, Bhimavaram.
2.	Name of the Police station	:	Crime No.59/2022 of Palakoderu PS.
3.	Name of the Accused and particulars	:	1. Bandaru Divya Teja S/o Venkata Satyanarayana, 23 yrs, Mogallu village, Palakoderu mandal. 2. Kadimi Surya Kiran S/o Gamaniel, 22 yrs, Near GDM Church, Mogallu village, Palakoderu mandal. 3. Bandaru Lakshmi Pavan Kalyan @ Pawan, S/o Venkata Satyanarayana, 24 yrs, Near Bhimeswara Swamy temple. 4. Koorma Pradeep Kumar @ Deepu S/o Srinivas late, 26 yrs, Near Elementary School, Rayalam village, Bhimavaram mandal. 5. Bandaru Venkata Satyanarayana S/o Peddilu, 45 yrs, Bhimeswara Swamy temple, Mogallu village, Palakoderu mandal. 6. Bandaru Lakshmi Devi W/o Venkata Satyanarayana, 43 yrs, Near Bhimeswara Swamy Temple, Mogallu village, Palakoderu mandal. 7. Bandaru Bhargavi W/o Lakshmi Pavan Kalyan @ Pawan, 22 yrs, Near Bhimeswara Swamy temple, Mogallu village, Palakoderu mandal.

			8. Thommidella Subrahmanyam S/o Rattaiah, 42 yrs, Near Kanchalamma temple, Kumudavalli village, Palakoderu mandal. 9. Thommidella Subbalakshmi W/o Subrahmanyam, 38 yrs, Near Kanchalamma temple, Kumudavalli village, Palakoderu mandal.
4.	Date of offence	:	21-01-2022
5.	Date of complaint	:	30-01-2022
6.	Date of apprehension	:	01-02-2022
7.	Date of release on bail	:	29-03-2022
8.	Date of committal order	:	01-08-2022
9.	Date of commencement of trial	:	23-07-2024
10	Date of close of Trial	:	23.07.2024
11	Date of Sentence of Order	:	23.08.2024
12	Sentence	:	In the result, A1 to A9 are found not guilty for the offence U/Sec.363, 506, 343, 376 (2)(n) r/w 109 of IPC. They are acquitted under Sec.235(1) of 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. Unmarked property, if any, 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 CrI.Rules of Practice with	:	--

	regard to the diary extract submitted by the Committing Court.	
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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.

Friday, this the 23rd day of August, 2024.

SESSIONS CASE No.187 of 2022

1.	Name of the Accused and Particulars	:	1. Bandaru Divya Teja S/o Venkata Satyanarayana, 23 yrs, Mogallu village, Palakoderu mandal. 2. Kadimi Surya Kiran S/o Gamaniel, 22 yrs, Near GDM Church, Mogallu village, Palakoderu mandal. 3. Bandaru Lakshmi Pavan Kalyan @ Pawan, S/o Venkata Satyanarayana, 24 yrs, Near Bhimeswara Swamy temple. 4. Koorma Pradeep Kumar @ Deepu S/o Srinivas late, 26 yrs, Near Elementary School, Rayalam village, Bhimavaram mandal. 5. Bandaru Venkata Satyanarayana S/o Peddilu, 45 yrs, Bhimeswara Swamy temple, Mogallu village, Palakoderu mandal. 6. Bandaru Lakshmi Devi W/o Venkata Satyanarayana, 43 yrs, Near Bhimeswara Swamy Temple, Mogallu village, Palakoderu mandal. 7. Bandaru Bhargavi W/o Lakshmi Pavan Kalyan @ Pawan, 22 yrs, Near Bhimeswara Swamy temple, Mogallu village, Palakoderu mandal. 8. Thommidella Subrahmanyam S/o Rattaiah, 42 yrs, Near Kanchalamma temple, Kumudavalli village, Palakoderu mandal. 9. Thommidella Subbalakshmi W/o Subrahmanyam, 38 yrs, Near Kanchalamma temple, Kumudavalli village, Palakoderu mandal.
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2.	Charge	:	U/Sec.363, 506, 343, 376 (2)(n) r/w 109 of IPC
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.Srinivasa Rao, Advocate for A1. Sri P.Nagamalleswara Rao, Advocate for A2, A3, A5 to A9 Sri J.V.Ramana Rao, Advocate for A4
7.	The case committed by	:	I Addl.Civil Judge (Junior Division)-cum-I Addl.Judicial Magistrate of I Class, Bhimavaram.
8.	Date of Sentence or Order	:	In the result, A1 to A9 are found not guilty for the offence U/Sec.363, 506, 343, 376 (2)(n) r/w 109 of IPC. They are acquitted under Sec.235(1) of 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. Unmarked property, if any, shall be returned to committal court to destroy the case property after expiry of appeal time.

