



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

[3547]

MONDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

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

CRIMINAL APPEAL NO: 1173/2018

Between:

V GOVINDA REDDY, OCC, AGRICULTURE R/O. VALLURU
VILLAGE, KOKUMANU MANDAL GUNTUR DISTRICT.

...APPELLANT

AND

1. POLURI NAGA MITHILESH BABUMITHILESH, R/O.
CHINNALINGAYAPALEM VILLAGE, KAKUMANU MANDAL,
GUNTUR DISTRICT.

2. POLIURI NAGESWARA RAO, R/O. CHINNALINGAYAPALEM
VILLAGE, KAKUMANU MANDAL, GUNTUR DISTRICT.

3. THE STATE OF A P, REP. BY ITS PUBLIC PROSECUTOR,
HIGH COURT BUILDINGS, HYDERABAD.

...RESPONENT(S):

Counsel for the Appellant:

1. RAJA REDDY KONETI

Counsel for the Respondent(S):

1. PRABHU NATH VASIREDDY

2. PUBLIC PROSECUTOR (AP)

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

Questioning the judgment of acquittal, dated 11.01.2018 passed by the learned Judge, Family Court-cum-XII Additional District & Sessions Judge, Guntur in S.C.No.210 of 2017, the victim/P.W.2 filed the present appeal under Section 372 Cr.P.C.

2. The respondents No.1 and 2/accused Nos.1 and 2 were tried by the learned Additional Sessions Judge, Guntur, for the offence under Section 302 read with 34 IPC.

3. Substance of the charge is that on 27.06.2016 at about 3.00 P.M., both the accused caused death of one Vintha Murali Mohan Krishna Reddy @ Krishna Reddy (herein after referred to, as 'the deceased') by administering liquid with poisonous nuts called as Ganneru Pappu (Oleyander seeds), causing his death, thereby committed offence punishable under Section 302 read with 34 IPC.

4. After completion of trial, learned Additional Sessions Judge acquitted respondent Nos.1 and 2/A.1 and A.2 by the impugned judgment. Aggrieved by the same, P.W.2-father of the deceased filed the present Appeal.

5. Case of the prosecution briefly is as follows:-

(i) The deceased is resident of Valluru village, Kakumanu Mandal. The deceased and A.1 were classmates at school stage. The deceased married P.W.1 on 26.03.2016. The deceased thought that there is no improvement in his life due to evil forces. A.1 informed him that he would wipe out the problems by performing pooja. A.1 sought help of A.2. The accused used to perform pooja in their house at Chinna Lingayapalem village. People used to visit their house. The

deceased also started visiting their house. A.1 is none other than the son of A.2. The deceased explained his problems to the accused. The accused made the deceased to believe that by performing pooja for five Sundays in the temple of Subrahmanyeswara Swamy temple at Mopidevi village of Krishna District, his problems will be solved and also he will achieve valuable ancient coins and foreign currency too. Believing the words of accused, the deceased performed pooja at the said temple as directed by them, but could not gain anything as promised. On that the deceased started demanding the accused to return his amount spent for pooja.

(ii) It is the further case of the prosecution that in order to escape from the demand of the accused, both the accused decided to eliminate him. According to their plan, they made the deceased believe that on 27.06.2016 they are going to perform pooja and give liquid during pooja which will be materialized. The deceased blindly believing the words of accused, went to Chinna Lingayapalem at about 11.00 A.M. on his motor cycle and returned home between 3-00 to 4-00 P.M. in an ill-condition, laid on cot and became unconscious. The family members of deceased shifted him to Karumuru Hospital, Guntur, where the doctor examined and declared him as dead. Then the dead body was brought back to the house and cremated on 28.06.2016.

(iii) On 30.06.2016 the village elders-L.Ws.7 to 9 called the accused and on questioning, they came to know that the accused administered the deceased liquid with poisonous nuts called as Ganneru Pappu (Oleander seeds) as a part of pooja. Thereafter, P.W.1 wife of the deceased went to the police station and gave a report. On 06.07.2016 P.W.11-S.H.O, Kakumanu Police Station received Ex.P1-report from P.W.1 and registered a case in Crime No.42 of 2016 under Section 174 Cr.P.C. He sent FIR to the Executive Magistrate, Kakumanu. P.W.11

examined P.W.1 at the police station and recorded her statement. He also recorded statements of P.W.2 and L.W.3. He visited the scene of offence i.e., burial ground in the presence of mediators P.W.10 and another. He seized burnt bones and ash pertaining to the deceased. He prepared Ex.P8 rough sketch at the scene of offence. Thereafter, he visited house of the deceased and prepared another rough sketch marked as Ex.P9. He recorded statements of P.Ws.3 to 5 and others. Then he proceeded to Chinna Lingayapalem village which is the house of the accused. He prepared rough sketch-Ex.P10 and he recorded statements of P.W.6 and others. He returned to Valluru village and recorded statements of P.Ws.7 and 8 along with L.Ws.13 and 14. He sent the ash to the FSL for chemical analysis.

