

IN THE COURT OF THE PRL. JUDICIAL MAGISTRATE OF FIRST CLASS
AT KHAMMAM

Tuesday, this the 21st day of January, 2025

Present: Smt.K.Deepa,
Prl. Judl. Magistrate of First Class,
Khammam.

CC. No.3144 of 2022

Between:-

The State police through the Sub-Inspector of police,
Thirumalayapalem Police Station.

...Complainant

And

1. Gunti Yugandhar S/o Buchaiah, 31 years, Agriculture,
2. Gunti Kanthamma W/o Buchaiah, 65 years, Agriculture,
3. Gunti Renuka W/o Upender @ Umesh, 34 years, Housewife,
4. Gunti Buchaiah S/o Lingaiah, 67 years, Agriculture,
5. Gunti Upender S/o Buchaiah, 35 years, Agriculture,
6. Payyavula Sambaiah S/o Lingaiah, 49 years, Agriculture,
7. Gunti Sudhakar S/o Lingaiah, 59 years, Agriculture,
8. Gunti Ramya W/o Yugandhar, 31 years, Agriculture,
9. Gunti Venkanna S/o Lingaiah, 43 years, Agriculture,
10. Jala Kannaiah S/o Ramulu, 48 years, Agriculture,

All are R/o Papaigudem Village of Thirumalayapalem Mandal,
Khammam District.

...Accused/A1 to A10

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This case is coming before me for final hearing on 10.01.2025 in the presence of Sri.D.Veeraiah, learned Assistant Public Prosecutor for the state and Sri Tenkati Venkateswarlu, Advocate for accused/A1 to A10; upon perusing the material papers available on record; upon hearing and having been stood over for consideration till this day; this court delivered the following:-

J U D G M E N T

1. The Sub-Inspector of Police, Thirumalayapalem Police Station laid charge sheet against the Accused/A1 to A10 in Cr. No.159/2022 of P.S Thirumalayapalem alleging that the Accused/A1 to A10 have committed

offences punishable under Sections 294(b), 326, 323, 324 and 143 r/w 149 Indian Penal Code.

2. The brief facts of the case of the prosecution are that:

The defacto-complainant and accused are relatives and they have disputes regarding the pathway in order to reach their agricultural lands and on 16.09.2022 while the Lw.1/Jakkula Kyathamma/defacto-complainant is working in chilly garden, meantime the accused/A5 was proceeding to his agricultural fields along with his bulls through his chilly garden of the defacto-complainant and observing the accused/A5, the defacto-complainant questioned him why he was going there through her land, but the accused/A5 abused the Lw.1 in filthy language as *"Asey Lanjamunda Nuvvu Enduku Addukuntunnavu"* and at the same time the accused/A1 and A2 went there and abused the Lw.1 in filthy language and caught hold of her hair and beat with hands and the accused/A4 beat Lw.1 with a stick on her right thigh, accordingly she received injuries and immediately she was shifted to Government Hospital, Khammam and after undergoing treatment, she came back to her house and on 16.09.2022 at 5.00 P.M when she was at her house, the accused/A1 to A10 keeping the morning incident in their mind came to the house of Lw.1 by carrying sticks and abused her in filthy language by stating that *"Asey Lanjamunda Arey Lanjakodaka Inti Daggara Emi Chestunnarura"* and accused/A5 beat Lw.1 with a stick on her left hand and in the meanwhile Lw.2 tried to stop the accused, but the accused/A5 beat him on his head and the accused/A1, A2, A4, A5 and A9 abused

Lws.1 to 5 in filthy language and kicked them with legs and the accused/A3, A6, A7, A8 and A10 abused and beat them with hands and kicked them with legs and accordingly the Lws.1 to 5 received injuries and shifted them to Government Hospital, Khammam for treatment and later the defacto-complainant lodged a report against the accused/A1 to A10.

Basing on the report given by the defacto complainant, the Thirumalayapalem police registered a case in Cr. No.159/2022, U/Secs.294(b), 323, 324 and 143 r/w 149 IPC and the investigating officer examined and recorded the statement of the Lw.1/defacto-complainant/Jakkula Kyathamma, visited the scene of offence and drafted rough sketch of the scene of offence in the presence of the mediators i.e., Lws.8 and 9 and seized sticks from the scene of offence, examined and recorded the statements of remaining witnesses and collected the medical certificates of Lws.1 to 5 and it was opined that the injuries received by Lw.1 was grievous in nature, as such Section 326 IPC was added and later arrested the accused/A1, A2, A4, A5 and A9 and produced them before the Court for judicial remand and issued 41-A Cr.P.C notices to the accused/A3, A6, A8, A9 and A10 and on completion of the investigation, investigating officer filed a charge sheet against the accused/A1 to A10.

3. On receipt of the charge sheet, the court has taken cognizance for the offences punishable u/secs.294(b), 326, 324, 323 and 143 r/w 149 IPC against the accused/A1, A2, A4, A5 and A9 and for the offences

punishabl u/secs.294(b), 324, 323, 143 r/w 149 IPC against the accused/A3, A6, A7, A8 and A10 and summons were served to them.

