



IN THE COURT OF SESSIONS JUDGE, MAHILA COURT, VIJAYAWADA.

Present: Smt.G.Rajeswari,
Sessions Judge, Mahila Court, Vijayawada.

Friday, this the 1st day of May, 2026

Sessions Case No.94/2020

(P.R.C.No.2/2020 Order dated 12.10.2020 on the file of Principal Junior Civil Judge-cum-Metropolitan Magistrate, Vijayawada, in Crime No.153/2018, U/Secs.302 r/w 201, 380 and 411 of I.P.C of Ajith Singh Nagar P.S.)

Complainant	:	The State rep. by Inspector of Police, Central Crime Station, Vijayawada City.
Represented by	:	Addl. Public Prosecutor, Mahila Sessions Judge's Court, Vijayawada.
Accused	:	Asia Begum @ Begum, W/o.Md.Rawoof, 46 Years, Muslim, Machavaram, Vijayawada.
Represented by	:	Sri S.A Mohan, Advocate for Accused.

FORM B
[Rule 67(2)]

Date of Offence	:	23.03.2018
Date of F.I.R	:	24.03.2018
Date of Charge Sheet	:	20.02.2019
Date of Framing of Charges	:	21.02.2023
Date of commencement of evidence	:	08.11.2023
Date on which judgment is reserved	:	06.04.2026
Date of the Judgment	:	01.05.2026

Date of the Sentencing Order, if any	:	01.05.2026
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Accused Details:

Rank of the Accused	:	Sole
Name of Accused	:	Asia Begum @ Begum
Date of Arrest	:	23.11.2018
Date of Release on Bail	:	11.03.2019
Offences charged with	:	Secs.302, 380, 411 I.P.C
Whether Acquitted or Convicted	:	Convicted
Sentence Imposed	:	In the result, accused is found not guilty for the offence U/Sec. 411 of I.P.C and she is acquitted U/Sec.235(1) of Cr.P.C. Accused is found guilty for the offences U/Secs.380, 302 of I.P.C and she is convicted U/Sec.235(2) of Cr.P.C. Accused is sentenced to undergo Simple Imprisonment for a period of three (3) years and to pay a fine of Rs.1,000/- (Rupees One Thousand Only) for the offence U/Sec.380 of I.P.C, I.D.S.I for six (6) months. Accused is also sentenced to undergo life imprisonment and also to pay fine of Rs.1,000/- (Rupees One thousand only) for the offence U/Sec.302 of I.P.C. Both the sentences shall run concurrently.
Period of Detention Undergone during Trial for purpose of section 468 of B.N.S.S,2023.	:	23.11.2018 to 11.03.2019

This Sessions Case coming on 06.04.2026 for final hearing before me in the presence of Additional Public Prosecutor, on behalf of the prosecution, and of Sri S.A.Mohan, Advocate for Accused and the matter having stood over for consideration till this day, this Court delivered the following :-

J U D G M E N T

The State represented by the Inspector of Police, Central Crime Station, Vijayawada City, filed the Charge Sheet against Accused to prosecute her for the offences punishable U/Secs.302 r/w 201, 380 and 411 of I.P.C in Crime No.153/2018 of Ajith Singh Nagar P.S.,

2. The case of the prosecution in short is that:

(a) P.Kalyan Reddy is the Complainant and son of deceased. Complainant is residing in at 3rd Lane, Devinagar, Vijayawada. His father expired about six months back and his brother/L.W.2-P.Narasimha Reddy purchased Flat No.305, New R.R.Peta, Fortune Apartments, Vijayawada. Deceased is residing in that apartment since then. He and his brother used to visit the house of deceased for supply of required articles to the deceased. Accused is also residing in the same apartment in Flat No.306. On 23.03.2018 at 6.50 p.m., L.W.3 went to the house of deceased, the house was locked. He informed the same to L.W.2-P.Kalyan Reddy over phone and at about 10.00 p.m., L.W.2 collected the key of his mother house from the shop, went to the house and opened the door and found his mother is not there. Therefore, he informed the same to L.W.2. On 23.03.2018 at 10.00 p.m, L.W.2 went to the house of her mother along with L.W.3 and found dead body was lying in the drawing room. He informed the same to his brother who came there

and found there was bleeding from nostrils and ears, blood is on the floor, bad smell emitting and body decomposed, skin around the neck was blacken and there was injury on left elbow and also found gold chain, two rows gold nanuthadu and two gold bangles from left hand and two gold bangles from right hand, keys bunch and cell phone were stolen away.

(b) L.W.1 presented a report, basing on it, Crime No.153/2018, U/Secs.302,380 of I.P.C was registered and investigated. The scene of offence was observed, clues team has collected hair pieces and finger prints and other material from the scene of offence, rough sketch was prepared, inquest was held over the dead body of deceased, body was sent for autopsy. The case file was transferred to Central Crime Station for further investigation, witnesses were examined and their statements were recorded. During the investigation, it was discovered that accused is residing in the next house, her husband is working in Railway department and staying at Tirupathi. He used to visit the house, there are financial troubles, accused and her husband obtained Rs.18.00 lakhs of housing loan from S.B.I, Eluru and defaulted in payment. They also obtained personal loan from HDFC Bank and defaulted. Therefore, there were altercations between her and her husband due to financial crisis. On 21.03.2018, the husband of the accused went to Tirupathi. The deceased-Nagamani came to the flat No.306 of the accused on 23.03.2018 for change of cash. She questioned about altercation with her husband, at that time, accused observed that deceased possessed four gold bangles, gold nanuthadu and gold chain. So to get away from her financial problem, she decided to kill the deceased for committing theft of gold ornaments. Accused catch

hold of the tuft of the deceased, hit the head of the deceased to the wall with force, accused has taken Nagamani to the eastern side bed room, locked bed room, she intended to create rumors that deceased-Nagamani died due to accident, but as there was movement of public, she thought of creating it as suicide by hanging her. She encircled chunni to the neck of Nagamani and strangled her due to which deceased died. Then she committed theft of four bangles weighing about 40 sovereigns, two rows gold nanuthadu weighing four sovereigns and chain weighing about 12 grams, Samsung Phone and she has locked dead body of the deceased in the bed room.

(c) Accused obtained finance from Manappuram Gold Finance, S.N.Puram,Vijayawada on 23.03.2018 to a tune of Rs.83,500/- by pledging four gold bangles. She went to H.D.F.C Bank and paid Rs.22,000/- installments on behalf of her husband.

(d) On 23.03.2018 evening, she paid Rs.20,000/- in S.B.I Deposit Machine, Srinagar, Vijayawada. She also paid Rs.19,500/- to L.W.12-B.Srinivasa Rao towards house rent amount.

(e) Accused left her house immediately after the death of the deceased. Thereafter, she has vacated the house. The house owner after two months got cleared the house of the accused, at that time, some books and chappals were kept outside of the house, same were kept for safe custody in the store room. Later, police found that the chappals which were kept there, are the chappals belongs to the deceased. Police started investigation on this aspect and on 22.11.2018, they found the accused under suspicious circumstances and police have recovered one gold two rows nanuthadu, one small chain in the purse. When questioned her, she

did not account for the same. On questioning her, she confessed about commission of crime and she was going to sell those gold ornaments. She also confessed about throwing away worn clothes by her at the time of murder and bunch of keys are thrown the canal. She has also confessed about pledging gold bangles on 04.04.2018. She has confessed about crime. In pursuance of her confessional statement, she was taken to Manappuram Gold Finance, S.N.Puram, Vijayawada and Muthoot Fiance Ltd., Kedareswaripet, Vijayawada and further in pursuance of confession, gold bangles were recovered from the possession of L.Ws.10 and 11 and test of identification parade was conducted, witnesses were examined, material objects were sent to R.F.S.L and after receipt of Post Mortem Report and R.F.S.L Report, the charge U/Secs.302 r/w 201, 380 and 411 of I.P.C was laid against the accused.