(iv) On 26.07.2016, P.W.9 produced both the accused along with his report-Ex.P3 stating both the accused confessed before him, P.W.11 altered the FIR to Section 302 read with 34 IPC. Thereafter, P.W.12 took up further investigation. He examined the accused in the presence of P.W.9 and another. He recorded the confessional statements of the accused in the presence of P.W.9 and another. He arrested both the accused who were remanded to the judicial custody. He visited Valluru village, recorded statements of P.Ws.1 and 2 and he prepared rough sketch at the burial ground-Ex.P11. He also prepared rough sketch at the house of deceased marked as Ex.P12. He also prepared rough sketch at the house of accused marked as Ex.P13. On 20.10.2016 P.W.12 received FSL report-Ex.P14. After receiving all the documents and after completion of investigation, P.W.12 filed charge sheet.

6. In support of its case, the prosecution examined P.Ws.1 to 12 and marked Exs.P1 to P14.

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

8. Having disbelieved the evidence adduced by the prosecution, the learned Additional Sessions Judge acquitted both the accused/respondent Nos.1 and 2.

9. Heard learned counsel appearing on either side.

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

11. There are no direct witnesses in the present case and the prosecution rests its case on the basis of circumstantial evidence. According to P.W.1-wife of the deceased, her husband left the house at about 9.00 A.M. on 27.06.2016 on the ground that he had to recharge his cell phone. Shortly thereafter, the deceased returned home and laid on the cot and fell unconscious. Immediately, the deceased was taken to hospital and the doctor declared him brought dead. Thereafter, the dead body was brought back to home and cremated on 28.06.2016. Thereafter, nothing had happened.

12. P.W.1 in her evidence further stated that on 06.07.2016 she went to the police station and gave a report on the basis of which a case in Crime No.42 of 2016 of Kakumanu Police Station was registered under Section 174 Cr.P.C. Thereafter, nothing had happened. Subsequently, on 26.07.2016 between 2.30 and 3.00 P.M. both the accused approached P.W.9 and made confession stating that they administered Oleyander seeds juice to the deceased. Thereafter, P.W.9 prepared Ex.P3 report and handed over them to the Inspector of police-P.W.12. P.W.12 collected bones and ash, sent them to FSL for analysis. The FSL report is marked as Ex.P14. In the FSL report, it is stated that "Item No.1 is examined, Origin of item No.1 could not be

determined.” As such, the prosecution could not be able to connect the ash belonging to the deceased. The only circumstance relied on by the prosecution is the so-called extra judicial confession. There is no other material to connect respondent Nos.1 and 2 with the alleged evidence. Further, there is no evidence adduced by the prosecution with regard to cause of death. There is also no evidence to show that the deceased was administered with Oleander seeds juice the poisonous substance. Absolutely, there is no material to connect the respondent Nos.1 and 2 with the alleged offence. Further, the so-called extra judicial confession said to have been made is a very weak piece of evidence. Unless there is some corroboration, the same cannot be taken as substantial piece of evidence to convict the accused.

13. In that view of the matter and on the above analysis, this Court is of the opinion that the judgment, dated 11.01.2018 passed by the learned Judge, Family Court-cum-XII Additional District and Sessions Judge, Guntur in S.C.No.210 of 2017 is unambiguous and warrants no interference by this Court. Hence, the Criminal Appeal is devoid of any merits and the same is liable to be dismissed.

14. Accordingly, the Criminal Appeal is dismissed.

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

JUSTICE K.SURESH REDDY

JUSTICE SUBBA REDDY SATTI

Dt. 10.11.2025
SAB

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

Criminal Appeal No.1173 of 2018
(Per Hon'ble Sri Justice K.Suresh Reddy)

Date: 10.11.2025
SAB