

APKD000038652025



IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, KADAPA.

Present:
Dr. C.YAMINI,
Principal Sessions Judge,
Kadapa.

Friday, on this the 31st day of July, 2026.

CRIMINAL APPEAL No.75 / 2025

1. Atluru Tirupalu @ Tirupalaiah (A1). 2. Atluru Ramaiah (A2). 3. Atluru Venkatesu (A4). 4. Atluru Venkataramanaiah @ Ramanaiah (A5). 5. Nallipogu Chenchiah (A6). 6. Nallipogu Chenchiah (A7). 7. Nallipogu Nagaraju @ Nagesh (A8).	... Appellants/Accused
-VS-	
State: rep. by the Inspector of Police, Badvel Rural Police Station.	... Respondent/Complainant

Judgment in Criminal Appeal No.75 / 2025

From which court the Appeal is preferred	Assistant Sessions Judge, Badvel.
Number of the case in that Court	S.C.No.254 of 2018.

Number of the Criminal Appeal	Crl.A. No.75 / 2025.
Name and Description of the Appellant	1. Atluru Tirupalu @ Tirupalaiah, S/o Obaiah, aged about 43 years. (A1) 2. Atluru Ramaiah, S/o Venkataiah, aged about 29 years. (A2). 3. Atluru Venkatesu, S/o Venkataiah, aged about 25 years. (A4). 4. Atluru Venkataramanaiah @ Ramanaiah, S/o Venkataiah, aged about 22 years. (A5). 5. Nallipogu Chenchaiiah, S/o Chenchunagaiah, aged about 52 years. (A6). 6. Nallipogu Chenchaiiah, S/o Chenchaiiah, aged about 31 years (A7) 7. Nallipogu Nagaraju @ Nagesh, S/o Chenchaiiah. (A8). A1, A2, A4, A5 are residing at Bedusupalli H.Wada, Gopavaram Mandal, YSR Kadapa District. A6 to A8 are residents of Kamasamudram Village, Atlur Mandal, YSR Kadapa District.
The sentence and law under which it was imposed in the lower court.	The accused Nos.1, 2, 4 to 8 are sentenced of pay fine of Rs.500/- each (Rupees Five hundred only) and in default of payment of fine they shall undergo Simple Imprisonment for a period of three months each for the offence punishable U/sec.147 of IPC. Further the accused Nos.1, 2, 4 to 8 are sentenced to undergo Simple Imprisonment for a period of one year

	each and also sentenced to pay fine of Rs.200/- each (Rupees two hundred only) and in default of payment of fine they shall undergo Simple Imprisonment for a period of three months each for the offence punishable U/sec.324 r/w.149 of IPC. The remand period of the accused Nos.1, 2, 4 to 8 from 31.05.2017 to 15.06.2017 shall be set off under Section 428 Cr.P.C. The accused Nos.1, 2, 4 to 8 informed about their right to appeal against the Judgment and sentence passed against them. One copy of judgment is furnished to the accused, free of cost. M.Os.1 to 3 shall be destroyed after expiry of appeal time.
Whether confirmed, modified or reversed, if modified, the modification.	Partly allowed. In the result, appeal is partly allowed by partly setting aside the Judgment and Calendar dt.30.10.2025 in S.C.No.254/2018 on the file of Assistant Sessions Judge, Badvel by acquitting accused No.1, 2, 4 to 8 for the offence U/Sec.147 IPC and A2, A4, A5, A6 and A8 for the offence U/Sec.324 r/w 149 IPC and partly confirming the conviction of accused No.1 and accused No.7 for the offence U/Sec.324 IPC instead of Sec.149 IPC and modified the sentence of imprisonment of accused No.1 and 7 for SI for a period of one year each to addition fine of Rs.20,000/-

	each IDSI 15 days each.
Date of presentation	15.11.2025.
Date of last presentation	15.11.2025.
Date of admission	15.11.2025.
Date of hearing	24.07.2026.
Date of Judgment.	31.07.2026.

