

APHC010620692009



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3560]

THURSDAY, THE 17th DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 1834/2009

Between:

1.BATCHU SATISH (A-1), RAMACHANDRAPURAM [V], KRISHNA DIST., S/O. BALACHANDRUDU R/O. RAMA CHANDRAPURAM VILLAGE, AVANIGADDA MANDAL, KRISHNA DISTRICT.

...PETITIONER

AND

1.THE STATE OF A P REP BY P P HYDERABAD, Rep. by Public Prosecutor High Court, Hyderabad.

...RESPONDENT

Revision filed under Section 397/401 of CRPC praying that in the circumstances stated in the affidavit filed in support of the CriminalRevisionCase, the High Court may be pleased to present this Memorandum of Grounds of Criminal Revision Case to this Hon'ble Court against the Judgment of the XI Additional District& Sessions Judge, in Crl.A.No.384 of 2009, dated 27th day of October 2009.

IA NO: 1 OF 2009(CRLRCMP 2564 OF 2009

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the execution of sentence and release the petitioner on bail, pending disposal of the Criminal Revision Case before this Hon'ble Court.

Counsel for the Petitioner:

1.C SHARAN REDDY

Counsel for the Respondent:

1.PUBLIC PROSECUTOR

CRIMINAL REVISION CASE NO: 1835/2009**Between:**

1.AREMPUTA DHARMA RAJU (A-2), S/O. JAMALAI AH R/O. MADDULAPARVA VILLAGE, REDDIGUDEM MANDAL, KRISHNA DISTRICT.

...PETITIONER

AND

1. STATE OF A P, High Court, Hyderabad.

...RESPONDENT

Revision filed under Section 397/401 of Cr.P.C. praying that in the circumstances stated in the affidavit filed in support of the Criminal Revision Case, the High Court may be pleased to present this Memorandum of Grounds of Criminal Revision Case to this Hon'ble Court against the Judgment of the XI Addl. District & Sessions Judge, in Crl.A.No.213 of 2009, dated 27.10.2009.

IA NO: 1 OF 2009(CRLRCMP 2565 OF 2009

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the execution of sentence and release the petitioner on bail pending disposal of the criminal revision case before this Hon'ble Court.

Counsel for the Petitioner:

1.C SHARAN REDDY

Counsel for the Respondent:

1.PUBLIC PROSECUTOR

The Court made the following:

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA**CRIMINAL REVISION CASE Nos.1834 and 1835 of 2009****COMMON ORDER:**

These Criminal Revision Cases are filed against common Judgment, dated 27.10.2009, passed in Crl.A.Nos.384 and 213 of 2009 on the file of the XI Additional District and Sessions Judge, Tenali, wherein and whereunder confirmed the order of conviction and sentence recorded by learned Assistant Sessions-cum-Senior Civil Judge, Repalle, in S.C.No.221 of 2008 dated 15.12.2008.

2. Brief facts of the prosecution are that, on 05.11.2007, when PW.1 along with his wife (PW.2) on his Honda Activa Motor Cycle bearing No.AP7AA-9024 went to his sister's house situated at Chandolu Village in the morning since she was getting the roof laid on the newly constructed house. After completion of their work, they were returning to Repalle at 7.30 p.m., on their motorcycle. When they reached near Thiruveedulavari Cheruvu after crossing Adepalli Village at about 8.00 p.m., accused persons came behind on their Hero Honda Passion Plus Motorcycle and sprinkled chilli powder into their eyes, due to which they fell down along with their motor cycle. The accused immediately got down from their motor cycle and A-1 first caught hold of PW.2 and robbed a black bead chain, gold chain from her neck and silver chains from her ankles. The second accused caught hold of PW.1 and robbed a gold chain from his neck and cell-phone from his pocket. PW.1 tried to resist the second accused from taking away the properties and fisted him. At the time,

the second accused tried to stab PW.1 with knife. PW.1 caught hold the knife due to which he sustained bleeding injury on his right thumb. Thereafter, the accused persons fled away on their motor cycle towards Chandolu Village along with the property. PWs.1 and 2 went to Police Station and gave complaint to Sub Inspector of Police, Bhattiprolu Police Station. Accordingly, Crime No.123 of 2007 was registered for the offence punishable under Section 394 IPC. During investigation, accused persons were arrested on 06.12.2007, stolen articles were seized from their possession. The Hero Honda Passion Plus motorcycle of the accused persons also seized. Learned Judicial Magistrate of First Class, Repalle, conducted a test identification parade through *de facto* complainant. PWs.1 and 2 identified the accused persons. Doctor examined PW.1 in respect of his injury on his left thumb. After completion of investigation, Police submitted charge sheet for the offence punishable under Sections 394 and 412 IPC. During trial, prosecution has examined as many as 18 witnesses as PWs.1 to 18 and also produced several documents, which were marked as Exs.P1 to P7. On the defence side, none has been examined, but during cross-examination some contradiction in statements of PWs recorded in Section 161 statements are marked as ExsD.1 to D.5. Material objects *i.e.*, stolen articles including knife, chilli powder and Hero Honda Motorcycle of accused persons were also marked as Ex.MO.1 to 8. After hearing prosecution as well as the defence counsel, learned trial Court recorded order of conviction and sentence against accused under Section 394 IPC but they were acquitted for the offence

punishable under Section 412 IPC. Accused are sentenced to suffer rigorous imprisonment for a period of three (03) years and to pay fine of Rs.3,000/- in default, to suffer simple imprisonment for a period of six (06) months. Order of conviction and sentence was under challenge before the learned Appellate Court, but the learned Appellate Court dismissed the appeal confirming the order of conviction and sentence. Hence, these revision cases have been filed.