3. Cognizance was taken for the offences punishable under section 302 r/w 201, 380 and 411 of I.P.C against Accused by the learned Principal Junior Civil Judge-cum-Metropolitan Magistrate, Vijayawada.

4. On appearance of the Accused, copies of the case record relied upon by the prosecution were furnished to her as contemplated U/Sec.207 of Cr.P.C.

5. The learned Magistrate having satisfied and found that there is a *prima facie* material available against accused took cognizance for the offences punishable under sections 302 r/w 201, 380 and 411 of I.P.C against Accused, as section 302 of I.P.C is

exclusively triable by the Sessions Court, she committed the case vide P.R.C No.2/2020 U/Sec.209 of Cr.P.C.

6. The Hon'ble Metropolitan Sessions Judge, Vijayawada, taken the case for the offences punishable under sections 302 r/w 201, 380 and 411 of I.P.C against Accused and numbered as S.C No.94/2020 and made over to this Court for disposal according to law.

7. Charges U/Secs.302 r/w 201, 380 and 411 of I.P.C against Accused are framed, the same were read over and explained to her in telugu, for which, she pleaded not guilty and claimed to be tried. Accordingly, trial has commenced.

8. In order to prove the case, prosecution cited 30 witnesses, but examined 23 witnesses. P.Ws.1 and 2 are sons of deceased, P.Ws.3,4,5,7,8,9 & 14 are said to be eye witnesses, P.W.10 is photographer, P.Ws.6, 11,12 & 15 are Bank Officials, P.W.16 is mediator for observation of scene, P.W.17 is mediator for arrest of accused and seizure of theft property, P.W.19 is doctor who conducted post mortem examination over the dead body of deceased, P.Ws.18, 19, 21, 22 and 23 are Police Officials.

9. After completion of evidence of prosecution, Accused is examined U/Sec.313 of Cr.P.C with regard to the incriminating circumstances appearing against her in the evidence of prosecution witnesses and answers given by Accused for each question was

recorded separately in Telugu. She denied prosecution evidence and reported no defence evidence.

10. Heard the arguments of the learned Addl. Public Prosecutor and the learned Counsel for Accused. The learned counsel for Accused and the learned Addl. Public Prosecutor filed their respective written arguments.

11. The point for determination :

1)Whether Accused committed murder of deceased-Nagamani. If so whether she is liable for conviction U/Sec.302 of I.P.C.

2)Whether accused committed theft of gold ornaments belongs to deceased-Nagamani. If so, whether she is liable for conviction U/Sec.380 of I.P.C?

3) Whether Accused dishonestly received or retained stolen property, knowing or having reason to believe it is stolen. If so, whether she is liable for conviction U/Sec.411 of I.P.C.

Point No.2:

12. To prove its case, the prosecution has examined P.W.1 to 23 and got marked Exs.P1 to P30 and M.Os.1 to 7.

13. The learned Addl. Public Prosecutor that the evidence of P.W,6 and P.W.11 who are the Managers of S.B.I Bank and H.D.F.C Bank clearly spoken about accused depositing amount on behalf of her house loan i.e., Rs.20,000/- and Rs.27,000/- immediately after the death of the deceased. The evidence of P.W12/Manager, Manappuram Gold Finance speaks about accused obtained a loan of Rs.83,500/- by pledging gold bangles. Exs.P6 & P7 are filed in support of his evidence. The evidence of P.W.15, the

Branch Manager of Muthoot Finance Ltd also speaks about accused has obtained a loan by pledging gold bangles to a tune of Rs.33,000/-. Exs.P10 to P13 are filed in support of his evidence. The evidence of P.W.17 speaks about arrest of the accused, confession of the accused, recovery of M.Os.1 to 3 from the possession of the accused and in pursuance of confessional statement that the property was recovered from the possession of the accused and there is no plausible explanation given by the accused as to how she has got possession of the ornaments. So the chain of circumstances clearly establish that accused with a motive to commit theft of gold has killed the deceased.

14. On the other hand, the learned counsel for accused has contended that the prosecution failed to establish its case against the accused. Firstly, the prosecution depends on the circumstantial evidence. There is no eye witness to prove that accused has committed the offence. P.W.1 in Ex.P1 has not given full particulars of gold ornaments missing, at a later stage he gave details of missing of gold ornaments. P.W,1 identified the gold ornaments but strangely according to his evidence, he has identified M.Os.1 to 6 in the test of identification parade whereas the property recovered from the possession of the accused as well as in pursuance of her confession are only M.Os.1 to 3, P.W,1 evidence speaks in a different manner. Moreover his evidence was not subjected to cross examination. So his evidence cannot be weighed.

15. There are number of lacunas in the case of prosecution. The model and design of the bangles/M.O.1 to 3 is not mentioned in Exs.P6, P7 and P17 which clearly admitted by the witnesses

mediators/P.W.12 Manappuram Gold Finance Manager, P.W.14/Muthoot Finance Ltd Manager. P.Ws.6 and 11 are examined to prove that accused has made payments in the month of March to both the banks. It was elicited in their cross examination that the accounts stands in the accused and her husband. The loan account is in name of her husband. So here also the prosecution failed to prove that accused who paid the amount. The evidence of P.W.17 which is crucial has spoken about recovery of the gold ornaments which was elicited in her cross examination that she acted as mediator in about 50 cases. Added to this, she admits that P.W.14 and L.W.10 signatures were not obtained on Ex.P16-mediators report. P.W.14 from whose possession the bangles are said to be recovered turned hostile, L.W.10 was not examined. So the recovery of the material objects also becomes doubtful.

16. The contention of the learned Addl. Public Prosecutor is that accused failed to answer anything about recovery of the property and with regard to evidence in her 313 Cr.P.C examination, therefore, an adverse inference has to be drawn.

17. The defense counsel contended that the contention of Addl. Public Prosecutor has to be brushed aside as it is for the prosecution initially to discharge the burden and accused need not prove the defense taken by her beyond reasonable doubt, if the accused probalizes the defense taken by her is sufficient. When the prosecution failed to prove the case beyond reasonable, then accused is entitled for acquittal.

18. Taking into consideration the contentions of both counsel, the evidence on record is to be viewed. Firstly, it is the version of the prosecution deceased was living alone in the flat as she has not answered the phone call, L.W.2 has sent his worker/P.W.3 to the house, P.W.3 knocked the doors, doors did not open the doors, therefore he went back and came along with P.W.2 and when they opened the door, they found the dead body of the deceased in the drawing room. To prove this fact, P.W.2 and P.W.3 are examined. P.W.2 spoken about making phone call to his mother on 23.3.2018 two or three times between 5.00 to 5.30 p.m., She did not answer. So he has sent P.W.3 to enquire. P.W.1 went and knocked the doors and informed P.W.2 that his mother is not opening the doors. So after closure of shop at 10.30 p.m., they went to mother's house, knocked the doors and thereafter they opened the doors with spare key and found his mother died. Both P.Ws.2 and 3 have in one voice spoke about these incidents. Now in the cross examination of P.W.2, it was elicited that there is no house-mate to her mother, he has not given any missing complaint about his mother, he does not know who is residing in flat No.304 and 306. His mother has not informed the names of occupants of opposite flat. He has not enquired watchman or his wife about whereabouts of his mother.