This Criminal Appeal is coming on this day, for final hearing before this Court, in the presence of Sri P.Ram Prasad Reddy, Advocate for Appellants/Accused and of Learned Public Prosecutor for the Respondent/Complainant, upon hearing both sides and having stood over for consideration, till this day, this court delivered the following:

J U D G M E N T

1. Inspector of Police, Badvel filed charge sheet against eight accused for the offence U/Sec.147, 148, 324, 307 r/w 149 IPC in Crime No.62/2017 of Badvel Police Station.

2. The brief facts of the prosecution as per charge sheet is that PW1 had Ac.3.00 cents of land and on eastern side to the above fields, there is poramboku land and it was cultivating by PW1. But A1 is claiming right over the same, for which there were altercations between A1 and PW1. While so, on 27.05.2017 PW1 went to his fields. Then A1 went to him and altercated with PW1 stating that the land belongs to them, if he kill him, who save him. Abused PW1, tore his shirt pocket. Out of fear, PW1 went to the houses of PWs.7 to 9 and another and while he was telling the matter to them, PW2 joined with them. At about 4.00 Pm, while PWs.1 and 2

were going to their house, all accused formed themselves into an unlawful assembly having sticks and saw PWs.1 and 2, A1 instigated the other accused, on that A1 to A3 beat PW2 with stick on his head with an intention to kill him, for which, PW1 sustained bleeding injuries and fell on the ground. When PW1 went to rescue, A4 to A8 beat him with stick on his head with an intention to kill hi, for which he fell down on the ground and all accused beat PW1 with hands and legs. When PW11 came there, on instigation of A1, A2, A4 and A7 beat him with sticks on back and left hand and caused contusions. On that PWs.5 to 9 and another went there and on noticing them, accused went away. Then PW3 and 4 took PW1, PW2 and PW11 to the police station and gave Report. On receiving report from PW1, crime in this case was registered and investigating officer investigated the crime by examining witnesses etc., and obtained wound certificates and after observing scene of offence and after seizing material objects from scene of offence and after arresting the accused and on interrogation and after sending them to judicial custody, filed charge sheet in this case.

3. Judicial Magistrate of First Class, Badvel before whom charge sheet was filed has taken cognizance and furnished copies to the all the accused as required U/Sec.207 Cr.P.C. and committed the case to the sessions division, Kadapa by following the procedure U/Sec209 Cr.P.C. Sessions Court, Kadapa after numbering the same, made over to Assistant Sessions Judge, Badvel for disposal according to procedure established under law.

4. After appearance of accused, Assistant Sessions Judge, Badvel and on hearing framed charges U/Sec/147, 148, 324, 307 r/w 149 IPC by following the procedure U/Sec.228 Cr.P.C. and read over the same to all

the accused and explained them in Telugu and for which they pleaded not guilty and claimed to be tried.

5. In order to prove it's case, prosecution examined PWs.1 to 13 and got marked EXs.P1 to P12 and MOs.1 to 3.

6. During the course of trial, A3 died and as such crime against A3 was abated on 27.06.2025.

7. After competition of prosecution evidence, A1 to A2, A4 to A8 were examined U/Sec.313 Cr.P.C from the incriminating material found against the accused from the evidence of prosecution witnesses and they denied the same.

8. None of the witnesses were examined on behalf of accused and no documents were marked.

9. After considering the oral and documentary evidence available on record, the trial Court acquitted A1, A2 and A4 to A8 U/Sec.235(1) Cr.P.C. for the offence U/Sec.148 and 307 IPC and convicted A1, A2, A4 to A8 U/Sec.235(2) Cr.P.C. for the offences U/Sec.147, 324 r/w 149 IPC and A1, A2, A4 to A8 were sentenced to pay a fine of Rs.500/- IDSI 3 months for the offence U/Sec/147 IPC and further sentenced them to undergo SI for a period of one year each and shall pay a fine of Rs.200/- each IDSI 3 months each for the offence U/Sec.324 r/w 149 IPC and Mos.1 to 3 shall be destroyed after appeal time is over and set off the remand period from 31.05.2017 to 15.06.2017 U/Sec.428 Cr.P.C.

