



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

[3547]

TUESDAY, THE NINTH 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: 1935/2018

Between:

SHAIK KAREEM KAREEMA, OCC - AUTO DRIVER, N/O.
CHINNA TURKEPALEM (V), NARASARAOPETA MANDAL,
PRESENTLY 7TH LANE PEDDACHERUVU, NARASARAOPETA
TOWN.

...APPELLANT

AND

THE STATE OF A P, Rep by its Public Prosecutor, High Court at
Hyderabad.

...RESPONENT

Counsel for the Appellant:

1.A SWARUPA REDDY

Counsel for the Respondent:

1.PUBLIC PROSECUTOR (AP)

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

Sole accused in Sessions Case No.439 of 2017 on the file of the Court of XIII Additional District and Sessions Judge, Narasaraopeta, is the appellant. He was tried by the learned Additional Sessions Judge under two charges. The 1st charge was under Section 302 IPC and the 2nd charge was under Section 201 IPC.

2. Substance of the charge is that on 26.03.2017 at about 3.00 A.M., the accused caused the death of one Shaik Abbas (hereinafter referred to as 'the deceased'), by decapitating his head with knife near A.P. State Ware House Corporation Gowdown, Srinivasa Girijana Colony, Narasaraopeta and in the same process he removed clothes of the deceased from the trunk of the dead body and threw the head portion in a drainage canal to screen the evidence, thereby committed offences punishable under Sections 302 and 201 IPC.

3. After completion of trial, the learned Additional Sessions Judge, convicted the accused under Section 302 IPC and sentenced him to suffer imprisonment for 'LIFE' and also to pay a fine of Rs.1000/-. The learned Additional Sessions Judge also convicted the accused under Section 201 IPC, but he did not impose any separate sentence as the accused was already sentenced to suffer imprisonment for life. Aggrieved by the same, the accused/appellant filed the present appeal.

4. Case of the prosecution, as emanated from the evidence of prosecution witnesses, briefly is as follows:-

(i) The accused as well as the material prosecution witnesses are residents of Narasaraopeta. The deceased was also resident of Narasaraopeta. The deceased was involved in number of cases and a rowdy sheet was opened against him. The accused was eking out his livelihood by plying auto-rickshaw. The deceased used to move in the auto-rickshaw belonging to the accused. Whenever the accused refused to provide his auto-rickshaw, the deceased would threaten him, stating that he would disclose his name and falsely implicate him in theft cases whenever he was apprehended by the police. It is also alleged that the deceased used to misbehave with the wife of the accused whenever he visited their house. Having fed up with the attitude of the deceased, the accused developed grouse against him and decided to kill him.

(ii) According to the allegations in the charge sheet that at about 7.00 P.M. on 25.03.2017 while the accused was proceeding with his auto-rickshaw and when he reached near Jeevan Jyothi Bar, the deceased stopped his auto-rickshaw and asked him to get liquor by giving Rs.150/-. Accordingly, the accused brought liquor and gave it to the deceased. Both of them consumed liquor till 10.00 P.M. at Jeevan Jyothi Bar. Thereafter, they moved in the town and purchased liquor at Navayuga Bar and Restaurant and consumed the same. Thereafter, the deceased also consumed ganja. Taking advantage of the inebriated condition of the deceased, the accused took his auto-rickshaw along with the deceased to an isolated place situated near Ware House Gowdown and killed the deceased. The accused separated the head from the trunk and took the same in his auto-rickshaw and threw the head in a drainage canal. He removed clothes

on the decapitated body of the deceased and burnt them. He also concealed the knife and went up.

(iii) While so, at about 7.00 A.M. on 26.03.2017 P.W.1-Village Revenue Officer received a phone call from unknown person stating that an unidentified dead body of a male person without head was found near A.P. State Ware House Corporation Godown. Immediately, he went to the said place and found a male dead body without head. Immediately, he went to Narasaraopeta II town Police Station and gave a report. At about 8.00 A.M., the Sub Inspector of police received Ex.P1-report from P.W.1 and registered a case in Crime No.50 of 2017 under Section 302 and 201 IPC. He issued copies of FIR to all the concerned. FIR is marked as Ex.P20. Having received information from P.W.1, the Inspector of police-P.W.10 took up investigation. P.W.10 informed the Higher Authorities and recorded statements of P.W.1 and another. He went to the scene of offence along with mediators. At the scene of offence, he prepared observation report-Ex.P11 in the presence of mediators P.W.6 and another. He seized blood stained earth-M.O.6, controlled earth-M.O.7 and crushed empty kinley water bottle-M.O.5 at the scene of offence. The finger print expert from clues team collected the finger prints of the deceased. He got scene photographed through P.W.5. The photographs were marked as Ex.P8. He also prepared rough sketch-Ex.P21 at the scene of offence. He also held inquest over the dead body in the presence of mediators P.W.6 and another. Inquest report is marked as Ex.P12. He shifted the headless dead body to Government Hospital, Narasaraopeta for post-mortem examination. He circulated the photographs of the headless dead body to other police stations for the purpose of identification. On the same day at about 7.00 P.M., P.W.10