19. Nothing favourable was elicited in the cross examination of P.W.2 and P.W.3 as it is not the case of missing of their mother, they found in the evening at 5.30 p.m, she was not seen and at 10.00 p.m., they found her dead body. So within a span of 5 hours, they have not approached the police, does not seem to be

suspicious. Moreover, they have not spoken anything against accused. They do not know how the death of their mother took place. P.W.2 has not given any report, it is his version, he informed to his brother and his brother came and gave report. The other things elicited in the cross examination with regard to dispute between their siblings is not connected in any way with the death of deceased.

20. The second instance is with regard to missing of gold ornaments. When P.W.2 informed P.W.1 reached to the scene of offence and thereafter he gave report to police. His evidence is that he found missing of two rows of nanuthadu, four bangles, one chain, one Saibaba ring, one Lakshmidēvi ring and one Red Stone Ring and on the same day he gave report to police. He does not remember what colour of clothes were worn by his mother. He had spoken about participating in the identification parade and identifying the gold ornaments. M.Os.1 to 6 marked through him, he identified the gold ornaments. Ex.P1 is complaint marked through him. He was not cross examined as accused counsel failed to cross examine him and it was treated as nil. The cross examination of P.Ws.1 to 7 was also treated as nil initially. Thereafter, a petition was filed for recalling the witness under CrI.M.P.No.454/2025 dated 23.7.2025. Thereafter only all these witnesses were cross-examined.

21. Now the learned counsel for accused has contended that the witness who were not cross examined, their evidence cannot be looked into. This contention of the learned counsel for the accused has to be brushed aside, an adverse inference can be

drawn in a matter where witness himself has kept away from cross examination, whereas here this specific case where witness was examined on 8.11.2023. The cross examination was treated as nil and recall petition for cross examination of witness was filed on 23.7.25 which clearly shows that it is latches on the part of accused. So it can be safely said that evidence of P.W.1 is unchallenged by way of cross examination as there are no latches on the part of prosecution in producing P.W.1 and P.W.1 appearing in the Court. So the learned counsel cannot take such objection. The aspect that P.W.1 has not mentioned in Ex.P1 about missing of gold ornaments cannot be taken as lacuna as male persons may not have exact account of gold that too of mother. Hence, it can be ignored and only at his sister information, he gave details.

22. It is the case of prosecution that accused initially pledging the gold ornaments. Now further to link this pledgings of gold ornaments and selling of gold ornaments, further evidence is to be looked into. The evidence of P.W.9 is the witness who spoke about he working as Collection Agent in Usha Bala Chits who collected rent amount and received rent of amount of Rs.18,500/- on 23.03.2018 and issued receipts. P.W.21 was examined to prove Sec.91A Cr.P.C notice was served on P.W.11. P.W.12 and P.W.15 are examined to prove Exs.P26 and P29-notices issued to them.

23. P.W.11 is the manager of Axis Bank, previously worked as Recovery Manager of HDFC Bank from 2013 to 2019. He deposed that one Abdul Rawoof had an account in his branch, taken a personal loan of Rs.4.00 lakhs and he is a defaulter. The wife of

Abduls Rawoof used to visit the bank and paid amount on 27.03.2018. Asia Begum came to the branch and paid an amount of Rs.27,000/-. Ex.P4 is the bank statement and Ex.P5 is relevant entry. He also identified Asia Begum in the Court. In the cross examination, he admitted that there would be a deposit slip in their branch by Asia begum, police have not requested the slip and entry does not disclose who paid the amount. The evidence of P.W.11 which is clear that payment was made to the bank. He has clearly spoken that it was Asia Begum who came to the bank and deposited the amount. Nothing has been elicited in his cross examination to shake his credibility. Not even suggested that he has no acquaintance with Asia Begum or he is deposing false evidence as he categorically spoken about payment. Exs.P4 and P5 shows that Rs.27,000/- was paid on 27.03.2018.

24. The evidence of P.W.12/Manager, Manappuram Gold Finance has deposed that Asia Begum has taken gold loan by pledging four bangles for Rs.83,500/- and discharged the same on 04.04.2018, he identified the Asia Begum, Ex.P6 is pledge receipt and Ex.P7 is release receipt. Coming to cross examination, he has deposed that customers does not approach directly to him. Further it was elicited that the design of the gold ornaments pledged is not mentioned in Exs.P6 and P7. He has deposed evidence basing on the record. He does not remember whether the gold ornaments pledged by Asia Begum were auctioned or not. These aspects elicited in the cross examination does not assume any importance. Whereas the crucial aspect has been elicited that police have shown Asia Begum to him in the Court hall. But at the same time, Ex.P7

also to be perused. There is clear picture of accused/Asia Begum which is release receipt. So merely elicited that police has shown Asia Begum to him does not in any way help the plea of defense. So by the evidence of P.W.12 it has been proved that gold ornaments were pledged on 23.03.2018 on the day when the deceased was found dead and they were released on 4.4.2018.

25. P.W.15 is the then Manager of Muthooth Finance Ltd, he has spoken that in the month of April, 2018 police asked him to furnish details of gold ornaments pledged by Asisa Begum, he furnished the statement, two bangles were pledged for an amount of Rs.33,000/-. Ex.P10 is branch copy, Ex.P11 is the customer copy, Ex.P12 is appraiser receipt, Ex.P13 closing receipt. He also identified the accused. Coming to cross examination, he admitted that clerk staff look after appraisal of the gold sanction loan but in the same cross examination, he stated that he personally interviews customers and he will fill up the KYC. Asia Begum and her husband came to repayment of the loan. He admitted that Exs.P10 to P13 does not contain the model and design particulars except weight. So he has also clearly spoken accused pledging the gold bangles with their branch.

26. The learned counsel for accused contended that P.W.12 and P.W.15 have not identified the gold bangles, it is fatal to the case of prosecution. This contention of the learned counsel is not convincing as the documents clearly show that bangles were pledged with Manappuram Gold Finance and Muthooth Finance Ltd and they were also released. To that extent, circumstantial evidence

have been proved by the prosecution by producing Exs.P6, P7, P10 to P13 witnesses have also identified the accused. As per present case, the gold ornaments were sold away to P.W.14 and L.W.10. P.W.14 turned hostile. So the evidence of P.W.17 becomes crucial.

27. The evidence of P.W.17 is very crucial who is V.R.O was present at the time apprehension of the accused and recovery of the bangles in pursuance of the confessional statement of accused. She has spoken to the same fact, she also identified bangles/M.Os.1 to 3 and spoken about conducting of test identification parade under Ex.P17. Ex.P16 is the Mediators Report under which four bangles were recovered. Ex.P15 is the Mediators Report under which two rows of gold nanuthadu and one gold chain were recovered. Ex.P17 is test of identification parade report. In her cross examination it was elicited that one Dhana lakshmi has scribed Exs.P15 to P18. It was elicited that Exs.P15 to P18 does not contain her name and particulars and names and numbers of Constable who participated in the proceedings. It was also elicited that descriptive particulars of M.Os.1 to 3 were not mentioned in Exs.P15 & P16. M.Os.1 to 3 does not contain identification slips with her signature. It was also elicited that she has not questioned P.W.1 about identification particulars of the gold ornaments and how he would identify them. It was also elicited that Ex.P17 does not contain the descriptive particulars of other gold ornaments provided by C.I of Police. These aspects elicited in her cross examination, does not shake the credibility of the witness as Ex.P17 contains that gold ornaments/Mos.1 to 3 along with some other articles were given by the police to mediators with M.O.1 to 3. So it clearly shows that not

only M.Os.1 to 3 were kept but other articles were also included. She has categorically spoken about P.W.1 identifying the same, she also identified M.Os.1 to 3 in the Court Hall which clearly supports the version of the prosecution.

28. Added to this, she has spoken about recovery of the property in pursuance of the confessional statement of accused, Exs.P15 and P16 speak about after apprehension of the accused and seizure of M.Os.1 & 3 from the possession of accused, they went to Chittingar where two muslims present, came out and accused informed she kept the bangles with them. Both of them admitted having bangles and they have produced two bangles each.