10. Aggrieved by the said Calendar and Judgment dt.30.10.2025, A1, A2, A4 to A8 preferred this appeal urging several grounds.

11. Now the point that arise for consideration is:

- 1) Whether prosecution is able to prove the guilt of appellants/A1, A2, A4 to A8 for the offence U/Sec. 147 IPC beyond reasonable doubt?*
- 2) Whether prosecution is able to prove the guilt of appellants/A1, A2, A4 to A8 for the offence U/Sec.324 r/w 149 IPC beyond reasonable doubt?*

POINT Nos.1 & 2:

12. Learned counsel for the accused contended that evidence of prosecution witness is inconsistent with each other and so also not corroborating with medical evidence and evidence of PWs.1 to 6, 8, 10 and 11 is improbable and 8 accused causing one or two injuries on PW1, 2 and 8 is improbable and claimed benefit of doubt to all accused. To substantiate his contention, he relied on the decision reported in Sunil Kumar Sambhudayal Gupta & Ors vs. State of Maharashtra and suraj mal -vs- State , Gambir shigh vs state of UP.

13. Learned Public Prosecutor contended that the trial Court liberally acquitted all accused for the offence U/Sec.307 IPC and taken very lenient view and convicted the accused only for one year and evidence of PWs.1 to 11 is consistent and corroborating with medical evidence and that there is no need to interfere with the judgment of the trial Court.

14. Evidence of PW10 doctor coupled with Ex.P4 Wound Certificate of PW1 reveals that he is working as Civil Assistant Surgeon, Badvel since October, 2022 and previously worked as Civil Assistant Surgeon, Badvel from April, 2017 to 2019 and on 27.05.2017 at about 9.05 PM, he examined PW1 and found the following injuries: 1) A laceration on left

temporal lobe measuring 4 x 2 cm. 2) A swelling on right hip and doctor is of the opinion that the above injuries are simple in nature and he issued Ex.P4 Wound Certificate of PW1.

15. Evidence of PW10 coupled with Ex.P5 Wound Certificate of PW2 further reveals that on the same day at about 9.10 PM, examined PW2 and found the following injuries: 1) A laceration on the frontal region. 2) A laceration on the right parietal region 5 x 1½ cm and doctor is of the opinion that the injuries are simple in nature and he issued Ex.P5 Wound Certificate of PW2.

16. Evidence of PW10 doctor coupled with Ex.P6 Wound Certificate of PW11 further reveals that on the same day at about 9.15 PM, he examined PW11 and found the following injuries: 1) A bruise on the lower back. 2) A bruise on the right thigh and doctor is of the opinion that the above injuries are simple in nature and accordingly, he issued Ex.P6 Wound Certificate of PW11.

17. Thus from the evidence of PW10 coupled with Exs.P4 to P6 Wound Certificates of PWs.1, 2 and 11 reveals that PWs.1, 2 and 11 sustained simple injuries.

18. The next aspect to be considered herein is who is responsible for causing those simple injuries on PWs.1, 2 and 11.

19. Evidence of PW1 is that about 8 years back on one day during afternoon hours, he went to agricultural fields, by that time, A1 came there by saying that “Yera Kodaka ekkadaku vachinavu ninnu champithay gani ee polam naku dhakkadu” and abused him in filthy language and attacked him and torn his shirt pocket and immediately, he went to the village. On

seeing the same, PWs.7, 8 and another asked him and he informed that A1 came upon him with intention to kill him and he escaped from there and on the same day during evening hours at about 4.00 PM himself and his elder son PW.2 went to village tap and by that time, A1 came there and stated that Chanpandiraa veellani and A1 beat PW2 on his head with a stick and he sustained bleeding injury and in the meanwhile, he intervened and A1 beat on his head with stick and sustained bleeding injury and A7 beat on his head with stick and caused bleeding injuries, A2 beat with stick on his shoulder and on his back and as a result, he fell down on the ground. Meanwhile, PW.11 came there and intervened. Then A1 beat PW11 on his back with a stick and caused swelling injury and A7 kicked PW11 with hands and legs and A4 beat PW11 with stick on his right shoulder and caused swelling injury and in the meantime, the villagers came there and on seeing them, accused left that place. Thereafter, his son, PWs.3 and 4 taken them to Badvel Rural Police Station and he reported the crime to the Police under Ex.P1 and he was examined by the Police.