This case is coming on 12.08.2024 for final hearing before me in the presence of Additional Public Prosecutor for the State and of Sri B.Srinivasa Rao, Advocate for A1, Sri P.Nagamalleswara Rao, Advocate for A2, A3, A5 to A9, Sri J.V.Ramana Rao, Advocate for A4 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, Chintalapudi Circle, filed charge sheet against accused for the offence punishable U/Sec.U/Sec.363, 506, 343, 376 (2)(n) r/w 109 of IPC in Crime No.59/2022 of Palakoderu PS.

2. The case of the prosecution in nutshell is :

The defacto complainant-cum-victim Kurella Srilakshmi is resident of Bomma street, Mogallu village, Palakoderu mandal. The victim completed B.Tech, in BIET College, Pennada. While she was studying 8th class in Z.P.H. School, Mogallu village, A1 was her classmate and both of them have got acquaintance. From 10th class study of the victim and A1, both of them started loving with each other and she continued her love upto completion of her B.Tech. After completion of her study, she disclosed her love before her father and after enquiry her father informed her that A1's character is not good. Then the victim informed A1 that as her parents did not agree for their marriage and she expressed her disinterest about not marrying him. On that A1 threatening her that he would pour acid over her, would beat her father through Rowdies and also he would die. Due to his act, the victim agreed to come with A1 without intimation her inmates. A1 arranged a Swift Dezire Car bearing registration NO.AP 09 CJ 0828, which belongs to his known person by name G.Viswanath, sent A2 with car to her house and the victim boarded the car. A2 took her to Rayalam village on 21-01-2022 and thereafter A1, A3 and A4 came there. A1 to A4 threatened the victim severely with a demand to marry A1, A2 to A4 forcibly performed the marriage of the victim with A1 by tying a knot and changing garlands each other in Shivalayam temple at Rayalam village. Thereafter, A1 took the victim to the house of A8 at Kumudavalli, who is uncle of A1, where A5 to A9, who are parents and family members of A1 present. On the same night at about 10.00 p.m A3, A5 to A9 threatened her to lead conjugal life with A1 and she prayed them not spoil her life by touching their feet. Then A1, A3, A5 to A9 confined her in a room in the same house. A3, A5 to A9 sent A1 into her room and instigated A1 to get surrendered her, subsequently, A1 forcibly sexual intercourse with her till 28-01-2022 in the same room. While so, on 29-01-2022 during noon time on observing that none were present in the house, the victim made a phone call to her father and informed her situation and also expressed to commit suicide. Then the father of the victim consoled her not to take any wrong

step, he would sent her elder father to rescue her. That the victim came out and met her elder father by name Ramesh, who rescued and brought her to Mogallu village. Therefore, she along with her parents went to Palakoderu Police Station and gave report.

3. Basing on the report of the victim, a case was registered in crime No.59/2022 of Palakoderu PS against accused for the offence under section 376(2)(n), 363, 343 and 506 r/w 109 of IPC by the investigating officer.

4. During investigation the investigating officer examined the victim and recorded her statement, visited the scene of offence having observed the same, drafted scene observation report, prepared rough sketch, seized material objects at the scene of offence in the presence of mediators, got photographed and all witnesses were examined. On 01-02-2022 the investigating officer arrested A1 at the house of A8 in Kumudavalli village, got drafted confession statement of A1 in the presence of mediators and forwarded to Judicial Custody. On 03-02-2022 A2 was arrested and got drafted confession statement of A2 and seized Maruthi Swift Desire Car bearing NO.AP 09 CJ 0828 under cover of mediators report and forwarded to Judicial Custody. The victim was forwarded to medical examination. A1 was also forwarded for medical examination. A3, A5 to A9 were obtained anticipatory bail from Hon'ble High Court of Amravathi. After receipt of RFSL report related to medical examination of the victim and A1 and after completion of investigation, he filed charge sheet against accused for the offence under sections 376(2)(n), 363, 343 and 506 r/w 109 of IPC.