29. Now the learned counsel has contended that P.W.14 turned hostile, he did not support the case of prosecution. So the recovery of M.O.3 is not proved. This contention of the learned counsel for accused has to be brushed aside as the independent witness who acted as mediator/P.W.17 and the Official Witness/ Investigating Officer has clearly spoken about apprehension of the accused and seizure of gold ornaments. Here P.W.14 if admits about recovery of gold ornaments, there is chance of he also being impleaded as receiver on the stolen property. So with that intention also, he might have turned hostile. However, he not deposing in favour of the prosecution, does not affect the recovery of gold ornaments as Exs.P15 and P16 clearly establish the property was recovered in pursuance of the confessional statement of the accused and signature of accused is also found in Exs.P15 and P16 which also establishes the recovery.

30. The learned counsel has elicited in the cross examination that mediator acted about 50 cases. The learned Addl. Public Prosecutor has contended that merely witness acted as mediator in about 50 cases, her evidence cannot be discarded unless her cross examination is shattered. On this proposition, she relied on a decision of the Hon'ble High Court of Judicature, Andhra Pradesh reported in

2015(1) ALD CrI. 547
 Gandumenu Siva and others
 Vs
 State of Andhra Pradesh

wherein it was held that merely because person acted as mediator in number of cases, his evidence cannot be discarded, until it is proved that he is a professional mediator or has any enmity towards accused.

The principles laid down in the above decision are squarely applicable to the present case as in this case, except the lines, she acted as in about 50 cases as mediator, nothing was elicited to attribute anything against the witness and the reasons for her speaking falsehood. She being a V.R.O it is her bounden duty as citizen of India to assist the police while discharging their duties if required by them. So on this sole ground, the evidence of P.W.17 cannot be brushed aside. Apart from that nothing material was elicited in her cross examination.

31. The learned counsel for accused contended that recovery is based on confession which is hit by Sec.27 of Indian Evidence Act. On this proposition, he relied on a decision of the Hon'ble Supreme Court of India reported

Crl.Appeal No.3343/2025, dated 5.8.2025

Narayan Yadav

Vs

State of Chhattisgarh

The principles laid down in the above decision not applicable to present case as in the above case, accused himself lodged the complaint that was treated as confession. Moreover, he was convicted under Exception 4 of Sec.300 of I.P.C. Whereas in this case, the consequent information given by the accused lead to discover the payments made by her and pledging of ornaments and finally recovery of M.Os.1 & 3 from her possession and M.O.2 from the possession of P.W.14 which proves the discover of fact which is within the knowledge of accused and such discover is admissible which connects the offence.

32. The learned counsel for accused also contended that as per Ex.P17, only three items were subjected to test of identification i.e., M.Os.1 to 3 whereas P.W.1 deposed as if he has identified M.Os.1 to 6 in the test of identification parade. This contention of the learned counsel has to be brushed aside as the perusal of P.W.1 evidence, he has identified gold ornaments after that sentence in chief examination, there is a "full stop". Thereafter, M.Os.1 to 6 were marked. It is not his evidence, he identified M.Os.1 to 6 in test of identification parade. The learned counsel has relied on a decision of Hon'ble High Court of Hyderabad reported in

2017 SCC OnLine Hyd 758

Bashamoni Saidulu and Others

Vs

State of Andhra Pradesh rep by its Public Prosecutor, High Court of A.P, Hyderabad.

wherein it was held that when the Magistrate has not conducted test of identification parade of property when contravenes the Rule 35 of Criminal Rules of Practice and where it is not according to procedural laid down, the test of identification parade are illegal and improbable.

The principles laid down in the above decision are not applicable to the facts of the present case as in this case not only on the basis of failing of test identification parade, accused were acquitted but the evidence on record clearly spoke it was also test identification of the accused as it was dark and the witness have seen the accused for the first time. So on these grounds accused were acquitted.

33. On the same proposition he also relied on decision of Hon'ble Supreme Court of India reported in

2014 CRI. L.J., 2503
Narayan Yadav
Vs
State of Chhattisgarh

wherein it was held that the prosecution not contested in that case, accused was stranger and serological test findings were not put to accused in 313 Cr.P.C examination. Hence, acquitted.

Whereas in this case, the evidence of P.W.1 is very clear he participated in the test of identification parade and identified the gold ornaments/M.Os.1 to 3 are marked through him.

34. The prosecution has clearly by examining P.W.1 who identified M.Os.1 to 3 in the test of identification parade and by evidence of P.W.16, mediator in whose presence, the property was

seized from the possession of accused i.e., M.Os.1 & 3 and M.O.2 which was seized from P.W.14 clearly established the recovery of the property. She has also spoken about test of identification parade conducted.

35. The learned counsel for accused has contended that test of identification parade was not conducted as per Sec.35 of C.R.P, that contention has to be negated as Rule 35 of C.R.P shows that the Court has to conduct identification parade of properties where the property are lodged. So the perusal of the rule shows that where the property is in the custody of the Court, then the identification parade is to be conducted by the Magistrate. Whereas even before submitting the property into the Court, police have conducted test of identification parade which is permitted by Sec.9 of Indian Evidence Act. So section prevails over rules even if there is any inconsistency with the Rules, Rule 35 speaks only about any property in the custody of the Court. So this contention of the learned counsel has to be set aside. So the prosecution clearly established that accused was found in possession of the property and she failed to explain as to how that came in her possession even in the 313 Cr.P.C examination.

36. On the same proposition, accused counsel relied on a decision of the Hon'ble Supreme Court of India reported in

Crl.Appeal No.1007/2010, dated 06.08.2019

State of Karnataka

Vs

Sidarai Laxman Chougala and Others

wherein it was held that accused need not take any defense under 313 Cr.P.C, it cannot be a ground for the prosecution that he has not given plausible explanation.

The principles are also not applicable to the facts of the present case as in this case, it is particular case, the motive attributed to the accused is that to commit theft of property, to come out of her financial difficulties, she is a immediate neighbour and prosecution has proved the pledging of the articles and the recovery has been proved beyond reasonable doubt. In such case, if the accused claims that no such recovery has been made or if the accused has to claim that the property belongs to her some defense has to be put forward. But nothing has been put forward by the accused to explain how she got possession of the gold ornaments, total denial does not prove her innocence.

37. Now the contention of the learned Addl. Public Prosecutor is to be looked into. It is contended that accused failed to explain as to how she got in possession of the gold ornaments and even 313 Cr.P.C examination stage she is silent totally denying the offence and not suggested anything as to how she came to her possession. At this point, the learned counsel for accused has contended that merely because accused has not spoken about anything, no adverse inference can be drawn. On this proposition, the Addl.Public Prosecutor relied on a decision of Hon'ble High Court of Judicature, Andhra Pradesh at Hyderabad reported in

2009(3) ALT (CrI.) 325 (D.B.)(A.P)

Konidena Venkata Naga Durga Prasad @ Prasad

Vs

State of A.P., rep. By Public Prosecutor, High Court of A.P.,
Hyderabad.

wherein it was held that “when the prosecution has proved its case beyond reasonable doubt with regard to recovery of the property and no reasonable or acceptable explanation from the appellant regarding the possession of the property, the conclusion it can be arrived is that it is accused, none else who has committed murder of the deceased for committing theft.