20. Evidence of PW2 is that about 7 or 8 years back at noon hours, while himself and his father went to their fields and by that time A1 beat his father and torn his shirt pocket and on that, PW1 escaped from there and came to village and informed the same to PWs.7 and 8 and another and thereafter on the same day, at about 4.00 PM, while himself and PW1 were present at the village tap, all the accused came there and attacked them. A7 beat him on his head with a stick and caused bleeding injury. A1 beat him on his head with stick and caused bleeding injury. Then A2 beat him with a stick on his right shoulder and right back and caused injuries. Then A3 again kicked with his hands and legs. In the meanwhile, PW1

intervened and then all accused beat his father with an intention to kill his father and caused bleeding injuries. Then the villagers came there and upon that accused left that place. Thereafter, PWs.3 and 4 taken them to the Badvel Rural Police and PW1 reported the crime to the Police and they were shifted to RIMS Hospital, Kadapa for treatment.

21. Evidence of PW3 is that PW1 is having Ac.3.00 cents of land in their village. PW1 is his father, PW2 is his brother and adjacent to the said land, there is a poramboku land, which was cultivating by his father, in this regard, A1 used to claim that the said land belongs to him and threatened PW1 several times that he will kill him. 3 or 4 days prior to the incident, he returned from Saudi. On 27.05.2017 at 2.00 PM taking advantage of their absence, PW1 went to their fields, A1 came there and threatened PW1 that he will kill him and attacked PW1 by torning shirt pocket of PW1 and due to fear PW1 escaped from there and returned to the village and informed the same to PW2, PW7, PW8 and another and for some time, the issue was pacified. On the same day in between 4.30 to 5.00 PM, there is another house to their family in the middle of the village. PWs.1 and 2 went there near public tap. All the accused with a common object came there along with sticks, iron rods. A1 by saying that "Vellanu champandi veellanu champithay aa bhoomi manake vastundi" and A2 beat PW1 and A2 and A7 caused bleeding injuries on him. A2 and A4 beat PW11 on his back. Immediately, after he came to know about the incident, himself, PW11 and PW4 rushed to the village and noticed the same and shifted the injured to the Gopavaram Police Station and after lodging report, they shifted the injured to the Government Hospital.

22. Evidence of PW4 is that he know all accused. PW1 is his father, PWs.2 , 3 and 11 are his brothers. About 8 years back on one day during afternoon hours, his father/PW1 went to their fields and by that time, A1 came there by saying that Annisarlu chappanu polam dhaggaraku Ravaddu ani and ninnu champithy gane ee polam naaku dhakkadu and attacked his father and torn his shirt and duet to fear, PW1 escaped from there and came to village and informed the same to PWs.7, 8 and another. On the same day at about 4.00 PM, PWs.1 and 2 came to public tap in the village, by that time all the accused came there along with sticks. A1, A2, A6 beat PW2 with a stick on his head and caused bleeding injury. In the meanwhile PW1 intervened, then A1, A2, A6 and A7 beat PW1 with sticks on his head and caused bleeding injures on him. Then, PW11 came there and intervened. Then all accused stating that veenni kuda champandi raa and all accused beat PW11 with sticks on his back and sustained swelling injury and in the meanwhile, villagers came there on hearing cries. Then accused left that place. After knowing the same from his father, he came to the scene and noticed that PWs.1 and 2 with bleeding injuries. Then himself and PW3 took the injured in an auto to Gopavaram Police Station. After lodging the report by the police, they send them to Government Hospital and injured were shifted to RIMS Hospital, Kadapa.