3. Learned counsel for the petitioners at the outset submits that the case of the prosecution is totally doubtful. The evidence of PWs.1 and 2, if taken together, would prove that there are glaring contradictions. It is pointed out by the learned counsel for the petitioners that PW.1 stated that after the incident, one Ex-MLA appeared at the spot and he called the Police, thereafter, Police came to the spot and recorded statement of PW.1. On the other hand, evidence of PW.2 as well as the prosecution witnesses is silent about the presence of Ex-MLA and recording of report at the scene. He further submits that the evidence of PW.4, as seizure witness is also doubtful. Prosecution has failed to note down that which property was seized from the possession of the accused persons and the prosecution has also not followed the procedure for giving interim custody of stolen articles to PWs.1 and 2. He further submits that evidence of PWs.1 and 2 is not corroborative with each other. To the fact, PW.1 has stated before the Court that the stolen articles were given them by the Police after ten (10) days of incident, while PW.2 stated that they were

given to them after twenty (20) days of incident. It is the contention of the learned counsel for the petitioners that the contradictions are not minor contradictions, but they are rooted in the basis of the prosecution case and accordingly, the prosecution has miserably failed to prove the charge against the petitioners beyond reasonable doubt. Petitioners being accused are entitled to acquittal.

4. Learned Additional Public Prosecutor appearing on behalf of the respondent/State has pointed out several paragraphs of the learned trial Court, wherein the learned trial Court has observed that the discrepancies in the prosecution case are very minor discrepancies and the deposition of witnesses which occurs due to dissimilarity in the dates can be caused due to the confusion, at the time of cross-examination. He further submits that the prosecution has successfully proved the charges against the petitioners. Thus, there is no merit in the criminal revision cases.

5. Heard learned counsel for the petitioners and Sri Panini Somayaji, learned Additional Public Prosecutor appearing on behalf of respondent/State.

6. Perused the observations of the learned Courts below.

7. It is contended by the learned counsel for the petitioners that the evidence of PWs.1 and 2 is not similar in respect of reporting the matter to the Police. On perusal of the evidence of PW.1, it appears that PW.1 during his

examination in chief has specifically stated that after the alleged incident, they reported the matter to the Police after reaching the Police Station. But, during cross-examination, he has stated that after such incident, one Ex-MLA appeared at the spot and called the Police; thereafter, the Police reached the spot.

8. On the other hand, PW.2 stated that they lodged the complaint before the Police after reaching the Police station. On thorough perusal of examination in chief and cross examination of PWs.1 and 2, it appears that the appearance of Ex-MLA is recorded in the cross examination of PW.1; even if appearance of Ex-MLA in the spot is taken to be true, that also does not wipe out the factum that they lodged the complaint to the police after reaching to the Police Station. In the cross examination, though PW.1 stated that after Ex-MLA arrived at the spot, police reached there, he has also stated in the cross-examination that they reported the matter to the police, after reaching to the Police Station.

9. Considering the same, these discrepancies appear to be very minor discrepancies. However, prosecution case has started on the basis of report by PWs.1 and 2. After such incident, PWs.1 and 2 went to the Police Station to report the matter. Thereafter, the accused persons were arrested on 06.12.2007 in the presence of PW.4.

10. I have perused the examination and evidence of PW.4, who was present at the time of arrest. PW.4 was cross examined by defence at length

but his credibility was not questioned. After such incident, police reached to the spot and scene observation report was recorded by Investigating Officer in the presence of PW.3. Doctor examined PW.1, who sustained cut injury. The accused persons were identified by the victim in presence of Judicial Magistrate-PW.7, who conducted Test Identification Parade. The Investigating Officer submitted the charge sheet after completion of investigation. On thorough reading of the material, as well as the evidence on record, in my view, learned trial Court as well as learned Appellate Court, committed no error and there is no doubt that the charge has been sufficiently proved.

11. In my view, observations of learned trial Court and learned Appellate Court suffers no illegality and accordingly, I find no justification to interfere with the observations and order of conviction and sentence passed by learned trial Court as well as learned Appellate Court. However, as the incident happened in the year 2007, nearly nineteen (19) years have already elapsed. The petitioners being the accused were roaming before this Court for this criminal litigation and they are now aged persons. At this juncture, the substantive sentence passed by learned trial Court confirmed by learned Appellate Court is hereby modified to one (01) year instead of three (03) years.

12. With the above observations, the Criminal Revision Cases are **dismissed**. The order of suspension of sentence passed by this Court during pendency of these criminal revision cases is vacated. Petitioners are directed to appear before learned trial Court or before the jail authority within a period

of six (06) weeks to serve out remaining portion of sentence; by setting off the period already undergone by them under Section 428 of Cr.P.C corresponding Section 468 of Bharatiya Nagarik Suraksha Sanhita, 2023. Failing which, learned trial Court shall issue necessary warrant of arrest against petitioners to comply with the order.

13. Let a copy of the order be served upon learned trial Court for ready references. As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUSTICE SUBHENDU SAMANTA

Dated: 17.09.2026
CVD