The principles laid down in the above decision are squarely applicable to the facts of the present case as in this case, it is evident that accused is residing in the next house. It is also evident from record that accused has made cash payment immediately after the death of the deceased and there is ample documentary evidence to show that she has pledged the bangles with Muthooth Finance and Manappuram Gold Finance and released the same and there is also evidence that gold ornaments were recovered in pursuance of confessional statement of accused which clearly establish the recovery beyond reasonable doubt. The accused has not answered anything in 313 Cr.P.C examination as to how she came in possession of the gold ornaments in spite of detailed questioning in 313 Cr.P.C examination, she totally denied all the incriminating material. Therefore, it is clearly established that property was recovered from the possession of the accused and it was the stolen property from the deceased. So, the prosecution has established the offence U/Sec.380 of I.P.C.

38. The Court has framed a charge U/Sec.411 in stead of framing alternative charge of 380 or 411 of I.P.C. The Court has framed two separate charges. So the charge U/Sec.380 of I.P.C has

been established. The Accused is entitled for acquittal U/Sec.411 of I.P.C. The point is answered accordingly.

Point No.1:

39. The learned Addl. Public Prosecutor has contended that the evidence of P.W.1 clearly spoken about death of the deceased and circumstances in which the deceased was found and the case rests on circumstantial evidence and the evidence of P.W.4/ Watchman at the first instance speak about accused vacating the apartment/Flat No.306, house owner found the articles left in the house which includes old books and one pair of chappals of the deceased. This prima facie creates a suspicion over the accused and the evidence of P.W.7 speaks about vacating the house by accused.

40. The medical evidence clearly show that death of deceased occurred due to strangulation and it is also evident that she had multiple injuries. So the medical evidence clearly establish that it is not the natural death. Though D.N.A profile could not be ascertained but the cause of death has been clearly established. So the prosecution by way of circumstantial evidence has clearly established that accused has committed murder of the deceased and committed theft of gold ornaments of the deceased. Not only that she has screen away the evidence. The test of identification parade of the property was also conducted in which P.W.1 has clearly identified the gold ornament belongs to his mother which complete the chain of circumstances, the prosecution has clearly established its case beyond reasonable doubt and accused is liable for conviction.

41. The learned counsel for accused contended that scientific evidence is noway helpful to the prosecution. Firstly DNA report does not contain any findings. The learned counsel contended that chappals which are said to be deceased were not identified by either P.Ws.1 and 2. So noway the chappals can be linked with the deceased. There are number of lacunas in the case of the prosecution and the prosecution has miserably failed to complete the chain of circumstances. Therefore accused is entitled for acquittal.

42. The learned counsel for accused further contended that the prosecution failed to establish that accused has committed the murder. There is no single eye witness to speak about accused committed any offence of murder. Simply because the accused has not spoken anything in 313 Cr.P.C examination, an inference cannot be drawn as contended by the learned Addl. Public Prosecutor. This contention is not accepted in law. He further contended that accused has to only raise a doubt in the mind of the Court with regard to lacunas in the prosecution case basing on the preponderance of probabilities. The accused need not establish his defense beyond reasonable doubt. It is sufficient that he raised a doubt in the mind of the Court. No medical evidence has been established to connect the accused to the murder and the chappals which are marked as M.O.7 are not connected to the deceased. P.Ws.1 and 2 have not identified the chappals and there is inordinate delay in investigation which is latches on the part of Investigating Officer, therefore accused is entitled for acquittal.

43. Taking into consideration the contention of both counsel, the evidence on record is to be viewed. When exactly the

death occurred is not spoken by any of the witness but they found the deceased died on 23.03.2018. So P.Ws.1 to 3 has spoken about the manner in which they came to know about death of the deceased. Though they were cross examined on various aspects, but nothing was favourable was elicited in favour of the accused, infact they have not deposed anything against the accused.

44. Now coming to the evidence of P.W.4 who is watchman of apartment, he has spoken about accused residing in Flat No.306 and on 23.03.2018 itself accused went away from that house and later has vacated the house. Later when house owner of the flat was cleaning the house, they found some material which was put outside, he has stored the same in the store room and later when police came and enquired, he has handed over them to police and police found chappals belongs to deceased in that house. This evidence shows accused was present at the scene of offence when the murder came into light. In this regard, it is pertinent to examine the evidence of P.W.8 who is resided in the same apartment. He deposed about accused staying in the apartment on 23.03.2018 and vacating the same on 29.03.2018. In cross examination, nothing favourable was elicited in favour of the accused. P.W.4 watchman was examined on the concept whether keys of house were kept. He stated that he does not know. So the evidence of both witnesses show accused is missing from the scene of offence and the chappals were handed over to police. The evidence of P.W.5 who is brother of house owner. He has clearly spoken that he left the material outside the house, his sister informed him on March, 28 & 29 to vacate the house. The crucial aspect elicited in his cross

examination is that he brought the keys from the police. On this aspect, the Investigating Officer has clearly and categorically deposed that they never taken keys of the Flat No.306. Except eliciting this aspect in the cross examination of P.W.5 that keys were in the possession of the police, no other material is put forth by the accused even to probabalise when police have taken the keys and what is the purpose to take keys as the flat No.306 is not scene of offence house. P.W.5 has clearly spoken about handing over material to watchman. P.W.5 evidence is that two months after the incident, the waste material was kept by him in store room. So this aspect elicited in the cross examination of P.W.5 that he brought keys from police station, has to be brushed aside.

45. The evidence of P.W.8 is to be looked into. One of the resident of Fortune Height Apartment, he has deposed about deceased in Flat No.305 and accused residing in Flat No.306 and on 29.03.2018 accused vacated the apartment. The owner of the apartment came and removed plastic things, books and chappals. He asked the watchman to preserve things in the store room. He stated that he can identify the chappals which were kept outside the flat No.306. M.O.7-Brown Colour Chappals marked through him. Coming to cross examination, he stated that there are 60 flats in their apartment, 12 flats each floor, he cannot say howmany C.C Cameras are installed in the apartment, C.C.T.V footages are under his control, police have collected the C.C.T.V footage prior to his examination in his absence. He does not know the owner of Flat No.305. M.O.7 was not taken from his possession. All these aspects elicited in his cross exmnation does not have any bearing on

admissibility or truthworthiness of the witness as there is no dispute that he is residing in the apartment. With regard to C.C.T.V footages, watchman who is examined as P.W.4 has clearly spoken C.C.T.V footages are only at the parking place. The only aspect is that he has seen M.O.7-Brown Colour Chappals and he instructed the watchman to keep the same in the room. It is also evident from the evidence of P.W.4 and the evidence of Investigating Officer who has spoken about seizure of M.O.7. So his evidence also goes to show that accused is residing in Flat No.306 and on 29.03.2018, she has left flat which shows that immediately after the incident, accused was missing from the scene of offence.

46. P.W.10 is Photographer who photographed the scene of offence, Ex.P3-Photographs marked through him. Coming to cross examination, he has stated that he handed over the photographs to the police four or five days after taking the photographs.

47. P.W.16, V.R.O, spoken about observing the scene of offence, dog squad also came, they found two hair pieces struck in the left hand of the deceased hand, blood stains were lifted from the floor, the hair was kept in a tin and seized, identification slips were attached, he signed on it, Ex.P14-Scene Observation Report marked through him. Coming to cross examination, only aspect elicited is that one of the Constable scribed Ex.P14 and deceased body was having three gold rings and two copper rings and the main door keys were kept on the fridge of master bed room. This aspect elicited in the cross examination of P.W.16, nothing favourable of the accused. The scene observation is proved and a crucial aspect is that hair

was struck in the hands of the deceased which clearly shows that there was some scuffle between two persons.