23. Evidence of PW5 is that about 8 years back on one day during afternoon hours, her husband/PW1 went to their fields and by that time A1 came there by saying that Ee chenu nadhi ninnu champastay ee chenu naku dhakkuthundi and attacked her husband and torn his shirt pocked and due to fear, PW1 escaped from there and came to the village and informed the same to PWs.7, 8 and another and they informed that they will talk to the accused later. On the same day at about 4.00PM, while he

was present in the house, on hearing cries, he came out from the house and noticed that all accused beat PW2 with sticks on his head and caused injuries and in the meanwhile PW1 intervened then all accused beat PW1 with sticks on his head and caused bleeding injury and in the meanwhile PW11 came there and on seeing them, all accused beat on his back and on shoulder with sticks. Then PWs.3 and 4 came there and shifted the injured to Gopavaram Police Station and after lodging report by PW1, they were shifted to RIMS Hospital, Kadapa.

24. Evidence of PW6 is that PW1 is his father-in-law, PW2 is her husband and at about 8 years back on one day during afternoon hours, PW1 went to fields and by that time, A1 came there as there was a land dispute between them. A1 by saying that Ninnu champithay gani ee bhoomi maku vastundi and attacked PW1 and torn his shirt pocket and due to fear, PW1 escaped from there and came to the village and informed the same to PWs.7, 8 and another and that they informed that they will talk to the accused later. Then, PW1 returned to home and on the same day at about 4.00 PM, PW1 and 2 went to near public tap and by that time, she was present in the house. Then she heard some cries and immediately, she came out from the house and noticed that the face of PW1 is full of blood and is not visible and by that time, all accused beat PW1. Then PW11 came there and all accused beat PW11 with sticks on his back and he sustained swelling injuries. All the accused beat PW2 with sticks on his head and caused bleeding injuries. Then PW3, PW4 and PW11 took the injured to Gopavaram Police Station and after reporting the crime to the police, they were shifted to RIMS Hospital.

25. Evidence of PW7 is that on the date of incident, there was a function and they were engaged in that saree function and at that time, A1 and

PW1 made galata with each other and they went there and noticed bleeding injuries on PW1 and 2 but he do not know how they received, they came to know that accused beat PWs.1 and 2. Thereafter, they were engaged in said function and he has not seen that PWs.1 and 2 fell down on the ground and he did not witness beating on PWs.1 and 2.

26. Evidence of PW8 is that he know all accused. PW1 is his uncle. He know other witnesses. About 8 years back, there was a function in their house. During afternoon hours. PW1 was running from the fields to the village and on seeing him, he asked him what happened and on that pW1 informed that in the fields A1 attacked him and torn his shirt pocket and due to fear, he ran away from the fields and on that he informed to PW1 that he will talk to A1 after completion of function. On the same day, at about 4.00 PM, while he was proceeding to the provisions shop situated in their village and by that time, near the public tap, A1, A6, A7 and A8 were beating PW1 with sticks and he sustained bleeding injuries and later PWs.3 and 4 shifted the injured to the hospital and police examined him.

27. Evidence of PW9 is that about 7 years back afternoon hours, they were attending the function in the house of LW8 Chennaiah and he do not know anything about this case and he was not examined by the police.

28. Evidence of PW11 is that he know all accused. PW1 is his father and they are five children. On 27.05.2017 during morning hours, he went to Badvel town to attend the function of his relatives and the same was completed by 3.00 PM and then he returned to his village and by the time he reached his house, he noticed that A1, A2, A6 and A7 beat PW1 and PW2 and they were laying on the ground with injuries. By the time he reached house and on seeing him, A1, A2, A6 and A7 by stating that Eee

nakodukulu padipoyaru veeni kuda champandi raa and beat him with a stick on his back and he sustained swelling injury. In the meanwhile, PWs.3 and 4 came there and shifted them to the Gopavaram Police Station and police recorded his statement and send them to the Government Hospital, Badvel and from there to RIMS Hospital for better treatment and the remaining evidence of PW11 is hearsay.

