

**IN THE COURT OF THE VI ADDITIONAL DISTRICT &
SESSIONS JUDGE-cum MAHILA COURT, VISAKHAPATNAM.**

PRESENT:Sri V.V.Seshu Babu,
VI Additional District & Sessions Judge,
Visakhapatnam.

Monday, the 3rd day of December, 2018

SESSIONS CASE NO.60/2015

Complainant	State represented by the Inspector of Police, Police Station, Visakhapatnam.
Name of the accused	Kavati Ravi Kumar @ Ravi, S/o Sundara Rao, 20 years, SC Relli, R/o D.No.36-92-403/2, Indira Nagar, Kancharapalem, Visakhapatnam.
offences charged	U/Secs.376, 363 & 417 Of IPC
Plea of the accused	Pleaded not guilty.
Name of the police station and Cr.No.	Crime No.413/2012 of Kancharapalem Police Station, Visakhapatnam
Findings of the Judge	Accused found not guilty
Sentence or order	In the result, accused is found not guilty for the offence punishable U/Secs.376, 363 & 417of IPC; accordingly he is acquitted U/s.235(1) Cr.P.C. The bail bonds of the accused shall stand cancelled subject to provisions of Section 437-A Cr.P.C

This case coming on **03.12.2018** for final hearing before me in the presence of Sri P.S. Naidu, Additional Public Prosecutor for the State, Sri. G.Vijay Kumar, Advocate for accused, having heard arguments on both sides; upon perusing the oral and documentary evidence on record and the matter having stood over for consideration till this day, this court delivered the following:-

J U D G M E N T

01. The Inspector of Police, Kancharapalem Police Station filed charge sheet against the accused in Cr.No.413/2012 for the offence U/Ss.376, 363 & 417 of IPC.

02. The brief averments of the charge sheet are that accused is resident of Indira Nagar, Kancharapalem,

Visakhapatnam. Victim is aged 15 years and studying 10th class in MCB School, Kancharapalem. While she was attending to the school, accused used to tease, roam around and follow her by stating that he was in love and would marry; thereby, developed intimacy. While matters stood thus, the parents of the victim are in search of marriage alliances and she in turn informed the same to the accused. On 05.07.2012, victim and accused wanted to elope and in pursuance of the plan on 06.07.2012 at about 7.00 am, during the absence of parents of the victim in the house, the accused kidnapped the victim and took her to Railway Station in an auto and they boarded into Swarna Jayanthi express going to New Delhi. Accused took a rented accommodation in Utamnagar in CI Area, where they have participated in sexual intercourse and victim conceived pregnancy. The money was drained out, and the accused received information that father of the victim lodged a complaint for the missing of the daughter. Thereupon, accused brought back the victim and dropped her near police station, Kancharapalem and absconded. On 06.07.2012, basing on the complaint of mother of the victim, traced out, basing on her statement the Sections 376 & 417 are added. Victim was sent for medical examination. On 21.11.2012 accused was arrested he was subjected to potency test. The specimens collected from victim and accused were sent to RFSL for opinion. The doctor who examined the victim opined that there are no traces of recent sexual intercourse confirmed the pregnancy. The school record of the victim was obtained and as per the same she was under 16 years at the time of the offence; hence, the charge sheet.

03. The case was taken on file by the learned III Metropolitan Magistrate, Visakhapatnam U/secs.376, 363 & 417 of IPC against the accused and on his appearance furnished copies U/s.207 Cr.P.C.

04. Having gone through the record and found the case as exclusively triable by the Court of Sessions, committed the same to the Principal District & Sessions Court, Visakhapatnam vide orders in PRC No.3/2014. The learned Prl. District & Sessions Judge, Visakhapatnam took the case on file for the offence U/secs. 376, 363 & 417 of IPC against the accused and made over the same to this court for the purpose of disposal according to law.

05. On appearance of the accused, and having heard both sides, this court framed charge U/secs.376, 363 & 417 of IPC against accused, read over and explained the same in telugu, for which he pleaded not guilty and claimed to be tried for the same.

06. To prove the guilt of accused, the prosecution examined PWs.1 to PW.7 and got marked Exs.P1 to Ex.P.15. No documents are marked for the defence. The learned Additional Public Prosecutor has given up LW.5, Sri.Jayanthi Subramanyakama Sasty, LW.6. Dr.J. Anuradha, LW.8 K. Madhu Sree & LW.9: B. Prasada Rao and with that the prosecution side evidence was closed.

07. Accused is examined U/s.313 Cr.P.C, for which he denied the incriminating material available against him and

reported no defence evidence. Heard the arguments on both sides.

08. Now the points for consideration are:

Whether the prosecution has established the guilt of the accused for the charged offences under Sections 376, 363 & 417 of IPC?

09. POINT:

PW.1 is mother of the victim and she is the defacto-complainant. PW.1 deposed that accused is her son-in-law and husband of the victim, but accused not committed any offence against her daughter; that at the instance of caste elders subscribed the signature on the written paper without knowing the contents; that Ex.P.1 is her signature; that nobody committed any offence against her daughter/victim. PW.1 was declared as hostile and in the cross-examination her 161 CrPC Statement is marked as Ex.P.2.

10. Victim deposed in the same lines of her mother. She was also declared as hostile and her 161 CrPC statement is marked as Ex.P.3.

11. PW.3 is the father of the victim deposed that in the year 2012 on one day when the victim not returned to the house he searched for her but in vain and out of anxiety presented a report to the police at the instance of the caste elders without knowing contents of the complaint; that on the very next day victim returned to the house and informed that on the previous day night she was at the house of her friend. PW.3 was declared

as hostile and in the cross-examination his 161 CrPC Statement is marked as Ex.P.4.