48. The evidence of P.W.13 speak about participating in the inquest, he has spoken about the same facts that dead body of the deceased was lying in front of the door, they went there and inquest was conducted. Coming to cross examination, he admitted that witnesses were examined in his presence in which watchman was also examined as 5th witness. He admitted that column No.5 discloses that watchman has seen the deceased alive on 23.03.2018 at 10.00 a.m., He also spoke about injury on the left elbow and swelling of the hand. Ex.P8-Inquest Report marked through him. The learned counsel for accused has contended that Ex.P8 shows that watchman has seen the deceased alive on 23.03.2018 which does not corroborate the medical evidence as the autopsy was conducted on 24.03.2018 and the doctor opined that death occurred in between 48 to 72 hours prior to post mortem examination. So the medical evidence is not corroborating with the oral evidence. At this stage, if evidence of P.W.4 if perused, he also spoken that he has seen the deceased on 23.03.2018. No one was present in their house two days before. She returned from Guntur about one week back. Here it is to be noted that in the chief examination of the witness does not speak about seeing the deceased on 23.03.2018. Another aspect is to be noted, as discussed earlier, cross examination of witness was treated nil on 23.02.2022. Recall petition was allowed on 23.07.2025 i.e., almost two years. So there is every chance of loss of memory to the witness and also the witness being win over by the accused.

49. P.W.20 is the doctor who conducted autopsy over the dead body of the deceased and noted that bite spots present on the body, ligature mark present on the neck, underneath structure of ligature are contused, fracture of both horn of thyroid cartilage, fracture of hyoid bone of middle with fracture of both greater horn with inward fracture, contusion of thyroid cartilage and contusion of occipital scalp with red in colour. He has also spoken about nail bites and hair piece sent to D.N.A Analysis, Viscera sent to Chemical Analysis and the time of death is 48 to 72 hours. Ex.24-Post Mortem Examination Report and Ex.P25-Final Opinion marked through him. Ex.P25-Final Opinion that death occurred due to manual strangulation.

50. The learned Addl. Public Prosecutor has contended the contentions of the accused counsel are not acceptable as opinion of the expert is not final with regard to exact time of death. As it is the evidence of P.Ws.2 and 3 that deceased was not responding at 5.00 p.m on 23.03.2018. The evidence of P.W.2 speaks about his paternal aunt leaving the house of his mother on 22.03.2018 which clearly shows that after that time, the deceased was alone present.

51. The learned Addl. Public Prosecutor contended that doors were closed. It is also evident that dead body was emitting smell and every possibility of deciding exact time of death is difference. So the contention of learned counsel is not sustainable. As seen from the record and as per established principles of law, no doubt expert opinion can be taken into consideration, but the difference in exact time of death cannot be viewed seriously as the

manner in which death occurred and the cause of death has been clearly spoken by P.W.20. In the cross examination, nothing favourable was elicited. The Doctor has clearly stated the injuries 4 and 5 can be possible only by throttling and hypothetically suggestion was put to doctor that injuries in Ex.P24 may be caused by more than one person, which cannot be considered. The doctor admitted that Ex.P24 does not disclose injury numbers 1 to 7 are post mortem or anti mortem. He has not examined whether witness was physically abused or not. A crucial aspect again elicited that there is possibility of early decomposition of the body in summer season. This aspect elicited in the cross examination of accused counsel goes against his contention that oral evidence and medical evidence are not corroborating as it even in cross that due to season, the body decomposed earlier, it is difficult to determine the approximate time of death. It was also put to doctor that a male person can also cause the injuries which is hypothetical.

52. Now the evidence of Investigating Officer/P.W.18 has to be looked into who has spoken about registration of F.I.R on 24.03.2018. Ex.P19 is F.I.R. He visited the scene of offence and observing the scene of offence and preparing rough sketch. Ex.P20 is rough sketch and forwarding the body to the hospital in conducting autopsy and later forwarding material objects through letter of advice. Ex.P21 is Letter of Advice. He was cross examined on the aspect of disputes between P.Ws.1 and 2 with regard to property, it has no affect on this case. Except this nothing was elicited in his cross examination.

53. P.W.22 who has conducted further investigation who has spoken about he received credible information about accused and he went along with P.W.17 and another V.R.O and surrounded the accused who confessed about offence and gold chain and gold nanuthadu were recovered from her possession under the cover of Ex.P15. In pursuance of her confession, four gold bangles were recovered under Ex.P16. Coming to his cross examination, it was elicited that Ex.P15 does not contain endorsement of the accused that her statement was verbatim recorded. It was also elicited that in Ex.P21 weight of the bangles is 32 grams, Ex.P17 does not disclose what articles were given to the mediators for test of identification parade. It was also elicited that Exs.P15, P16 and P18 does not contain the details of mediators and staff who were present.

54. P.W.23 is another Investigating Officer who filed the Charge Sheet. Coming to cross examination, he has spoken about the same. Coming to cross examination it was elicited that neighbouring portions of the apartment were not examined, no call data of deceased and P.Ws.1 and 2 were not examined, except P.Ws.1 and 2, no relatives were examined.

55. The learned counsel for accused contended that inconsistent and irregularities in the investigation affects the case of prosecution as mediators report does not contain the details of mediators, second details of staff participated in it and there is difference of weight of the gold ornaments. No neighbours were examined. P.W.22 evidence is that he visited the scene of offence, preparation of rough sketch, he noticed the scene of offence

washed, no incriminating material is found, he added 201 of I.P.C, there are no eye witness to the alleged murder, the confession of accused is inadmissible. It is the evidence of P.W.2 that one Sivamma left the house on 22.03.2018 but she was not examined by the police. The Investigating Officer failed to conduct test of identification as per procedure laid down. The recovery is also not proved and the chappals not identified by P.Ws.1 and 2 before the Court. All these aspects show that prosecution has failed to prove the circumstantial evidence linking the accused. When the case of prosecution purely rests on the circumstantial evidence, the prosecution has to prove each circumstance, there are latches in investigation at each circumstance, therefore, accused entitled for acquittal.

56. The learned Addl. Public Prosecutor has contended that mere latches in the case of investigation cannot take seriously as investigation cannot be so perfect in each case. Mainly when it is circumstantial evidence, the Court should view whether there was any malafide intention of the Investigation to implead the accused. When no such proof is found the Investigation is said to be done the investigation in his official duty with due care. On this proposition, she relied on decision of the Supreme Court of India reported in

2000(4) Crimes 1 (SC)
State of West Bengal
Vs
Mir Mohammad Omar @ Others etc.,

wherin it was held that accused cannot be acquitted only on account of flaws or defects in the investigation. If that be so, the case of criminal justice becomes the victim.

On the same proposition, she relied on decision of the Hon'ble Supreme Court of India reported in

(2001) 1 Supreme Court Cases 652

State, Govt. Of NCT of Delhi

Vs

Sunil and Another

The principles laid down in the decision relied by Addl. Public Prosecutor are applicable to the present case as in this case, firstly the prosecution prove that accused is residing in the next house of the deceased immediately after the death of the deceased, she was missing from the scene of offence and thereafter she has vacated the scene of offence house. While vacating that house, some material was found by P.W.4 and P.W.8 has spoken and the same were seized. The prosecution also proved that immediately after death of the deceased, accused has made certain payments, paid rent, she has cleared the due of loan which were defaulted and prosecution also established that she pledged the gold ornaments to Manappuram Gold, Muthoot Finance Ltd and obtained money. Thereafter, she released the gold and sold it to P.W.14. The gold chains, nanuthadu were recovered from the possession of accused herself which is spoken by P.W.17 and P.W.22 about recovery of property from the possession of accused. So these evidence of P.W.17 and P.W.22 cannot be suspected.

57. Whereas the learned counsel for accused has contended that mere creating a doubt in the mind of the court is sufficient, need not be proved beyond reasonable doubt. ON this preposition, he relied on decision of the Hon'ble Supreme Court of India reported in

Criminal Appeal No.1006/2010, dated 06.08.2019

Anand Ramachandra Chougule

Vs

Sidarai Laxman Chougala and Others

The principles laid down relied on the accused counsel are not applicable to facts of the present case as in the above case, there was counter case filed by the accused and the same was not registered. So there were injuries on the accused, therefore, Court has taken stand that doubt created by the accused as he sustained injuries, so he was acquitted.