29. Evidence of PW12 reveals that he worked as head constable, Badvel P.S. from 2014 to 2017 and on 31.05.2017 as per the directions of Inspector of Police, Badvel Rural Police Station, he visited Bedusupalli Harijanawada, Gopavaram Mandal along with his staff. At the house of A1, they found A1 to A8 in this crime and arrested them by informing the same to the relatives of accused at about 11.30 AM and they brought them to the police station and after completion of formalities, he produced accused before Additional Judicial Magistrate of First Class, Badvel for judicial remand.

30. Evidence of PW13 investigating officer coupled with Ex.P1 Report and Ex.P7 FIR reveals that on 21.05.2017 at about 8.00 PM, on receiving report from PW1, he registered the Crime No.62/2017 for the offence U/Sec.147, 148, 324, 307 r/w 149 IPC under Ex.P7 Printed FIR and he took up investigation and along with requisition, he sent PWs.1, 2 and 11 to Government Hospital, Badvel for treatment and he examined the witnesses and observed scene of offence and seized Mo,1. Shirt under Ex.P8 Police Proceedings from PW1 and from PW2 seized MO.2 white color shirt under Ex.P9 Police Proceedings and he visited scene of offence and seized MO.3 four sticks under Ex.P12 Observation Report and got prepared Ex.P10 Rough Sketch of 1st scene of offence and Ex.P11 Rough

Sketch of 2nd scene of offence and after receiving Wound Certificate and after completion of investigation, he filed charge sheet in this crime.

31. Though oral evidence of PWs.3 and 4 reveals the manner of incident, their chief itself reveals that they are not eye witness to the incident. PWs.1 to 6 and 11 are family members. PW9 did not support the case of prosecution. PW8 partly did not support the case of prosecution as direct witness to the incident and PW8 is relative to PW1. Though PWs.1 to 6, 8 and 11 are interested witnesses, their evidence cannot in toto reject and their evidence has to be scrutinized with great care and caution. As per medical evidence, PW1 sustained one injury on left temporal lobe, swelling on right hip and PW2 sustained lacerated injuries on frontal region and parietal region and PW11 sustained bruises on lower back bruises on right thigh. Thus, evidence of PW5 that all accused beat PW2 on his head and all accused beating PW1 on his head and all accused beating PW11 on his back shoulder and evidence of PW6 that all accused beating PW3 on his back and evidence of PW4 that all accused beating PW11 on his backside when each injured sustained two injuries is improbable. Especially, when their evidence is that accused beat the injured with sticks and thereby, their evidence to the above extent cannot be taken into consideration. In Indian Law, falsus in uno and falsus in omnibus is not applicable as a rule of Law in India and the Hon'ble Supreme Court of India has repeatedly held that Courts cannot reject a witnesses entire testimony just because a part of it is false or exaggerated. Evidence of PW6 itself reveals that after attacking on PWs.1 and 2, she reached there and thereby evidence of PW6 is not direct in respect of any of the accused causing injuries on PWs.1 and 2.

32. Thus the other evidence remained before this Court is evidence of PWs.1, 2 and 11 injured witnesses and medical evidence.

33. Though oral evidence of PW1 reveals that A2 beat PW1 on his shoulder and back, no such injury was found on PW1 as per medical evidence of PW10 coupled with Ex.P2 Wound Certificate. So also though oral evidence of PW1 reveals that A4 beat PW11 with stick on the right shoulder of PW11, no injury was found on shoulder of PW11. So also though oral evidence of PW2 reveals that A2 beat him with stick on his right shoulder and on right back, no such injuries were found on PW2 as per medical evidence. Evidence of PW2 that all accused beat PW1 on his head with sticks is improbable since on head of PW1 only one injury was found and when 11 persons with stick hit on PW1, there may be multiple injuries. Evidence of PW11 reveals that by the time he reached house, he noticed that A1, A2, A6 and A7 beat PWs.1 and 2 and they were lying on the ground with injuries. Thus it is clear that he did not witness accused while attacking on PWs.1 and 2. Moreover, neither PW1 nor PW2 stated that A6 caused any injury on them. Further evidence of PW11 is that A1, A2, A6 and A7 by stating that “Eee nakodukulu padipoyaru veeni kuda champandi raa” and beat him with stick on his back and he sustained swelling injury. If four persons beat PW11 on his back with sticks, he might have sustained multiple injuries on his back. But, as per medical evidence, only one bruises found on lower back of PW1 and one bruise on right thigh. Thus the evidence of PW11 is improbable. Moreover, it is inconsistent with oral evidence of PWs.1 and 2 since evidence of PW1 is that A1 beat PW11 on his back and A4 beat PW1 with stick on his right shoulder and evidence of PW2 does not reveal that any of the accused even beat PW11 and causing any injury on PW11by any of the accused.

