



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

[3547]

MONDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT
THE HONOURABLE SRI JUSTICE K SURESH REDDY
THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

CRIMINAL APPEAL NO: 1087/2017

Between:

YEKKALURI SHIVAKRISHNA @ YOGI, S/O. NARAYANA,
R/O. JENDLA CHETTU CENTRE. MUTHYALAMPADU ROAD,
DACHEPALLI, GUNTUR DISTRICT, AP.

...APPELLANT

AND

THE STATE OF ANDHRA PRADESH REP PP, rep. by the
Public Prosecutor, High Court at Hyderabad.

...RESPONENT

Counsel for the Appellant:

1. I V N RAJU

Counsel for the Respondent:

1. PUBLIC PROSECUTOR (AP)

AND

CRIMINAL APPEAL NO: 113/2022

Between:

KOTA SUNDARAM, S/O AMARAIAH, AGED ABOUT 27 YEARS,
R/O DACHEPALLI VILLAGE AND MANDAL, GUNTUR DISTRICT.

...APPELLANT

AND

THE STATE OF ANDHRA PRADESH, Rep. by its Public
Prosecutor, High court of Judicature at Amaravathi.

...RESPONENT

Counsel for the Appellant:

1.LAKSHMI D S

Counsel for the Respondent:

1.PUBLIC PROSECUTOR (AP)

AND**CRIMINAL APPEAL NO: 228/2022****Between:**

PATHAN RAWOOF @ ROBO @ RAFI, S/O. JALEEL, AGED
ABOUT. 20 YRS, R/O. LIBRARY CENTRE, MUTHYALAMPADU
ROAD, DACHEPALLI MANDAL, GUNTUR DISTRICT, A.P

...APPELLANT**AND**

THE STATE OF ANDHRA PRADESH, Rep by Public Prosecutor,
High Court at Amaravathi, AP

...RESPONDENT**Counsel for the Appellant:**

1.C V R RUDRA PRASAD
LEGAL AID

Counsel for the Respondent:

1.PUBLIC PROSECUTOR (AP)

The Court made the following**COMMON JUDGMENT** :- *(Per the Hon'ble Sri Justice K.Suresh Reddy)*

As all the three Criminal Appeals arise out of the same Calendar Case i.e., C.C.No.4 of 2014 on the file of the Court of Special Sessions Judge,-cum-IV Additional District and Sessions Judge, Guntur, they are taken up together for "hearing" and are being disposed of by way of this Common Judgment.

2. A.2 in the above C.C. is the appellant in CrI.A.No.1087 of 2017, A.1 is the appellant in CrI.A.No.113 of 2022 whereas A.3 filed CrI.A.No.228 of 2022.

3. All the three accused were tried by the learned Special Sessions Judge for the offence under Section 394 read with 34 IPC alternatively under Section 392 read with 34 IPC.

4. Substance of the charge is that on 31.01.2011 between 2.30 A.M. and 6.00 A.M. all the three accused robbed P.W.1 at Pedamanthanala village situated in between Atmakur and Markapur, thereby committed an offence under Section 394 read with 34 IPC alternatively under Section 392 read with 34 IPC.

5. After completion of trial, learned Special Sessions Judge convicted all the three accused for the offence under Section 394 read with 34 IPC and sentenced each one of them to undergo imprisonment for 'LIFE' and also to pay a fine of Rs.10,000/- each, in default, to suffer simple imprisonment for three months.

6. Case of prosecution, as per the evidence of prosecution witnesses briefly is as follows:-

(i) One Noorbasha Chinna Masthan Saheb-P.W.1 is a resident of Vinukonda. He was working as Sales Manager in Green Biotech Company at Vinukonda. On 20.01.2011 P.W.1 came to Guntur on his office work. After completion of work at Guntur, he went to Vijayawada and from Vijayawada he went to Tadepalligudem. P.W.1 stayed at Sridevi Lodge at Tadepalligudem. He stayed for eleven days in Tadepalligudem on his office work for collection of amounts and taking orders for supply of goods. On 31.01.2011 at about 10.30 P.M. he boarded a train at Tadepalligudem and reached Guntur at about 2.00 A.M. on 01.02.2011. In order to go to Vinukonda, he went to market area at Guntur to catch any vehicle.

(ii) At that juncture, A.1 to A.3 came on a vehicle like Tata sumo, driven by A.2. A.1 to A.3 informed him that their vehicle is going to Kurnool. The accused further informed P.W.1 that they will drop him at Vinukonda. P.W.1 boarded the said vehicle at about 2.30 A.M. on 01.02.2011 at Market area, Guntur and he sat on the back side seat. They also got boarded another person in the said vehicle who intended to go to Phirangipuram. The said person was dropped at Phirangipuram. When the vehicle was reaching near Vinukonda, the accused stopped the vehicle stating that they want to attend calls of nature. Meanwhile, A.3 came to the back side seat and sat left side of P.W.1. P.W.1 sat in between A.1 and A.3. A.1 threatened P.W.1 to give his mobile to him. A.1 having collected the mobile phone of P.W.1, destroyed the same. A.1 threatened P.W.1 at point of knife and snatched an amount of Rs.15,000/- from his pant pocket. They also took the ATM cards and also company account papers. Thereafter, A.1 threatened P.W.1 to disclose the pin number of ATM card. A3 also threatened him to disclose the pin number. Due to fear, P.W.1 disclosed the pin number of his SBI ATM card.