4. On appearance of the accused/A1 to A10, copies of case documents were furnished to them in accordance with Section 207 Cr.P.C.

5. The accused/A1 to A10 are examined under Sec.239 Cr.P.C and charges were framed for the offences punishable under Sections u/secs.294(b), 326, 323, 143 r/w 149 IPC are read over and explained to them in Telugu language, for which they pleaded not guilty and claimed to be tried.

6. During the course of trial, the prosecution has examined PW.1 to PW.7 and got marked Exs.P1 to P7. PW1 is the defacto complainant and injured, Pws.2, 3, 6 and 7 are injured, Pws.4 and 5 are eye witnesses to the incident. Ex.P1 is the 161 Cr.P.C statement Pw.1, Ex.P2 is the 161 Cr.P.C statement of PW.2, Ex.P3 is the 161 Cr.P.C statement of PW.3, Ex.P4 is the 161 Cr.P.C statement of Pw.4, Ex.P5 is the 161 Cr.P.C statement of Pw.5, Ex.P6 is the 161 Cr.P.C statement of Pw.6 and Ex.P7 is the 161 Cr.P.C statement of Pw.7. In view of the evidence of PWs.1 to 7, the learned APP has given up the evidence of Lws.8 to 11.

7. After closure of prosecution side evidence, there is no incriminating evidence against the accused, hence the examination of accused/A1 to A10 under Sec.313 Cr.P.C is dispensed with and accused reported no defence evidence.

8. Heard arguments of learned APP for the prosecution and the learned counsel for the accused. Perused the documents available on record.

9. Now the point for determination is:

“Whether the prosecution has proved the guilt of the Accused/A1 to A10 beyond reasonable doubt for the offences punishable under Sections 294(b), 326, 323, 324 and 143 r/w 149 IPC?”

POINT:

10. PW.1, who is the defacto-complainant and injured deposed that about 2 years back, when she went to the police station, police obtained her thumb impression on some papers and she does not know the purpose of obtaining her thumb impression. Pws.2, 3, 6 and 7 are injured, Pws.4 and 5 are eye witnesses to the incident. They all deposed in one voice that they does not know any facts of this case and police never examined them and recorded their statements and they did not support the case of the prosecution.

11. On perusal of the record, it was observed that the prosecution has examined PWs.1 to 7 on their behalf and they did not support the case of the prosecution and inspite of the cross examination of the learned APP nothing was elicited in order to throw light on the prosecution case and the injured/Pws.1 to 3, 6 and 7 did not depose anything about the beating by the accused by using dangerous weapon and no weapon was exhibited and the injured themselves have turned hostile and did not depose about any obscene words uttered by the accused against them and also the eye witness to the incident i.e., Pws.4 and 5 did not support the prosecution case and they all turned hostile

and in such case there is no evidence on record to prove the guilt of the accused. Hence this Court is of the opinion that the prosecution has failed to prove the case against the accused beyond reasonable doubt.

12. In view of the foregoing discussion, this Court is of the opinion that the prosecution has failed to bring home the guilt of the accused/A1 to A10 beyond reasonable doubt. Accordingly, this point is answered in favour of the accused/A1 to A10 and against the prosecution.

In the result, the accused/A1 to A10 are found not guilty for the offences punishable under Sections 294(b), 326, 323, 324 and 143 r/w 149 Indian Penal Code and accordingly they are acquitted of the same under Section 248 (1) of Cr.P.C for the said offences. The bail bonds of the accused/A1 to A10 shall stand canceled and the sureties shall be discharged after the expiry of six months as contemplated U/Sec.437-A Cr.P.C. The unmarked case property i.e., 5 sticks are ordered to be destroyed after expiry of appeal time.

Typed to my dictation by the Stenographer, corrected and pronounced by me in the open court on this the 21st day of January, 2025.

PRL. JUDL. MAGISTRATE OF I CLASS,
KHAMMAM.

Appendix of Evidence

For Prosecution:

PW.1: J.Kyathamma, defacto-complainant
and Injured.

PW.2: J.Lingaiah, Injured

PW.3: K.Venkanna, Injured

PW.4: S.Pradeep @ Anjaiah, Eye witness

PW.5: S.Narayana, Eye witness

For Defence:

-None-

PW.6: S.Krishnaveni, Injured

PW.7: K.Madhavi, Injured

Exhibits Marked

For Prosecution:

Ex.P1: is the 161 Cr.P.C statement of Pw.1, dt.30.09.2022

Ex.P2: is the 161 Cr.P.C statement of Pw.2, dt.30.09.2022

Ex.P3: is the 161 Cr.P.C statement of Pw.3, dt.30.09.2022

Ex.P4: is the 161 Cr.P.C statement of Pw.4, dt.30.09.2022

Ex.P5: is the 161 Cr.P.C statement of Pw.5, dt.30.09.2022

Ex.P6: is the 161 Cr.P.C statement of Pw.6, dt.30.09.2022

Ex.P7: is the 161 Cr.P.C statement of Pw.7, dt.30.09.2022

For Defence:

-Nil-

Material Objects

- NIL-

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