34. Further evidence of PW1 reveals that A1 beat PW2 on his head, which is consistent with evidence of PW2 that A1 beat him on his head, which is also consistent with medical evidence of PW10 with Ex.P5 Wound Certificate of PW2 that he sustained 2 simple injuries on his forehead. So also oral evidence of PW2 that A7 beat him on his head is also corroborating with medical evidence of PW10 Doctor coupled with Ex.P5 Wound Certificate of PW2. Evidence of PW1 that A1 beat him on his head with stick and A7 beat him on his head is also corroborating with medical evidence of PW10 doctor coupled with Ex.P4 Wound Certificate of PW1. Though oral evidence of PW1 reveals that A2 beat him with stick on his shoulder, on his backside, medical evidence to that effect is not corroborated. So also though oral evidence of PW2 reveals that A2 beat him with stick on his right shoulder and on right back and again kicked with hands and legs, medical evidence is not corroborated with that effect and even prosecution with cogent evidence failed to establish that there were five accused present at scene of offence or even five or more accused formed as an unlawful assembly with common object to attack on PWs.1, 2 and 11.

35. Under the above circumstances, prosecution failed to prove the guilt of any of the accused for the offence U/Sec.147 IPC and prosecution proved the guilt of A1 and A7 for the offence U/Sec.324 IPC instead of Sec.324 r/w 149 IPC and failed to establish the guilt of A2, A4, A5, A6 and A8 for the offence punishable U/Sec.324 r/w 149 IPC beyond reasonable doubt.

36. So far as sentence of imprisonment is concerned, the trial Court judgment reveals when accused were questioned in respect of quantum of

sentence that A1 stated that he is blind person and his wife is suffering from ill health and having one daughter and he has to looked after her and prays the court to take lenient view and A7 stated that he is having three children and his wife is mentally challenged person and he is only person to look after them by attending coolie works and prays the court to take lenient view.

37. As per available record before this Court, there are no prior convictions against A1 and A7. Considering the above circumstances, imposing additional fine instead of sentencing them to undergo simple imprisonment meets the ends of justice. Accordingly points are answered.

38. In the result, appeal is partly allowed by partly setting aside the Judgment and Calendar dt.30.10.2025 in S.C.No.254/2018 on the file of Assistant Sessions Judge, Badvel by acquitting accused No.1, 2, 4 to 8 for the offence U/Sec.147 IPC and further acquitted A2, A4, A5, A6 and A8 for the offence U/Sec.324 r/w 149 IPC and by partly confirming the conviction of accused No.1 and accused No.7 for the offence U/Sec.324 IPC instead of Section 324 r/w Sec.149 IPC and modified the sentence of imprisonment of accused No.1 and 7 for SI for a period of one year each into additional fine of Rs.20,000/- each IDSI 15 days each.

Directly typed to my dictation by the Typist, corrected and pronounced by me in the open court, on this the 31st day of July, 2026.

Sd/- C.YAMINI,
PRINCIPAL SESSIONS JUDGE,
KADAPA.

APPENDIX OF EVIDENCE

No additional oral or documentary evidence is adduced on either side.

**Sd/- C.YAMINI,
PRINCIPAL SESSIONS JUDGE,
KADAPA.**