

IN THE COURT OF THE I ADDITIONAL JUDICIAL MAGISTRATE OF I CLASS
:: BHIMAVARAM.

PRESENT: **Pavan Kumar Aka,**
I Additional Judicial Magistrate of I Class, Bhimavaram.

Friday, this the 28th day of April, 2023

Calender Case No.341 of 2022

Between :

State :: Represented by the Sub-Inspector of Police, ...Complainant
Veeravasaram Police Station.

and

Borella Sekhar, S/o. Anand,
Aged 34 years, C/. SC-Madiga
Hajinagar, Nandikotkuru Village and Mandal,
Kurnool District. ... Accused

This case is coming on 24-04-2023 before me for final hearing in the presence of Kum. B. Rama Tulasi, learned Assistant Public Prosecutor and of Smt. M. Chitra Bhanu, learned legal aid counsel for the Accused and having heard both sides and having stood over for consideration till this day, this Court delivered the following :

J U D G M E N T

The Sub-Inspector of Police, Veeravasaram Police Station filed charge-sheet against the accused in Cr.No. 200/2022 of their Police Station for the offence punishable U/Secs.379 or 411 of Indian Penal Code (for short hereinafter referred as "IPC").

2. **Brief averments of the charge sheet...**

L.W.1 / S. Sanni Raju parked his Honda Deo motorcycle bearing No.AP-37-DD-4207 at Indian Petrol Bunk, Main Road, Veeravasaram about 18 months back at 09.00 a.m., and went to attend nature calls and when he came back, he found missing of his motor cycle. In spite of his efforts made as it is not traced, he gave a report to Police on 25.09.2022, upon which, L.W.8 – M. Veerabhadra Rao, Assistant Sub-Inspector of Police, Veeravasaram Police Station registered it as a case in Crime No. 200/2022 of Veeravasaram police station, U/Secs.379 of I.P.C. During the course of

investigation, LW.7-R. Gopala Rao, Sub-Inspector of police, Suryaraopet Police Station arrested the accused on 02-10-2022 in their case in Cr.No.342/2022, U/s. 382 IPC and during their investigation, the accused confessed the commission of his offence in their case including in this case and as such it was intimated to the LW.9/Sri P. Ramesh, SI of Police, thereupon, by filing P.T. Warrant the accused is produced before this Court and thereafter on completion of investigation, he laid charge sheet against the accused for the offence punishable U.Sec.379 of I.P.C. alternatively Sec.411 of I.P.C.

3. Upon perusal of material placed by the Sub-Inspector of Police, Veeravasaram Police Station, this Court took cognizance for the offences U/Secs.379 alternatively 411 of I.P.C. On production of accused, copies were furnished as contemplated U/Sec.207 of Criminal Procedure Code (for brevity hereinafter referred as "Cr.P.C.").

4. The accused is examined U/Sec.240(2) of Cr.P.C., and the charges for the offences punishable U/Secs.379 alternatively 411 of I.P.C. were framed u/s.239 Cr.P.C., and were explained to the accused in his mother tongue i.e., Telugu, on that he pleaded not guilty and claimed to be tried.

5. To prove the case of prosecution, the Investigation Officer listed as many as nine witnesses, of whom L.Ws.2 to 4 - D. Divya Kumar, D. Nagarjuna and V. Satyanarayana are given up by prosecution they being corroborative witnesses, who are listed to speak as to their coming to know of the offence. The prosecution also given up the evidence of L.W.6/G. Ananda Kumar, who acted as one of the mediator at the time of arrest and seizure. The prosecution examined P.Ws.1 to 5 only and got exhibited Exs.P.1 to P.5 and M.O.1.

6. After completion of prosecution evidence, the accused is examined U/Sec.313 of Cr.P.C., and he denied the incriminating material recorded against him and reported no defence evidence.

7. Heard the arguments of both the learned Assistant Public Prosecutor and the learned Counsel for accused.

8. Now, the points for determination are...

- 1) *Whether the seized property (MO.1) / motor cycle bearing no. AP-37-DD-4207 in this case was subjected to theft or not ?*
- 2) *Whether the prosecution is able to connect the accused to such commission of theft of that vehicle?*
- 3) *Whether the prosecution is able to bring home the guilt of the accused beyond all reasonable doubts for the alleged offences U/Secs.379 or 411 of I.P.C.?*

9. Now, it is the case of prosecution that the Honda Deo motor cycle bearing no. AP-37-DD-4207 was committed to theft and was recovered from the possession of accused. To determine the guilt of accused, when the evidence of prosecution evidence was looked into :

POINT NO. 1:

10. It is the specific evidence of P.W.1 that 18 months back he parked his *Honda Deo motor cycle bearing no. AP-37-DD-4207 / (MO.1)* at Indian Petrol Bunk, Veeravasaram to attend natural calls and when returned, he found it missing and searched for the same finally, he gave report / Ex.P1 on 25.09.2022 and three months thereafter police called him and informed that his vehicle is recovered. His evidence remained so without subjected to cross examination by the learned counsel for accused.