received Ex.P22 radio message from Fingerprint unit CID, Guntur identifying the headless dead body as that of the deceased as the deceased was former convict. The finger prints were tallied with the finger impressions of the deceased on F.P. slip with Tin No.1264970 available with them in Crime No.58 of 2014 of Narasaraopeta Rural Police Station and in Crime Nos.104, 106, 107, 111 of 2013 of Narasaraopeta I Town police Station. Thereafter, PW.10 secured the presence of the relatives of the deceased P.W.4 and others who identified headless dead body as that of the deceased. Then he recorded statements of P.W.4-mother of the deceased and others. He also received a detailed report from Fingerprint Unit under Ex.P23.

(iv) On 27.03.2017 P.W.7-Civil Assistant Surgeon, Government Area Hospital, Narasaraopeta conducted autopsy over the headless dead body of the deceased. He opined the cause of death was due to decapitation. He issued final opinion under Ex.P7.

(v) On 27.03.2017 P.W.10 recorded statements of P.Ws.2, 3 and 8. On 30.03.2017 P.W.10 along with mediators P.W.1 and others apprehended the accused near Indiragandhi statue centre, Narasaraopeta while he was going in an auto-rickshaw bearing No.AP-07-TF-6393. The accused confessed about the commission of offence. P.W.10 seized M.O.8-auto-rickshaw. On the confession made by the accused, P.W.10 recovered the head of the deceased from a drainage canal situated at Janda chettu road, Prakash Nagar, Narasaraopeta. He recovered the head under a panchanama-Ex.P3 with the help of Municipal worker. He photographed the recovery proceedings of the head in the presence of P.W.8 *vide* Ex.P9. The parents of the deceased identified the head of the deceased. He shifted the head to

Government Area Hospital, Narasaraopeta. Then the accused led the mediators and P.W.10 near H.P. gas godown and showed the place where he burnt the clothes of the deceased. P.W.10 seized M.O.1-ash and M.O.2-control earth under a panchanama Ex.P.4 in the presence of mediators. He also got the said place photographed through P.W.5. Photographs were marked as Ex.P10. As it was late in the night he took the accused to police station and kept him in lockup. On the next day i.e., on 31.03.2017 the accused led P.W.10 and mediators towards back side of the blind school situated at Prakash Nagar from where he picked up M.O.3-knife which was seized under a panchanama-Ex.P5. Thereafter, the accused led mediators towards Sattenapalli road where P.W.10 seized M.O.4-blood stained auto seat cover under cover of a panchanama-Ex.P6. Thereafter, the accused was arrested and remanded to judicial custody.

(vi) He forwarded the material objects to RFSL Guntur. He also forwarded the preserved material i.e., skull, sternum to TSFSL, Hyderabad for DNA test. DNA report was marked as Ex.P15, TSFSL report is marked as Ex.P16. Report of the Fingerprint Unit CID, Guntur was marked as Ex.P3 and radio message was marked as Ex.P22. On 01.04.2017 P.W.10 recorded the statement of P.W.9 in whose name the auto-rickshaw-M.O.8 stands. After receipt of all the documents and after completion of investigation, P.W.10 filed charge sheet.

5. In support of its case, the prosecution examined P.Ws.1 to 11, marked Exs.P1 to P23 and exhibited M.Os.1 to 8. On behalf of the defence, Ex.D.1-relevant portion of Section 161 Cr.P.C. statement of P.W.4 was marked.

6. When the accused was examined under Section 313 Cr.P.C., he denied the incriminating evidence appearing against him.

7. Accepting the evidence of prosecution witnesses, the learned Additional Sessions Judge convicted the appellant as aforesaid.

8. Heard Smt A.Swarupa Reddy, learned counsel for the appellant and Sri.Marri Venkata Ramana, learned Additional Public Prosecutor for the respondent-State.

9. Learned counsel for the appellant contended that there are no eye witnesses in the present case and the case rests on circumstantial evidence. She further contended that the prosecution could not able to prove the motive and also last seen theory. The only circumstance relied on by the prosecution is the so-called recovery. She contended that all the prosecution witnesses relied on by the prosecution to establish the last seen theory did not support prosecution. So far as the motive is concerned, the prosecution also is not able to prove the same. As such, she requests this Court to set aside the conviction and sentence recorded by the learned Additional Sessions Judge against the appellant.

