

APAN0E0016072022



IN THE COURT OF THE JUDICIAL MAGISTRATE OF FIRST

CLASS :: DHARMAVARAM

PRESENT: Smt.JETTIM NANDINI,

Judicial Magistrate of First Class, Dharmavaram

Thursday, the 09th day of April, 2026

CALENDER CASE NO. 871 OF 2022

Between:

State Representated by Sr. M. Pradeep Kumar, Sub-Inspector of Police
Dharmavaram Rural P.S

... **Complainant.**

And

Aginati Ram Mohan Chowdary, S/o A. Narayanaswamy, D.No.1-161,
Pulakuntla Village, Dharmavaram mandal.

... **Accused**

This case have been come on 30.03.2026 before me for final hearing in the presence of Learned Assistant Public Prosecutor for the State and of K.M Suresh Chowdary, Learned counsel for Accused and this matter having stood over for consideration till this day, this Court delivered the following:-

J U D G M E N T

01. The Sub-Inspector of Police, Dharmavaram Rural police station filed charge sheet against the accused for the offence punishable under Section 435 IPC, in Crime No.69/2022 of Dharmavaram Rural Police Station.

The brief facts of the prosecution case are that:

02. LW-1-Malasani Venkata Chowdary is a resident of PRT Street, Dharmavaram town, LW.1 earns his livelihood by cultivation. LW.1 has 6.50 acres in Sy.No.126-4-2 in Elukuntla Gramapanchayathi. About 12 years ago, LW.1 planted mango trees in his field and now they have grown up and started yielding. LW.1 sold one year mango crop to LW.2 for one Rs.1,00,000/-. Since then, LW.2 has been watching his field and taking care of mango trees. There is a pathway dispute between LW.1 and the accused. On 26.04.2022 at about

7.30 pm, LW.1 received call from LW.4, LW.4 told your mango tree field were set on fire and trees were burning. Immediately, Lw.1 informed the matter to LW.2 and he immediately reached to their garden on his bike and found the trees burning. Immediately, LW.2 along with their village residents doused the fire. Lw.1 noticed that 12 mango trees burnt. There is a pathway dispute between Lw.1 and the accused. On 30.05.2022 at about 3.00 pm, the accused voluntarily came to police station and admitted that he had set fire to the trees belonging to LW.1. This is due to land dispute.

On 29.04.2022 at about 1.00 pm, basing on the complaint of LW.1, LW.6 has registered a case in Cr.No.69/2022 u/sec.435 IPC.

During the course of investigation, LW.6 secured the presence of LW.s1 to 5, examined them and recorded their detailed statements, inspected the scene of offence and prepared rough sketch of the scene of offence. On 30.05.2022 the accused voluntarily came to Police Staton and revealed the truth and admitted that he had set fire to mango trees. After the thorough interrogation, LW.6 has served U/sec.41(A) Cr.P.C

3. The case was taken on file against the accused U/sec.435 IPC .

4. On appearance of accused before this Court, copies of case documents were furnished to him as required under Section 207 of the code of criminal procedure.

5. Accused were examined under Section 239 CrPC. Charges under Section 435 IPC, was framed against the accused, the same was read over and explained to him in Telugu for which, accused pleaded not guilty and claimed to be tried.

6. During the course of trial, on behalf of prosecution, PW.1 to PW.4 were examined and Ex.P1 to Ex.P3 were marked. Learned APP given up evidences of LW.3/Dasari Sankara, LW.5/Thipparusu Ramudu and LW.7/M. Pradeep Kumar/Sub-Inspector.

7. After closure of the prosecution side evidence, accused was examined under Section 313 Criminal Procedure Code by explaining the incriminating evidence of prosecution in Telugu, for which he denied and reported no defense evidence. No witnesses was examined and no documents were marked by the defense.

8. Heard on both sides.

9. Now the point for determination is :

Whether the prosecution proved the guilt of the accused for the offence punishable under Section U/sec.435 IPC beyond reasonable doubt?

POINT:

10. The prosecution in order to prove the guilt of the accused cited 07 witnesses, examined PW.1 to PW.4 and got marked Ex.P1 to Ex.P3.

PW.1/M. Venkata Chowdary has deposed that at about 4 years back he has a land in Sy.NO.26 at Elukuntla Village and he planted mango trees in that land. LW.4 has called him over phone and informed him that some unknown persons has set fire to his fields, due to that 10 to 12 trees was burnt. Immediately he set off the fire in the field. Later he lodged complaint in the police station. Ex.P1 is the complaint, he knows the contents of Ex.P1 and police examined him.

PW.2/Narappa and PW.2/Chandramohan has deposed that at about 4 years back they came to know that some unknown persons has set fire to PW1 fields, due to that 10 to 12 trees was burnt the fields of PW.1 has set fired which is located Elukuntla Village. Except these facts they do not know anything about this case. police has never examined them.