11. In this connection, it is the evidence of PW.4 – M. Veerabhadra

Rao, the A.S.I. of police, Veeravasaram P.S. that on 25.09.2022 upon receipt of a report from PW.1, he registered it as a case in Cr.No. 200/2022 under Ex.P4, under section 379 of IPC/Ex.P4, visited the scene of offence and prepared rough sketch/ Ex.P5 and also recorded the statement of witnesses. Thus, it made clear that PW.1 gave report as to missing of his vehicle and upon which a case was also registered by PW.4. It is the specific evidence of PW.1 that thereafter he came to know that the said vehicle is recovered by PW.3 / R. Gopala Rao, S.I. of police, Suryaraopet Police Station in relation of conducting of investigation of their police station. The vehicle bearing no. AP-37-DD-4207 (MO.1) is found at Ramavarappadu of Vijayawada. Thus, from the evidence it made clear that the vehicle bearing no. AP-37-DD-4207 (MO.1) which ought to be in Veeravasaram i.e., at the village of parking or in Palakol, at the village of residence of P.W., was found in Ramavarappadu of Vijayawada without intervention of either PW.1 or P.W.4. Thus, from it, it can be concluded that the vehicle (MO.1) AP-37-DD-4207 is the stolen property in this case subjected to theft and accordingly, the point no.1 is answered.

POINT No.2: *Whether the prosecution is able to connect the accused to such commission of theft of that vehicle?*

12. Now, it is to be determined that whether the accused is responsible person either for commission of theft or retaining such stolen property, having knowledge as to it being stolen property? To determine this aspect, there remained the evidence of PWs.2 and 3, who are material witnesses as the alleged recovery is found by these two individuals. Apart from them, there is the evidence of P.W.5, who produced the accused before the court on execution of PT Warrant and who laid charge sheet in this case.

13. It is the evidence of P.W.5/Sri P. Ramesh, the SI of Police that on 02.10.2022, he received a phone call from P.W.3 informing that during

their investigation, the accused confessed his commission of offence in this case and thereupon, he filed PT warrant before the Court and caused production of accused and on completion of investigation in this case, duly receiving the case property from P.W.3. At the same time, it is his evidence during cross examination that, for arrest and apprehension of accused by P.W.3, he has no role. Hence, his evidence is useful only to the extent of production of accused before this court on PT warrant and alleged receiving of stolen property. Either production of accused on PT warrant and mere receipt of property from the Suryaraopet police is neither connect the accused nor sufficient to convict the accused and thereby there remained the material and prime witnesses i.e., P.Ws.2 and 3 only.

14. It is the specific evidence of PW.2 / J. Sivaji, an employee working in a finance company that on 01.10.2022 at 06.30 a.m., he seized one vehicle and he went to II Town Police Station, Vijayawada to pass the said information and he went there along with L.W.6, by that time, the police are attending some other work and they took him as mediator to NTR complex and there, they observed patrolling and on watching the police, one person tried to skulk away on his vehicle and then he was apprehended and enquired and then the said person disclosed his identity particulars and confessed his commission of offences at various places and when he was apprehended, he is found in possession of a bag containing cell phones and laptop and he further confessed that he concealed the stolen vehicle in this crime in bushes at flyover of Ramavarappadu. Then the said confession is typed by police and after read over of the same, he signed along with the SI of Police, L.W.6 and the accused. He further deposed that the accused took them to that place and the vehicles are found in the bushes and they were shown 5 vehicles which included the

vehicle in this case and on confrontation with the Veeravasaram police, police got typed the engine number and chassis number and thereafter all the vehicles were shifted to police station and they were taken to II Town Police Station and there the entire matter is typed and they signed on it and while deposing so, he identified the accused. But at the same time, it is his admission that NTR complex area is busy locality and the accused having injuries are mentioned in the mediators report and he never acted as mediator expect on this occasion.