58. The learned counsel for Addl.Public Prosecutor also contended that once the property stolen once is found in possession of the stolen property and he does not give plausible explanation as to how they got the possession of the property, an inference can be drawn that murder was committed by the person in whose possession the gold was found. On this proposition, he relied on a decision of the Supreme Court of India reported in

2011(2) Crimes 1 (SC)

Sheo Shankar Singh

Vs

State of Jharkhand and Another

The principles laid down in the above decision are squarely applicable to the present case as in this case, the accused not only found in possession of gold, the prosecution also proved initially where gold was pledged and payment made by the accused and thereafter again recovery of the bangles. All these aspects clearly suggest that an inference can be drawn that she has killed the deceased with a motive to commit theft of gold ornaments. The

injuries on the body of deceased as well as cause of death by manual strangulation clearly infers that accused has committed murder of the deceased.

The decision relied on by the learned counsel for accused is not applicable to the facts of the present case as it is not that the Court does not reach a finding that accused failed to prove the defense taken by her or accused failed to answer as to how she got possession of the property, but as prosecution has proved the recovery beyond reasonable doubt and cause of death of deceased and accused disappearing from the scene of offence. In these circumstances, the Court basing on the evidence reached to conclusion that it is accused who has killed the deceased with an ulterior motive committed theft of gold ornaments and the kind of injuries on the body, nail bites, bites and hair presence in the hands of the deceased, through circumstantial evidence, the prosecution has established the case against the accused beyond reasonable doubt.

59. The learned counsel for accused contended that unless the prosecution produced evidence that murder and theft has taken place at the same time, no inference can be drawn that murder was also committed by the accused. On this proposition, he relied on a decision of Hon'ble Supreme Court of India reported in

2017(1) ALT (CrI.) 283 (SC)

Raj Kumar @ Raju

Vs

State (NCT of Delhi)

wherein it was held that the presumption U/Sec.411 of Indian Evidence Act, the charge of murder cannot be brought unless there is evidence to show that robbery and murder occurred at the same time in the same course of transaction.

The principles laid down in the above are not applicable to the facts of the present case as in this case, the prosecution has shown immediately after the death of deceased, accused pledged the gold ornaments, thereafter paying rent as well as installments of the loan which was committed default. It is also proved release of the same gold articles and selling the same and she was in possession of the gold articles which were missing. So the prosecution has established case proving complete chain of circumstances.

60. The learned counsel for accused also contended that when the evidence is doubtful and inconsistent and interested witnesses have spoken about it, the benefit of doubt should go in favour of the accused. On this preposition, he relied on a decision of the Hon'ble Supreme Court of India reported in

2013(2) ALD (CrI.) 217 (SC)

Sunil Kundu and Another

Vs

State of Jharkhand

wherein it was held that mere absconding of the accused, an adverse inference cannot be drawn, the prosecution has to be proved the guilt beyond reasonable doubt and cannot rely on the failures of the defense of the accused.

The principles laid down in the above decision are not applicable to the facts of the present case as in the above case, as

per evidence of witness, accused shot the deceased with a gun whereas the medical report does not show any fire harm injury on the deceased, therefore, accused was acquitted.

Whereas in this case, the said to be interested witnesses i.e., P.Ws.1 to 3 have not whispered anything against the accused, they are totally unaware who committed the offence. P.W.1 only spoke about identifying of M.Os.1 to 3. So it cannot be said that they are interested witnesses in the case.

61. Added to this, the recovery of the property has been conclusively proved by examining P.W.17 in whose presence property was recovered and test of identification parade was conducted, it is supported by the evidence of Investigating Officer.

62. At this stage, it is necessary to go through the decision of the Hon'ble High Court of Judicature, Andhra Pradesh which was cited earlier by Addl.P.P reported in

2009(3) ALT (CrI.) 325 (DB(AP))
 Konidena Venkata Naga Durga Prasad @ Prasad
 Vs
 State of A.P rep. By Public Prosecutor, High Court of A.P.,
 Hyderabad.

wherein it was held that when the property is recovered and it is also been proved that theft has been committed and when it is shown that the person from whose possession property was recovered and from whom theft was committed has been murdered and also by the disclosure statement given by the accused, it can be exclusively held that accused is author of the offence. The evidence is consistent and incompatible with offence of the appellant. The prosecution

has proved all the circumstances leading to the crime. The, accused is liable for conviction.

The principles are squarely applicable to the present case.

63. Now, coming to the aspect whether it is accused who has killed the deceased. The prosecution alleges that the motive of the accused is to commit theft as there are financial crises in their family and the motive can be established by gold property recovered from the possession of the accused. The medical evidence which clearly shows that death of deceased was not normal and she has died due to strangulation and there were also injuries on the body. The medical evidence fully support the case of prosecution. So when the theft property was found in possession of the accused and the person in whose presence the gold was stolen is dead, an inference is to be drawn the person in whose possession the gold is also killed the deceased. The prosecution proved the case beyond reasonable doubt. The Point is answered accordingly.

64. The Court framed a Charge U/Sec.302 r/w 201 of I.P.C which is a defective charge, 201 I.P.c itself is a distinct one. Whereas the Court framed charge U/Sec.302 r/w 201 of I.P.C. So the charge 201 of I.P.C does not hold good and there is also no specific evidence adduced by the prosecution to attract Sec.201 I.P.C charge is applicable.

65. In the result, accused is found not guilty for the offence U/Sec.411 of I.P.C and she is acquitted U/Sec.235(1) of Cr.P.C.

However, Accused is found guilty for the offences U/Sec.380, 302 of I.P.C and she is convicted U/Sec.235(2) of Cr.P.C.

Dictated to Steno Gr.II, transcribed and typed by him, corrected and pronounced by me in the open Court on this the 1st day of May, 2026.

Sessions Judge,
Mahila Court, Vijayawada.

66. When questioned the accused on the quantum of sentence, she has deposed that she has three female children and only the elder daughter is married and two other daughters are to be get married. She is separated from her husband. She is only the care taker of the children.

67. Taking into consideration the circumstances stated by accused, a lenient view is taken and accused is sentenced to undergo Simple Imprisonment for a period of three (3) years and to pay a fine of Rs.1,000/- (Rupees One Thousand Only) for the offence U/Sec.380 of I.P.C, I.D.S.I for six (6) months.

Accused is also sentenced to undergo **life imprisonment** and also to pay fine of Rs.1,000/- (Rupees One thousand only) for the offence U/Sec.302 of I.P.C.

Both the sentences shall run concurrently.

Dictated to Steno Gr.II, transcribed and typed by him, corrected and pronounced by me in the open Court on this the 1st day of May, 2026.

Sessions Judge,
Mahila Court, Vijayawada.