10. On the other hand, the learned Additional Public Prosecutor opposed the appeal contending that the prosecution could able to prove the last seen theory, motive for the accused and also recovery of the head, knife, ash of burnt clothes and also blood stained auto seat cover at the instance of the accused. He further contends that through the efforts of Fingerprint unit, clues team, the headless dead body was identified within no time as that of the deceased with the help of the Fingerprint slip with Tin No.1264970 as the deceased was ex-

convict in other crimes. As such, the prosecution could able to prove the guilt of the accused beyond reasonable doubt on the basis of circumstantial evidence.

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

12. P.W.1-Village Revenue Officer having found the headless dead body on 26.03.2017 at about 7.00 A.M. set the criminal law into motion. Immediately, after registering the crime, P.W.10 went to the scene of offence and with the help of Fingerprint unit CID, he could identify the headless dead body as that of the deceased. P.W.10 in his evidence has categorically stated that with the help of Fingerprint unit, he summoned the kith and kin of the deceased who could identify the headless dead body that was belonging to the deceased. P.W.10 in his evidence further stated that during the course of investigation, he could able to gather information that the deceased used to move in the auto-rickshaw of the accused. P.W.10 in his evidence further stated that he apprehended the accused on 30.03.2017. P.W.10 in his evidence further stated that at the instance of accused, he recovered the head in a drainage canal in the presence of mediators. He further stated that at the instance of accused he recovered blood stained knife-M.O.3, burnt clothes ash-M.O.1, blood stained auto seat cover-M.O.4. All these recoveries are made in terms of Section 27 of the Indian Evidence Act. The mediators for recovery of M.Os.1, 3 and 4 supported the prosecution. Though mediators were cross-examined, nothing adverse was elicited from their evidence. Further, prosecution by producing DNA report-Ex.P15 could able to establish that head and trunk belonging to the same person. The prosecution could able to

establish the identity of the deceased with the help of report of Fingerprint Unit-Ex.P23.

13. So far as the motive is concerned, the prosecution examined P.W.4-mother of the deceased. P.W.4 in her evidence stated that the accused came to her house and warned her stating “ME ABBAYINI JAGARTHAGA UNDAMANI CHEPPU NENU ALREADY OKA MURDER CASE LO UNNANU”. As such, prosecution could able to establish the motive for the accused to kill the deceased.

14. Though P.Ws.2 and 3 did not support the prosecution, all other circumstances relied on by the prosecution pointing guilt towards the accused alone and to none others.

15. In **Sharad Birdhichand Sarda Vs. State of Maharashtra**¹, the Hon'ble Apex Court laid down five golden principles, to prove the guilt of the accused in a case based on circumstantial evidence and held thus :

- 1) the circumstances from which the conclusion of guilt is to be drawn;*
- 2) the facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty;*
- 3) the circumstances should be of a conclusive nature and tendency;*
- 4) they should exclude every possible hypothesis except the one to be proved, and*

¹ (1984) 4 SCC 116 : 1984 SCC (Cri) 487

5) there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused.

16. In the case on hand, the prosecution could able to establish the motive for the accused to kill the deceased with the evidence of P.W.4. The prosecution also recovered the head of the deceased at the instance of accused under a panchanama in the presence of mediators. The recovery of head also got photographed through P.W.5 by P.W.10 in which the accused was also present at the said recovery proceedings. The recovery proceedings of M.O.1, M.O.3 and M.O.4 also photographed by the Investigating Officer. Initially, the headless dead body alone was found. The head was recovered only during the course of investigation. As such, P.W.10 could able to establish the chain of circumstances pointing guilt towards the accused alone and to none other.

17. In that view of the matter and in view of the above facts and circumstances, we do not find any ground to interfere with the conviction and sentence recorded by the learned Additional Sessions Judge. Accordingly, the Criminal Appeal is liable to be dismissed.

18. In the result, the Criminal Appeal is dismissed confirming the conviction and sentence recorded against the appellant/accused in the judgment, dated 13.03.2018 *vide* Sessions Case No.439 of 2017 by the learned XIII Additional District and Sessions Judge, Narasaraopeta, under Sections 302 and 201 IPC. As the appellant/Accused was released on bail by an order, dated 02.05.2024, in terms of the order,

dated 02.11.2016, passed by the Combined High Court in ***Batchu Rangarao and others Vs The State of Andhra Pradesh (Crl.A.M.P.No.1687 of 2016 in Crl.A.No.607 of 2011)***, he is directed to surrender before the trial Court to serve the remaining portion of sentence forthwith. Failing which, the learned XIII Additional District and Sessions Judge, Narasaraopeta, is directed to secure his presence by issuing warrants and commit him to prison to serve the remaining portion of sentence. It is needless to state that the period of imprisonment already undergone by him shall be given set off under Section 428 Cr.P.C.

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

JUSTICE K.SURESH REDDY

JUSTICE SUBBA REDDY SATTI

Dt. 09.12.2025
SAB

124

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

Criminal Appeal No.1935 of 2018
(Per Hon'ble Sri Justice K.Suresh Reddy)

Date: 09.12.2025

SAB