PW.4/D.C. Lakshmananna/Head Constable has deposed that on 29.04.2022 at about 1.00 pm, while he was in the police station PW.1 came to

police station and presented a written complaint i.e., Ex.P1. Basing on the Ex.P1 he registered a case in Cr.No.69/2022 for the offence under section 435 IPC and forwarded the FIR to all concerned officers. Ex.P2 is the FIR. Then he secured PW.1 to PW.3, LW.3 to LW.5 examined them and recorded their statements. Immediately on the same day he went to scene of offence which is situated at Elukuntla Village and obtained photographs and observed scene of offence and drafted rough sketch Ex.P3 is the rough sketch. On 30.05.2022 the accused came to the police station and surrender before him on that he served U/sec.41(A) Cr.P.C notice against the accused after his confession about the offence. Later he handed over the CD file to LW.7. After verification of investigation done by him LW.7 filed charge sheet.

11. On perusal of evidence of PW.1 he stated in his chief examination that though he know the accused who is Son-in-law and at about 4 yearsback he has a land in Sy.No.126-4-2 and he planted mango trees in that land. He further stated that LW.4 called him over phone and informed that some unknown persons has set fire to his fields due to that 10 to 12 trees was burned and immediately he set off the fire in that field. During the cross examination of PW.1 he admitted that he did not know the person, who has set fire to his field.

12. On perusal of entire oral evidence and documentary evidence available in the record this court observed that PW.2 & PW.3 have stated they did not know anything about the facts of the present case and they did not know the manner of incident and resiled from earlier version of prosecution for the reasons best known to them.

13. During the cross examination of Pw.4 he stated that there are disputes between Pw.1 and accused and there are mountains in the back side of scene of offence and generally the shepherd will come near mountains. He further stated that he has produce seized property i.e., ash, some sticks at the scene of offence before this court and he denied the suggestion that due to natural

cause there was a fire in the fields of PW.1 and as there are previous disputes between PW.1 and accused, PW.1 has foisted false case against the accused to get insurance amount.

14. From the entire evidence of the prosecution it can be found that there is no single point which supported the version of the prosecution to prove that accused has set fire to the mango field of Pw1, even PW.2 and PW.3 has not corroborated with the version of PW.1. Further as stated by the pW.4 during his cross examination the prosecution has not produce any ash or sticks which are supposed to be seized at scene of offence. Hence this court opines this is a fit case to give benefit of doubt to the accused as prosecution failed prove the offence under section 435 IPC beyond reasonable doubt against the accused.

15. Thus there is no evidence on record against the accused to prove the guilt of the accused for the offences punishable under Section 435 of Indian Penal Code. Hence, prosecution miserably failed to prove its case against the accused for the offences punishable U/sec.435 IPC. Hence, this court comes to the conclusion that it is not just to convict the accused as his guilt is not proved by the prosecution beyond reasonable doubt.

16. In the result, accused is found not guilty for the offence punishable under Section 435 of IPC and he is acquitted under section 248(1) of the code of criminal procedure for the said offences. The bail bond of the accused shall remain in force for a period of six months from today under section 437-A the code of criminal procedure.

Typed to my dictation by the Stenographer Gr.III, corrected and pronounced by me in open court, this the 09th day of April, 2026.

Sd/- J.Nandini
Judicial Magistrate of I Class,
Dharmavaram.

APPENDIX OF EVIDENCE
WITNESSES EXAMINED FOR

PROSECUTION:

PW.1 : M. Venkata Chowdary
PW.2 : Narappa
PW.3: Chandramohan
PW.4: D.C Lakshmanna

DEFANCE:

-None-

EXHIBITS MARKED FOR PROSECUTION

Ex.P1 : Complaint
Ex.P2 : First Information Report
Ex.P3 : Rough Sketch

EXHIBITS MARKED FOR DEFENCE

-NIL-

M.Os. MARKED

-NIL-

Id/-J.Nandini
J.M.F.C.

CALENDAR AND JUDGMENT

District :: ANANTAPURUM

Calendar cases tried by the Judl. Magistrate of First Class, Dharmavaram.

Date of Offence	Report	Apprehension of Accused	Released on bail	Commence-ment of trial	Close of trial	Sentence
26.04.2022	26.04.2022	30.05.2022	--	07.01.2026	12.03.2026	09.04.2026

Judgment in **C.C.No.871/2022** on the file of Judl. Magistrate of First Class, Dharmavaram.

Complainant :: Sub-Inspctor of Police, Dharmavaram Rural, P.S

Cr.No:69/2022

Sl.No	Name of the Accused	Age	S/o or W/o	Calling	Religion	Residence	Mandal
1.	Aginati Ram Mohan Chowdary	45	A. Narayanaswamy	--	--	Pulakuntla	Dharmavaram

<u>Offence :-</u>	For the offence U/sec.435 of IPC
<u>Finding :-</u>	Found not guilty.
<u>Sentence :-</u>	In the result, accused is found not guilty for the offence punishable under Section 435 of IPC and he is acquitted under section 248(1) of the code of criminal procedure for the said offences. The bail bond of the accused shall remain in force for a period of six months from today under section 437-A the code of criminal procedure.

Sd/-J.Nandini

Judl.Magistrate Of First Class,
Dharmavaram

Submitted to the Hon'ble I Additional Sessions Judge, Anantapuram

Dis No. Dt.

// True Copy //

Judl. Magistrate of I Class,
Dharmavaram