5. The learned I Addl.Civil Judge (Junior Division)-cum-I Addl.Judicial Magistrate of I Class, Bhimavaram took cognizance for the offence U/ss.376(2)(n), 363, 343 and 506 r/w 109 of IPC assigned P.R.C.No.7/2022 and issued summons to 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.187/2022 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 counsel for accused and learned Addl.PP, this court framed charges U/ss. 376(2) (n), 363, 343 and 506 r/w 109 of IPC against 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. During the course of trial, prosecution examined PW.1 to PW3 and Ex.P1 to Ex.P4 marked. On behalf of accused no defence witnesses were examined and no documents marked.

9. On closure of prosecution evidence as there is no incriminating material against accused in prosecution witnesses evidence their examination U/Sec.313 Cr.P.C., is dispensed with.

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

11. Now the points for determination is:

Whether the prosecution proved the guilt of accused for the offence 376(2)(n), 363, 343 and 506 r/w 109 of IPC beyond reasonable doubt ?

12. Point : To prove its case the prosecution has examined Pw.1 to PW3 and got marked Ex.P1 to Ex.P4.

13. The learned APP has contended that though the material witnesses turned hostile their 161 Cr.P.C., statements are marked as Ex.P2 to Ex.P3. The court can peruse the evidence in 161 Cr.P.C., statements of PW.1 to PW3, as 161 Cr.P.C., statements are used to contradict the version of witnesses. The evidence has to be viewed and as per those exhibits there is entire narration. Therefore, the prosecution has proved its case to that extent.

14. The learned counsel for the accused has contended that the prosecution has failed to adduce any evidence that the accused committed any offence against the victim. A perusal of evidence of PW.1 does not show any incriminating evidence against accused. Similarly the evidence of Pws.2 and 3, who are none other than parents of PW.1 have also not spoken anything against accused. The prosecution has failed to produce a single piece of evidence to prove the allegations leveled against accused. Therefore, accused is 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. PW.1 is the defacto complainant-cum-victim entered into the witness box has deposed that she does not know any of the accused and she does not know anything about this case. She further deposed that she has not given any report to Police against the accused. She admitted her signature on complaint which is marked as Ex.P1 but she does not know the content of complaint. She deposed that about four years back some disputes arose with regard to water pipe lines at that time her signature was obtained on blank papers by village elders. Police have not examined her. The prosecution declared the witness as hostile and got marked Ex.P2. During cross examination by learned APP it was suggested that she is deposing false evidence by compromising with accused. She denied the suggestion.

17. Pw.2 and PW3 who are parents of PW1. They also deposed in similar lines as that of PW1. They deposed that they do not know anything about this case and whether PW1 gave report to Police against the accused Police or not. They turned hostile. Their 161 Cr.P.C., statements are marked as Ex.P3 and Ex.P4 respectively.

18. Having gone through the entire evidence on record none of the independent witnesses examined by the prosecution have spoken against the accused. The prosecution has given up the evidence of remaining witnesses. When the victim herself does not speak about any of the allegations made in her

complaint the case of the prosecution fails. There is no material available on record against the accused to prove the offence under section 363, 506, 343, 376 (2)(n) r/w 109 of IPC. The prosecution miserably failed to prove the charge leveled against the accused. Therefore, accused is entitled for acquittal. This point is answered accordingly.

19. In the result, A1 to A9 are found not guilty for the offence U/Sec.363, 506, 343, 376 (2)(n) r/w 109 of IPC. They are acquitted under Sec.235(1) of 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. Unmarked property, if any, shall be returned to committal court to destroy the case property after expiry of appeal time.

Typed to my dictation by the Stenographer, corrected and *pronounced* by me in open Court, on this the 23rd day of August, 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

PW.1- Kurella Sri Lakshmi

PW.2- K.Sunitha

PW.3- K.Suryanarayana

EXHIBITS MARKED

For Prosecution::

- Ex.P1/ - Signature of complaint of PW1
- Ex.P2/ - 161 Cr.P.C., statement of PW.1
- Ex.P3/ - 161 Cr.P.C., statement of PW.2
- Ex.P4/ - 161 Cr.P.C statement of PW.3

For Defence::Nil

MATERIAL OBJECTS MARKED
Nil

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. I Addl.Civil Judge (Junior Division)-cum-I Addl.Judicial Magistrate of I Class, Bhimavaram.