12. PW.4 is the sister-in-law of PW.1 who deposed that she does not know anything about the case but knows the accused as husband of the victim. Her 161 CrPC is marked as Ex.P.5

13. PW.5 Doctor who examined the accused given the certificate to the effect that there is nothing to suggest that accused is impotent.

14. PW.6 is Dy. Superintendent of Police, deposed that on 09.08.2013 he took up the investigation in Crime No.413/2012 and on 10.08.2013 sent a letter to the Medical Officer for final opinion on the victim and also received the information from the Doctor, who examined the accused; that there is nothing to suggest that accused incapable of performing sexual act and after collecting the date of birth certificate of the victim and as victim found to be minor filed charge sheet against accused.

15. PW.7 the then Inspector of Police, Kancherapalem Police Station, Visakhapatnam deposed that on 06.07.2012 at 22.00 hours while he was present in the police station PW.1 presented a report and basing on the same he registered Crime under Section 363 of IPC against accused; that during the Course of investigation he examined the witnesses and traced out the victim on 12.11.2012 and recorded her statement as offence under Section 376 of IPC was made out; conducted investigation and filed altered memo before the Court; that he examined and recorded the statements of the witnesses; that on 21.11.2012

arrested the accused at 7.30 pm and sent him to the court for remand before that subjected accused for potency test and then his successor filed charge sheet.

16. The evidence of PW.6 and PW.7 will no way improve the case of the prosecution, in the absence of any evidence from victim and her parents that the accused committed the offence. So the points are answered against the prosecution.

17. In the result, accused is found not guilty for the offence punishable U/Secs.376, 363 & 417 of IPC; accordingly he is acquitted U/s.235(1) Cr.P.C. The bail bonds of the accused shall stand cancelled subject to provisions of Section 437-A Cr.P.C.

Dictated to the Stenographer, Gr.II, transcribed by him, corrected and pronounced by me in open Court, this the 3rd day of December, 2018.

VI ADDITIONAL DISTRICT & SESSIONS JUDGE, VISAKHAPATNAM

APPENDIX OF EVIDENCE

Witnesses Examined

For Prosecution:

PW-1: B. Usha Rani
PW-2: B. Sandhya Rani
PW-3: B. Kantha Rao
PW.4: B. Purnima
PW.5: Dr.Ch. Sadhana
PW.6: J. Papa Rao
PW.7: S. Tata Rao

For Defence:

Nil

Exhibits marked

For Prosecution:-

Ex.P1 : Signature of PW.1 on report
Ex.P2: 161 CrPC statement of PW.1
Ex.P3: 161 CrPC statement of PW.2

Ex.P4: 161 CrPC statement of PW.3

Ex.P5: 161 CrPC statement of PW.4

Ex.P6: Potency certificate

Ex.P7: Preliminary examination report

Ex.P8: RFSL report

Ex.P9: Final opinion

Ex.P10: Letter addressed the Head Master

Ex.P11: True copy of the TC of victim

Ex.P12: Report of PW.1.

Ex.P13: FIR

Ex.P14: Alteration memo

Ex.P15: Letter of advice.

Defence:- Nil

Material Object:- Nil

**VI ADDITIONAL DISTRICT & SESSIONS JUDGE,
VISAKHAPATNAM**

C A L E N D A R
IN THE COURT OF THE SESSIONS JUDGE, MAHILA COURT,
VISAKHAPATNAM.

PRESENT: Sri V.V.Seshu Babu,
Sessions Judge,
Mahila Court, Visakhapatnam.

Monday, the 3rd day of December, 2018

SESSIONS CASE NO.60/2015

(P.R.C.No.3/2014 in Cr.No.413/2012 on the file of III Metropolitan
Magistrate Court, Visakhapatnam of Kancharapalem Town Police
Station, Visakhapatnam City).

Name of the Complainant : The State rep. by the
Inspector of Police,
Kancharapalem Police Station,
Visakhapatnam City

Name of the Accused :

Kavati Ravi Kumar @ Ravi, S/o Sundara Rao, 20 years, SC Relli,
R/o D.No.36-92-403/2, Indira Nagar, Kancharapalem,
Visakhapatnam

Date, Time & Place of offence :

06.07.2012 at 7.00 hours at Nookalamma Temple, Burma Camp,
Visakhapatnam.

Date of Complaint : 06.07.2012

Date of Committal : 25.02.2015

Date of apprehension : 21.11.2012

Whether the accused is in
Jail or bail : Bail

Date of commencement of Trial : 27.09.2018

Date of Closure of Trial : 28.09.2018

Date of Judgment : 03.12.2018

This case was made over to this court from Metropolitan Sessions Court, Visakhapatnam. Sri.G. Vijay Kumar , Advocate for the accused and posted for hearing on charges. On charges under Secs. of IPC were framed against the accused, read-over and explained to him in Telugu for which they pleaded not guilty and claimed to be tried and posted for fixing trial schedule. Finally P.Ws.1 to PW.7 were examined and Ex.P.1 to Ex.P.15 were marked on behalf of the Prosecution and none were examined on behalf of defence. On 03.12.2018, Judgment was pronounced.

In the result, accused is found not guilty for the offence punishable U/Secs.376, 363 & 417of IPC; accordingly he is acquitted U/s.235(1) Cr.P.C. The bail bonds of the accused shall stand cancelled subject to provisions of Section 437-A Cr.P.C.

SJ/VSP