15. In this connection, it is the evidence of P.W.3/ Sri R. Gopala Rao, the then SI of Police, Suryaraopet PS, Vijayawada that on 01.10.2022, he along with his staff are in regular patrolling and then he received credible information and then he tried to secure the mediators at that place and as none available, he returned to police station and when he reached there, he found two persons, who are returning from police station after giving a report in their police station and then he called them back and asked to act as mediators and upon their acceptance, he again proceeded to the patrolling area near NTR complex and then one person coming on Royal Enfield bike with black colour bag tried to skulk away on watching them and then he is apprehended and on enquiry, he disclosed his commission of offence and shown the stolen properties in his bag, comprising of one dell company laptop, HP company laptop and Vivo, Redmi mobiles. On further enquiry, he confessed his commission of offence in the limits of Suryaraopet and further disclosed that he committed theft of vehicles at different places and then it is reduced into writing by typed mediators report/Ex.P2. He further deposed that on further enquiry, the accused stated that he can show the vehicle and then they were taken by him to Ramavarappadu and shown the vehicles in the bushes at Ramavarappadu and even prior to going to Ramavarappadu, he contacted

the police of Veeravasaram and ascertained the offence as to the vehicle theft and for all these incidents, again another mediators report/Ex.P3 is typed in laptop and is signed by him, the mediators and the accused and thereafter, the said vehicles were seized and were taken into custody. During cross examination except denial of falsely implication of the accused, nothing more in favour of the accused is brought on record.

16. Now, it is for the prosecution to prove that the accused is the person, who committed theft of such property or is responsible for possessing of such stolen property. Needless to say that confession before Police is in admissible. At this juncture, it is the contention of learned defense that accused is falsely implicated in this case as he questioned the police officer, when the accused was subjected to manhandling.

17. At this stage, it is relevant to note that when the accused was readily found in possession of stolen property of another crime of Suryaraopet Police Station and on enquiry, he disclosed the place of hiding of stolen motor cycle and then, it is for the accused to explain as to how he acquired knowledge of such hidden vehicles at that place, if he is not having any connection either with the place or the offences. When the accused failed to explain such reasons, the Court may presume as to the existence of fact which it thinks likely to have happen as can be expected in the offences of Sec.411 of I.P.C. As the vehicle was found at the place of recovery, though the prosecution is not able to connect the accused directly for the commission of theft of such vehicle, the prosecution is able to prove that the stolen property was retained in the possession of Accused having the reason to believe the same to be the stolen property or that it does not belongs to him, as the burden was not discharged by the accused U/Sec.114 Illustration (a) of the Indian Evidence Act.

18. At this stage it is also relevant to mention that the words “receives” and “retains” are generally used together and though illustration (a) of Sec.114 of Indian Evidence Act expressly refers to dishonest receipt of stolen property, presumption about dishonest retention of the stolen property may equally be made by victim of that illustration.

19. In this context, one may point out that a man who is in possession of stolen goods “soon after theft” is used in illustration (a) of Sec.114 of Indian Evidence Act, what would be the time to be referred as “soon after theft”. The word “soon after” is eloquent enough to show that the interval between theft and recovery should be short. As to the length of the intervening period, no straight jacket formula can be propounded. It depends upon the facts and circumstances of the individual case and there is no fixed time limit to determine what would be a recent recovery of the articles from the accused’s possession, and therefore any case has to be judged on its own facts.

20. In this case, the alleged theft took place 18 months prior to giving of his report. At the same time, when the recitals under Ex.P1 is perused, except under the endorsement of the case registering authority, the date of giving report is nowhere mentioned either separately or under the signature of P.W.1 to say when the report is given to police, apart from its recitals. Admittedly, the report is given after 18 months. There is abnormal delay of more than 1 ½ year. The reasons for such too delayed report is not properly explained the victim. One can search for his vehicle for one week, one fortnight or even for one month and if it is not found, certainly, one will approach the police and tries to give the report. Surprisingly, though P.W.1 is not resident of Veeravasaram, who lost his vehicle at Veeravasaram, coming back to Veeravasram after 18 months

and giving report raises suspicion on the case of prosecution.