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES:**A.Prosecution:**

RANK	NAME	NATURE OF EVIDENCE (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)
P.W.1	P.Kalyana Reddy	Eye Witness
P.W.2	P.Narasimha Reddy	Eye Witness
P.W.3	P.Bala Krishna	Eye Witness
P.W.4	T.Narasimha Rao	Eye Witness
P.W.5	M.Sai Chasan @ Bobby	Eye Witness
P.W.6	Islavat Lalu	Eye Witness
P.W.7	Syed Kushirith Bhanu @ Munsi	Eye Witness
P.W.8	G.Vital Rao	Eye Witness
P.W.9	B.Srinivasa Rao	Eye Witness
P.W.10	Y.Srinivasa Reddy	Other Witness
P.W.11	Sk.Khasimsha	Eye Witness
P.W.12	N.Krishna Chaitanya	Eye Witness
P.W.13	B.Chandra Sekhara Reddy	Panch Witness
P.W.14	Shaik Shajaffar	Eye Witness
P.W.15	A.Siva Satyananarayana	Eye Witness
P.W.16	Md.Sayeed Baji	Panch Witness
P.W.17	K.Lakshmi Lalitha Kumari	Panch Witness
P.W.18	M.V.V.Jagan Mohana Rao	Police Witness
P.W.19	A.Prasad Kumar	Police Witness
P.W.20	Dr.A.Krishnaanjaneyulu	Medical Witness
P.W.21	Y.Chitti Babu	Police Witness
P.W.22	B.Bala Murali Krishna	Police Witness
P.W.23	S.Maqbul	Police Witness

B.Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)
-Nil-		

C.Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)
-Nil-		

LIST OF PROSECUTION/DEFENCE/COURT**[Rule 67(3)]****A.Prosecution:**

Sl. No.	Exhibit Number	Description
1.	Ex.P.1/P.W.1	Complaint of P.W.1
2.	Ex.P.2/P.W.6	Bank Statement of Asia Begum
3.	Ex.P.3/P.W.10	Photographs (8 in number)
4.	Ex.P.4/P.W.11	Statement
5.	Ex.P.5/P.W.11	Relevant Entry
6.	Ex.P.6/P.W.12	Pledge Receipt
7.	Ex.P.7/P.W.12	Release Receipt
8.	Ex.P.8/P.W.13	Inquest Report
9.	Ex.P.9/P.W.14	161 Cr.P.C statement of P.W.14
10.	Ex.P.10/P.W.15	Branch Copy
11.	Ex.P.11/P.W.15	Customer Copy
12.	Ex.P.12/P.W.15	Appraiser Receipt
13.	Ex.P.13/P.W.15	Closing Receipt
14.	Ex.P.14/P.W.16	Scene Observation Report
15.	Ex.P.15/P.W.17	Mediators Report
16.	Ex.P.16/P.W.17	Mediators Report
17.	Ex.P.17/P.W.17	Test of Identification Parade Report
18.	Ex.P.18/P.W.17	Mediators Report dt 30.11.2018
19.	Ex.P.19/P.W.18	F.I.R in Cr.No.153/2018, U/Sec.302,380 of I.P.C of A.S.Nagar P.S.
20.	Ex.P.20/P.W.18	Rough Sketch
21.	Ex.P.21/P.W.18	Letter of Advice
22.	Ex.P.22/P.W.19	Chemical Analysis Report
23.	Ex.P.23/P.W.19	D.N.A Report
24.	Ex.P.24/P.W.20	Post Mortem Examination
25.	Ex.P.25/P.W.20	Final Opinion
26.	Ex.P.26/P.W.21	91A notice issued to Muthooth Gold Finance

27.	Ex.P.27/P.W.21	91A notice issued to Manappuram Gold Finance
28.	Ex.P.28/P.W.21	91A notice issued to HDFC Bank
29.	Ex.P.29/P.W.21	91A notice issued to SBI
30.	Ex.P.30/P.W.22	Rough Sketch

B.Defence:

Sl. No.	Exhibit Number	Description
- Nil -		

C.Court Exhibits:

Sl. No.	Exhibit Number	Description
-Nil-		

D.Material Objects:

Sl. No.	Material Object Number	Description
1.	M.O.1/P.W.1	Two layers of nanuthadu.
2.	M.O.2/P.W.1	Four Bangles
3.	M.O.3/P.W.1	One Chain
4.	M.O.4/P.W.1	One Saibaba Ring
5.	M.O.5/P.W.1	One Lakshmidēvi Ring
6.	M.O.6/P.W.1	One Red Stone Ring
7.	M.O.7/P.W.8	Brown Colour Chappals

Sessions Judge,
Mahila Court, Vijayawada.

TABULAR FORM TO BE APPENDED FOR THE JUDGMENT AS PER RULE 67 OF CRIMINAL RULES OF PRACTICE IN SESSIONS CASE NO.94/2020 ON THE FILE OF SESSIONS JUDGE, MAHILA COURT-CUM-V ADDITIONAL DISTRICT AND SESSIONS JUDGE, VIJAYAWADA.

1. Serial No. : --
2. Sessions Case No. : **94/2020**
3. P.R.C.No. : 2/2020
4. Name of the Police Station, Crime No. and offence. : A.S.Nagar P.S., Cr.No.153/2018 U/Secs.302 r/w 201, 380 and 411 of I.P.C
5. Description of the Accused : Asia Begum @ Begum, W/o.Md.Rawoof, 46 Years, Muslim, Machavaram, Vijayawada.
6. Date of Offence : 23.03.2018
 Date of Complaint : 24.03.2018
 Date of apprehension of Accused : 23.11.2018
 Date of release of accused : 11.03.2019
 Date of Committal Order in lower Court : 12.10.2020
 Date of commencement of trial : 08.11.2023
 Closure of trial : 06.04.2026
 Date of Judgment in this Court : **01.05.2026**

7. Result:

In the result, accused is found not guilty for the offence U/Sec. 411 of I.P.C and she is acquitted U/Sec.235(1) of Cr.P.C. Accused is found guilty for the offences U/Secs.380, 302 of I.P.C and she is convicted U/Sec.235(2) of Cr.P.C.

Accused is sentenced to undergo Simple Imprisonment for a period of three (3) years and to pay a fine of Rs.1,000/-

(Rupees One Thousand Only) for the offence U/Sec.380 of I.P.C, I.D.S.I for six (6) months.

Accused is also sentenced to undergo **life imprisonment** and also to pay fine of Rs.1,000/- (Rupees One thousand only) for the offence U/Sec.302 of I.P.C.

Both the sentences shall run concurrently.

8. Explanation for delay:

In Committal Court:

The case was taken on file on 20.03.2020. Copies were furnished to the accused under Section 207 Cr.P.C on 09.10.2020. The case was committed to the Court of Sessions, Metropolitan Sessions Judge, Vijayawada, under Section 209 Cr.P.C on 12.10.2020. Hence, the delay.

In this Court:

The Hon'ble Metropolitan Sessions Judge, Vijayawada, taken the case for the offences punishable U/Secs.302 r/w 201, 380 and 411 of I.P.C against accused and numbered as S.C No.94/2020 and made over to this Court for disposal according to law. Charges U/Secs.302 r/w 201, 380, 411 of I.P.C are framed against Accused on 21.02.2023. P.W.1 is examined on 08.11.2023, P.Ws.2 & 3 are examined on 23.01.2024, P.Ws.4 & 5 are examined on 23.02.2024, P.Ws.6 & 7 are examined on 05.03.2024, P.W.8 is examined on 15.03.2024, P.Ws.9 to 11 are examined on 08.10.2025, P.Ws.12 is examined on 09.10.2025, P.Ws.13 to 16 are examined on 10.10.2025, P.W.17 is examined on 13.10.2025, P.Ws.18 to 20 are examined on 14.10.2025, P.W.21 is examined on 15.10.2025, P.W.22 is examined on 16.10.2025 and P.W.23 is examined on 24.10.2025. Accused is examined U/Sec.313 Cr.P.C on 02.12.2025. Heard the accused counsel on 17.12.2025. The learned A.P.P filed written arguments on 21.01.2026. Accused counsel filed written arguments on 27.03.2026. Judgment is pronounced on 01.05.2026. Hence the delay.

Sessions Judge,
Mahila Court, Vijayawada.

Copy submitted to:

The Hon'ble Registrar (Judicial), High Court of Andhra Pradesh, Nelapadu at Amaravathi, Guntur District.