(iii) After crossing Tripuranthakam village, they found ATM centre at Dupadu. A.3 tried to withdraw amount from the said ATM card, but the said ATM machine was not in working condition. Thereafter, the accused took P.W.1 to Markapur in the same vehicle. They stopped the vehicle at ATM centre and withdrew an amount of Rs.20,000/- from the account of P.W.1. In the meanwhile, A.1 tied both the hands of P.W.1 with a plaster. The accused took P.W.1 to a lane leading to Atmakur road. After seeing a person, the accused left that place. The vehicle was proceeded to Pedda Manthanala village road and the accused stopped the vehicle at thorny bushes. The accused closed the eyes of P.W.1 with a cloth and took him to Eucalyptus garden and removed the said cloth. A.1 stabbed on the left side of the neck and also inflicted injury on the throat with a knife. P.W.1 was laid on the ground by the accused and beat him on head with stones. P.W.1 received severe injuries on his head and face. Thinking that P.W.1 was no more, the accused left him there and went at about 5.00 A.M.

(iv) At about 10.00 A.M. on the same day P.W.1 regained consciousness and somehow he managed to come on to the road. He saw RTC bus coming on the road and he boarded the said bus. As the said bus was not going up to Vinukonda, the driver of RTC bus boarded P.W.1 in a mini Tata Ace vehicle. Due to fear, the said driver of Tata Ace vehicle dropped P.W.1 at Dornala. As his entire body was stained with blood, people gathered at Dornala, enquired P.W.1 and took him to Government Hospital, Dornala.

(v) Having received information from Dornala Government Hospital, P.W.7-Sub Inspector of police, Dornala Police Station went to Government Hospital on the same day and recorded a statement-Ex.P1 from P.W.1. On the basis of Ex.P1, P.W.7 registered a case in

Crime No.10 of 2011 under Section 394 IPC. He issued copies of FIR to all the concerned. FIR is marked as Ex.P10.

(vi) Having collected the information from P.W.1, P.W.7 informed to his friend and wife about the incident. After treatment, the police took P.W.1 to Vinukonda and shifted him to Government General Hospital, Guntur. Subsequently, for better treatment, P.W.1 was shifted to City Hospital, Guntur where he took treatment for five days. P.W.5 is the Medical Officer who treated the injured at City Hospital, Guntur. Having verified the account details, P.W.1 came to know that the accused also withdrew an amount of Rs.10,900/- at Atmakur. In total they withdrew an amount of Rs.30,900/- from the ATM card of P.W.1.

(vii) During the course of investigation, P.W.10-Inspector of police-CCS-I, Guntur Urban was informed by the D.S.P that the appellants who were involved in Crime No.99 of 2011 of Kothapeta Police Station were moving in Guntur. On 05.04.2011 P.W.10 along with P.W.4 and his staff proceeded to Nandini lodge situated at Old Club road, Guntur along with the *defacto* complainant in Crime No.99 of 2011. When P.W.10 and his staff were searching for vehicles, they found Tavera vehicle bearing No.AP 7 R 6999. The said vehicle was stopped by P.W.10 and his staff at Nandini lodge. They noticed nine persons in the said vehicle. When the vehicle was searched, the police found ganja. After following due procedure, all the nine accused were arrested, and the contraband was seized in the presence of a Gazetted Officer.

(viii) During the course of investigation in Crime No.99 of 2011, the appellants confessed about the commission of offence in the present crime. The appellants also furnished the details of all other crimes committed by them. On the confession made by A.1 to A.3, P.W.10 seized Scorpio vehicle bearing No.AP-07-M 8370 from SS Travels at

Dachepalli. The said vehicle was marked as M.O.1. A.1 to A.3 took P.W.1 in M.O.1. The panchanama for seizure of M.O.1 was marked as Ex.P14. The accused were remanded to judicial custody.

(ix) P.W.8-the Principal Junior Civil Judge, Markapur conducted Test Identification Parade on A.1 and A.3 on 23.05.2011 in which P.W.1 identified A.1 and A.3. The Test Identification Proceedings of A.1 and A.3 were marked as Ex.P12. On 17.05.2011 P.W.9-the Additional Junior Civil Judge, Giddalur conducted Test Identification Parade in which P.W.1 identified A.2. The Test Identification Parade proceedings pertaining to A.2 was marked as Ex.P13.

(x) During the course of investigation, the police also examined the Manager, SBI Markapur as P.W.6. P.W.6 stated that an amount of Rs.20,000/- was withdrawn from the account of P.W.1 at Markapur ATM centre and another some of Rs.10,900/- was withdrawn at Atmakur. The statement of account of P.W.1 was marked as Ex.P9. After collecting all the documents and after completion of investigation, the police filed the charge sheet.