21. At the same time, when the evidence of P.W.2 is perused, it is his specific evidence that on 01.10.2022 at about 06.30 a.m., he went to II Town Police Station, Vijayawada and from there, the police took his assistance and reached to NTR Complex. But at the same time, it is the evidence of P.W.3 that when he went to his police station i.e., Suryaraopet Police Station, he found two persons coming from his police station, who came there to give a report and then he took them to act as mediators. Upon perusal of the evidence of these P.Ws.2 and 3, when P.W.2 says that he went to II Town Police Station, how P.W.3 can take the said witness from his Suryaraopet Police Station is a question to be answered by prosecution, which is not explained. At the same time, when this court perused the recitals under Ex.P2, which is a confession and recovery of property of Suryaraopet Police Station in which the accused also confessed the commission of offence in this case and stating the place of the concealment is recorded. When the recitals under Ex.P2 is meticulously perused, keeping in view of the contentions submitted by the learned legal aid counsel for accused, it made clear that when the accused is apprehended and enquired, the investigating officer found swelling injury on the left leg and left hand of the accused and also contusion injuries on the buttocks of accused and then upon enquiry, as to how the accused sustained such injuries, the accused stated that when he concealed the vehicles, as he is the sole person, he fell down from bullet vehicle and sustained injuries and he is using medicine. Keeping in view of the same, it is pertinent to note that no doubt during the course of enquiry of a person, one can identify or watch the external injuries appearing on the body. As per the recitals of the said Ex.P2, it made clear that the accused wore pant at that material point of time. When such is so, how the swollen injuries in the left leg can be identified by the accused, though the

swelling of left hand can be seen. It is also sarcastic to say that the investigating officer identified the contusion injuries on the buttocks of accused. When the accused wore pant, how the injuries on the buttocks of accused can be identified by any person and how an enquiry can be made in this regard. Recording so in the confession report-cum-seizure report/Ex.P2 by the investigating officer certainly gives suspicion as to the nature of injuries and the reasons for such injuries, even by a common prudent man. No doubt, as per the recitals under Ex.P3, the stolen vehicle is said to have been shown by accused and the same is recovered.

22. At the same time, it is also relevant to note at this juncture that, one can say that confession before Police is inadmissible. But, if at all the accused has something to say, he is at liberty to furnish answers on his own accord even when they were examined U/Sec.313 of Cr,P.C. and as he has not done so, the Court has to take the presumption enunciated U/Sec.114 (a) of Indian Evidence Act.

23. It is relevant to note that it is almost selected that an accused person should not be called upon to explain his possession of property unless the theft was recent one. But this principle is not absolute. A good deal depends upon the circumstances of each case and it is obvious that under the nature of the property or the circumstances indicated that possession is not in the natural course of things but is incriminatory. The false explanation for possession given by accused may renders the prosecution case stronger.

24. Here in this case on hand, it is the case of prosecution that apart from the vehicle seized relating to this crime, the Police also seized some more vehicles, relating to the proceeds of more different thefts. This Court feels that it is just and proper to refer Sec.165 of the Criminal Procedure Code, which says as to search by the Police Officer.

Sec.165 Search by police officer.

- (1) Whenever an officer in charge of a police station or a police officer making an investigation has reasonable grounds for believing that anything necessary for the purposes of an investigation into any offence which he is authorized to investigate may be found in any place within the limits of the police station of which he is in charge, or to which he is attached, and that such thing cannot in his opinion be otherwise obtained without undue delay, such officer may, *after recording in writing the grounds of his belief and specifying in such writing*, so far as possible, the thing for which search is to be made, search, or cause search to be made, for such thing in any place within the limits of such station.

25. By invoking the authority under the above provision, the Investigating Officer is expected to reduce the things into writing. So, to substantiate his investigation, the Investigation Officer needs to record the proceedings and as such, the necessity of mediators' reports in writing can be expected. Here in this case also, such proceedings were reduced into writing though not manually, but by using machine, as a mechanical process. Under Indian Evidence Act as to proving of a fact or fact in issue, the Act specified many methods for better adjudication, of which, this Court feels that Sec.9, Sec.60 and Sec.156 are relevant at this stage. Sec.9 of the Indian Evidence Act speaks as to facts necessary to explain or introduce relevant facts, under which, it was explained that facts necessary to explain or introduce a fact in issue are relevant fact, or which support or rebut and inference suggested by a fact if issue are relevant factor which establish the identity of anything or person whose identity is relevant, or fix the time or place at which any fact in issue or relevant fact happen, or which show the relation of parties by whom any such fact was transacted, or relevant in so far as they are necessary for the purpose.

26. Section 60 says as to oral evidence must be direct explaining as oral evidence must, in all case whatever, be direct that is to say if it refers to a fact which could be seen, it must be the evidence of a witness who says he saw.

27. Similarly, Sec.156 touches the questions tending to corroborate evidence of relevant fact, admissible explaining as when a witness whom it is intended to corroborate give evidence of any relevant fact, he may be questioned as to any other circumstances which he observed at or near to the time or place at which such relevant fact occurred, the Court is of opinion that such circumstances, if proved, would corroborate the testimony of the witnesses as to the relevant fact which he testifies.

28. Upon perusal of the above as observed supra, when P.W.2 went to II Town Police Station, how the Sub Inspector of Suryaraopet Police Station can found them at his police station, raised doubt in the mind of the court as to the genuinity in the evidence of both such witnesses. So also it is also pertinent to mere that when PW3 got reliable information he tried to secure the presence of mediators and when none are available, returned to police station. When no one are available, how the said PW3 can secure such persons in his police station. Naturally when any investigating office receives credible information, he tries to reach the said place with mediators or with his staff. Contrary to that, he returned to police station from patrolling. He says alleged offence is at NTR Complex. When it is said to be complex, it will not be difficult task to secure independent persons or can make a call even to his station staff to contact the ward Secretaries even, if he has no numbers, as ward secretariats are very much established in all most of all wards. More over PW2 is not a local inhabitant to Say U/Sec.100 Cr.P.C all these observation made the

court not to believe the case of prosecution as it proved the offence beyond all reasonable doubts.

29. As stated supra, the Court shall not be a mute spectator while determining the cases on the ground of non-bringing of a proper law by either party, for appreciation of a fact or fact in issue. At this stage, this Court feels that it is just and proper to discuss as to the documents on which the prosecution relied upon, which are self attested copies of such mediators reports, which were attested by PW4, he who being the person, in whose presence, the said search, arrest and seizure of crime vehicles were recovered from the possession of accused. As they are the attested copies, certainly, the Court needs to follow the procedure laid down in the Indian Evidence Act, wherein it was specifically mentioned U/s.64 that the documents must be proved by primary evidence except in the cases hereinafter mentioned. So, it is clear that the attested copies of documents are not the primary evidence and they comes under the procedure laid down U/s.65 of Indian Evidence Act for the purpose of its proving, which specifically says that Secondary Evidence must be given of the existence, condition, or contents of a document in the following cases as, when the original is shown or appears to be in the possession of power – of any person out of reach of, or not subject to, the process of the Court. The same is one among other various grounds enunciated under that Section. For the case on hand, it is for the prosecution to lay down the footing of reasons for non-production of the primary evidence and then on satisfactory grounds, the secondary evidence can be adduced, which may be admissible in the eye of Law. Apart from that, this Court feels so, as the said two mediators' reports were admittedly computer printouts, which are not in scribe, this Court intends to refer Sec.65 B of Indian Evidence Act.

30. Notwithstanding anything contained in this Act, *any information contained in an electronic record which is printed on a paper*, stored, recorded or copied in optical or magnetic media produced by a computer (hereinafter referred to as the computer output) shall be deemed to be also a document, if the conditions mentioned in this section are satisfied in relation to the information and computer in question and shall be admissible in any proceedings, without further proof or production of the original, as evidence of any contents of the original or of any fact stated therein of which direct evidence would be admissible.

31. On perusal of the above, an electronic record is referred as any information contained in an electronic record which is printed on a paper shall be deemed to be also a document. To get authenticity and admissibility of such document, the conditions specified U/Sec.65 B (2) are to be satisfied by the party who intends to get the relief in their favour.

32. It is also pertinent that the proof of an electronic record and the necessity of any certification in this regard was already settled and reiterated by the Hon'ble Apex Court even in it's latest judgment decided between Arjun Panditrao Khotkar Vs. Kailash Kushan Rao Gorantial and others reported in (2020) 7 SCC 1. It is also relevant to note that because of the presumption of accuracy and genuineness are attached to electronic record to be admitted in evidence, if someone challenges the accuracy of a computed evidence or electronic record on the ground of misuse of system or operating failure or interpolation, then the person challenging it, must prove the same. Mere theoretical and general apprehensions cannot make clear evidence defective and inadmissible.

33. Here for the case on hand, as the prosecution had not even choose to examine the such a witness and to bring the fact as to the ownership of the said Laptop in which it was typed and more particularly

when, where and how the prints were obtained.

34. Thus, basing on the observations and discussions as the prosecution is not able to connect the accused for the alleged seizure of stolen vehicles the Point No.2 is answered against the prosecution.