7. In support of its case, the prosecution examined P.Ws.1 to 10, marked Exs.P.1 to P.24 and exhibited M.O.1. On behalf of the defence, D.W.1-mother of A.3 was examined and Exs.D.1 to D.21 were marked.

8. When the accused were examined under Section 313 Cr.P.C., they denied the incriminating material appearing against them.

9. Accepting the evidence of P.W.1, coupled with P.Ws.6 to 10, the learned Special Sessions Judge convicted the appellants/accused as aforesaid.

10. Heard Sri I.V.N.Raju, Smt Lakshmi D.S and Sri C.V.R.Durga Prasad, learned counsel for the appellants and Sri Marri Venkata Ramana, learned Additional Public Prosecutor for respondent-State.

11. We have carefully scrutinized the entire evidence on record.

12. As seen from the evidence of P.W.1, he clearly stated that at about 2.30 A.M. he boarded M.O.1 vehicle as the accused informed him that the said vehicle is going towards Kurnool. He also stated in his evidence that the accused informed him that they will drop him at Vinukonda. P.W.1 in his evidence stated that the accused robbed an amount of Rs.15,000/- from his pant pocket. He also stated that the accused took away ATM card and withdrew an amount of Rs.30,900/- in total at Markapur and Atmakur in the odd hours. Finally, he stated that the accused beat him indiscriminately and attacked him with a knife and left him in the forest near Atmakur, thinking that he died. He further deposed in his evidence that at about 10.00 A.M 01.02.2011 he was able to regain consciousness and somehow he managed to come on to the road from where he went to Dornala and joined in Government Hospital there.

13. Having received the hospital intimation, P.W.7 went and recorded the statement-Ex.P1 from P.W.1 on basis of which the present crime was registered. P.W.1 further deposed that the police shifted him to Government Hospital, Vinukonda and from there to Guntur. P.W.5 private Medical Practitioner issued wound certificate-Ex.P7. We have also found that P.W.1 identified all the three accused in the Test Identification Parade conducted by P.Ws.8 and 9. The Test Identification Parade proceedings were marked as Exs.P12 and P13. Further, the prosecution is able to establish that the accused withdrew an amount of Rs.20,000/- at Markapur and Rs.10,900/- at Atmakur.

There is no occasion for P.W.1 to withdraw the amount at those two places. The evidence of P.W.6 coupled with Ex.P9 establish that the accused withdrew the said amount at two different places. Further, during the course of investigation, the appellants have confessed about the commission of other offences which were subject matters of C.C.No.4 of 2014, C.C.No.1 of 2014, S.C.No.297 of 2012, C.C.No.7 of 2012, S.C.No.7 of 2012.

14. Learned Additional Public Prosecutor stated that the accused were convicted in other cases also. A.1 was convicted in C.C.No.1 of 2014 and also S.C.No.297 of 2012 apart from the present case. He further stated that A.2 was convicted in S.C.No.7 of 2012 and S.C.No.297 of 2012, C.C.No.1 of 2014, C.C.No.5 of 2014 apart from the present case. A.3 was also convicted in S.C.No.297 of 2012 and C.C.No.1 of 2014 apart from the present case.

15. Having analyzed the entire evidence carefully, we have no hesitation to come to the conclusion that the appellants were involved in other cases also and the prosecution could able to prove the guilt of the accused beyond reasonable doubt for the offence under Section 394 read with 34 IPC.

16. In that view of the matter and on the above analysis, this Court is of the opinion that the judgment, dated 09.02.2016 passed by the Special Sessions Judge,-cum-IV Additional District and Sessions Judge, Guntur in C.C.No.4 of 2014 is unambiguous and warrants no interference by this Court. Hence, all these three Criminal Appeals are devoid of any merits and the same are liable to be dismissed.

17. Accordingly, all the three Criminal Appeals are dismissed. As the appellants were convicted and sentenced imprisonment for 'LIFE'

in S.C.No.297 of 2012, the sentence imposed in the present C.C. is also directed to run concurrently along with the sentence imposed in S.C.No.297 of 2012 as per the provisions of Section 427(2) Cr.P.C.

18. In view of the above finding, I.A.No.1 of 2025 in Crl.A.No.1087 of 2017 & Crl.A.No.228 of 2022 and I.A.No.2 of 2025 in Crl.A.No.113 of 2022 are hereby closed as no orders are required to be passed.

Consequently, miscellaneous petitions, if any, pending shall stand closed.

JUSTICE K.SURESH REDDY

JUSTICE SUBBA REDDY SATTI

Dt. 01.12.2025

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**THE HON'BLE SRI JUSTICE K.SURESH REDDY
AND
THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI**

COMMON JUDGMENT

Criminal Appeal Nos.1087 of 2017, 113 AND 228 of 2022

(Per Hon'ble Sri Justice K.Suresh Reddy)

Dt. 01.12.2025

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