35. Though at the cost of repetition, though the prosecution is able to prove that the seized vehicle was stolen vehicle which was said to be seized from the place which was shown by the accused being led by him in accordance with Sec.27 of Indian Evidence Act, the prosecution failed to prove it's case in a proper way and for such reasons the Court comes to a conclusion the prosecution is not able to prove the guilt of accused, beyond all reasonable doubts.

Thus, based on the above observations and discussions, the Point No.2 is answered in favour of prosecution.

POINT No.3: *Whether the prosecution is able to bring home the guilt of the accused beyond all reasonable doubts for the alleged offences U/Secs.379 or 411 of I.P.C.?*

36. Though the vehicle bearing no. AP-37-DD-4207 is confirmed as stolen vehicle and as the said vehicle is found in the place stated and shown by accused based on the information/fact furnished by Accused and being lead by him and identified by him only, for the reasons observed and discussed supra, the prosecution is not able to bring home the guilt of the accused for the offence U/Sec.411 of I.P.C. cogently, beyond all reasonable doubts.

37. Thus, basing on the above observations and discussions, the accused is found not guilty of the offence punishable U/Sec.411 of I.P.C. and accordingly the Point No.3 is also answered against prosecution.

In the result, the Accused is found not guilty of the offence punishable U/Sec.379 or 411 of I.P.C., and accordingly he is acquitted

U/Sec.248 (1) of Cr.P.C. As the Accused is in judicial custody, he is ordered to be set at liberty forthwith, if he is no longer required in any other case. M.O.1 / the motor cycle which was given to P.W.1 as interim custody as per the orders of this Court vide C.P.No.15/2023, shall become final after appeal time.

*Typed, corrected and pronounced by me in open Court,
this the 28th day of April, 2023.*

Sd/- Pavan Kumar Aka,
I Additional Judicial Magistrate of I Class,
Bhimavaram.

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

FOR PROSECUTION :

P.W.1 :: S.Sanni Raju
P.W.2 :: J.Sivaji
P.W.3 :: R.Gopala Rao
P.W.4 :: M.Veerabhadra Rao
P.W.5 :: P.Ramesh

FOR DEFENCE : None.

DOCUMENTS MARKED

FOR PROSECUTION :

Ex.P.1/25-09-2022 : Original Report
Ex.P.2/01-10-2022 : Mediator report at 7.00 a.m.
Ex.P.2/01-10-2022 : Mediator report at 09.30 a.m.
Ex.P.3/ 25-09-2022 : Original F.I.R. in Crime No.200/2022 of
Veeravasaram Police Station.
Ex.P.4/25-09-2022 : Rough sketch.

FOR DEFENCE : Nil.

MATERIAL OBJECTS

M.O.1 - Honda Deo motor Cycle

Sd/- Pavan Kumar Aka,
I A.J.F.C.M.,
Bhimavaram.

CALENDAR AND JUDGEMENT

Calender Case No.341/2022 tried by the I Additional Judicial Magistrate of I Class, Bhimavaram, West Godavari District.

Date of offence	:	25-09-2022
Date of Report	:	25-09-2022
Taken on file	:	17-11-2022
Released on bail	:	--
Commencement of Trial	:	08-02-2023
Close of Trial	:	03-04-2023
Date of Judgment	:	28-04-2023
Explanation for delay	:	No delay

Name of the Complainant :

State :: Represented by the Sub-Inspector of Police, Veeravasaram Police Station.

Name of the Accused:

Borella Sekhar, S/o. Anand, Aged 34 years, C/. SC-Madiga, Hajinagar, Nandikotkuru Village and Mandal, Kurnool District.

Offence : U/Sec.379 or 411 of I.P.C.

Finding : Found not guilty.

Sentence of Order:

In the result, the Accused is found not guilty of the offence punishable U/Sec.379 or 411 of I.P.C., and accordingly he is acquitted U/Sec.248 (1) of Cr.P.C. As the Accused is in judicial custody, he is ordered to be set at liberty forthwith, if he is no longer required in any other case. M.O.1 / the motor cycle which was given to P.W.1 as interim custody as per the orders of this Court vide C.P.No.15/2023, shall become final after appeal time.

Sd/- Pavan Kumar Aka,
I Additional Judicial Magistrate of I Class,
Bhimavaram.

Copy submitted to:

The Hon'ble I Additional District Judge, West Godavari, Eluru (Through Compact Disk).