



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

[3560]

TUESDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 1626/2008

Between:

1. CHAVA RAMBABU, S/O RAMKOTAIAH, R/O CHAGALLU (V),
NAKARIKALLU (M), GUNTUR DIST.

...PETITIONER

AND

1. THE STATE OF A P, REP. BY THE PUBLIC PROSECUTOR, HIGH
COURT OF A.P., HYDERABAD.

2. MADDULA SEETHARAVAMMA, W/O. ANJAIAH, R/O. CHAGALLU (V),
NAKARIKALLU (M), PALANADU DISTRICT. RESPONDENT NO.2 IS
IMPLEADED AS PER THE COURT ORDER DATED 01.05.2025 IN
I.A.NO.1 OF 2025 IN CRL.R.C.NO.1626 OF 2008.

...RESPONDENT(S):

Revision filed under Section 397/401 of CrPC praying that in the circumstances stated in the affidavit filed in support of the Criminal Revision Case, the High Court may be pleased to file this CrI.R.C., against the Judgment and Sentence passed by the learned X Addl. District & Sessions Judge, Guntur at Narasaraopet, dated 05.11.08 in CrI.A.No.510 of 2006, confirming the Judgment and Sentence passed by the learned Addl. Asst. Sessions Judge, Narasaraopet, dated 15.12.06 in S.C.No.185 of 2006.

IA NO: 1 OF 2008(CRLRCMP 2239 OF 2008)

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 sentence of imprisonment passed by the learned X Addl. District

& Sessions Judge, Guntur at Narasaraopet, dated 05.11.08 in Crl.A.No.510 of 2006, confirming the Judgment and Sentence passed by the learned Addl. Asst. Sessions Judge, Narasaraopet, dated 15.12.06 in S.C.No.185 of 2006, and release the petitioner on bail, pending disposal of the Crl.R.C.

IA NO: 1 OF 2025

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 may be pleased to implead the victim/PW-1 as the 2nd respondent in Crl.R.C. No. 1626/2008 which is pending before this Hon'ble Court and pass

Counsel for the Petitioner:

1.Dr CHALLA SRINIVASA REDDY

2.00

Counsel for the Respondent(S):

1.PUBLIC PROSECUTOR

The Court made the following:

ORDER:

Being aggrieved by concurrent findings of the learned Courts against the present petitioner for order of Conviction and sentence punishable under section 354 of I.P.C., this Revision application has been preferred. Learned counsel for the petitioner submits that the prosecution has miserably failed to prove the charges against the present petitioner. There are no eye witnesses in the alleged occurrence. In the instant case the F.I.R was lodged after a long delay of 4 days, but no plausible explanation was given by the prosecution for such delay in lodging the F.I.R, which resorted to veracity of the allegations. All the witnesses of the prosecution are the relatives of the victim (PW1), thus they are all interested witnesses. No independent witnesses were put before the Trial Court except the relatives. The prosecution has placed all planted witnesses to prove the case against the present petitioner. The petitioner has been falsely implicated in this Case. He further submits that the learned Trial Court as well as the Appellate Court has recorded findings without properly appreciating the evidence.

2. He further submits that if revision of PW-1 taken to be true then, evidence of PW-3 and PW-5 can to be accepted. The learned Trial Court and the learned Appellate Court considered the evidence of PW1. As there are previous disputes between the two families therefore the petitioner has been falsely implicated. He further submits that the learned Trial Court and the learned Appellate Court failed to construe ingredients of provisions under section 354 IPC.

3. The learned Assistant Public Prosecutor submits that PW1 is the victim, who deposed the entire facts which specifically supported prosecution case. The version of PW1 was properly corroborated by PW3 and PW5 who are the eye witnesses. He further submits that PW5 has seen the accused to left the place just after the incident. The presence of the accused at the appropriate place was not disputed. The Trial Court has properly secured the evidence and also opined accordingly regarding the explanation placed by the prosecution for the delay in filing the F.I.R. He further submits that the allegations in the F.I.R have been corroborated by witnesses and thereby sufficiently proved the charge. He further submits that in the present case the accused has outraged the modesty of PW1. While she was alone at the place of incident, hence present of eye witness is not possible in this case.

4. The learned Assistant Public Prosecutor submits that according to the provisions of Section 6 of Indian Evidence Act, reliance on the evidence of PW3 as well as PW5 if narrated properly the prosecution evidence has been properly elicited. He further submits that the learned Appellate Court has properly gone through the evidence on record as well as the judgment passed by the learned Trial Court, therefore the judgment i.e., the order of conviction cannot be set aside.

5. In reply, the learned counsel for the petitioner has placed on record the decision of Constitutional Bench of this Court in "*Y.S. Nanji Reddy Vs. The State of A.P.*", Crl.R.C.637 of 1994". He submits that in the cited case similar

circumstances appeared, where in the Constitutional Bench has observed that the evidence on record cannot be reiterated. The learned Constitutional Bench in the cited case has also noted the fact that there were previous enmity and disputes between the victim family as well as the accused family, thus, conviction was not possible.

6. Heard the learned counsels of both parties.

7. Perused the judgment and order of conviction passed by the learned Trial Court. In a nutshell, the prosecution case is that when the victim lady went to field to water the field and while she was watering the field at about 3 p.m., the accused noticed loneliness of the victim lady went to her caught hold her hand, dragged her to nearby tank bund with an intention to commit rape on her and when she raised cries, PW-3 and PW-5 rushed to the spot and the accused ran away after encountering them.

8. This being the prosecution case, PW1 being the victim lady has supported the prosecution case. It has been alleged in her evidence that at the time of alleged outraging modesty of PW-1 by caught hold of her hand and dragging her to nearby tank bund by the petitioner/accused. She also clearly stated that the petitioner/ accused took her there with an intention to commit rape.

9. PW-2 is the husband of the victim lady, who deposed that he was engaged in work in another village and he returned to their village only after 4 days at about 10 p.m., on the next day, a complaint was lodged to the police

through PW1. PW3 and PW5 deposed as ocular witnesses. But in the evidence of PW5, he stated that PW1 came to him by raising cries and informed him about the incident.

10. The legal point noticed in the case is whether the evidence of PW-1, PW-3 and PW-5 are sufficient to record the conviction against the present petitioner. Simultaneously there being the evidence of DW1 who alleged previous animosity between the petitioner/accused and PW4. The learned Appellate Court, while the passing order of conviction is of opinion that the evidence of PW1, PW3 and PW5 is sufficient to record the conviction against the present petitioner. The learned Appellate Court has also opined that the delay in lodging the F.I.R is justified.

11. The alleged offence was committed on 01.03.2006 and F.I.R was lodged on 05.03.2006, resulting there is a delay of four days. The explanation given by the prosecution is that PW2 was out of village and that he reached the village at night at about 10 p.m. on 04.03.2006. The Victim lady informed the matter to him and thereafter on the next day they reported the same to the police. The learned Trial Court has noted that any lady of village cannot take such a situation independently without the presence of her husband. Hence, the delay was perfectly explained. The learned Appellate Court has also been satisfied with such explanation.

12. In the present case, admittedly the victim lady is a village lady who resided with her husband. Incidentally her husband (PW2) was not in the

village at the time of occurrence. He came to the village on 4th March 2006 at about 10 p.m. and on the next day i.e., on 5th March 2006 at about 12 Noon they lodged a report to the police. The entire allegation regarding delay in lodging FIR is a issue.

13. Basically, a criminal case relating to outraging the modesty of a woman is not an easy exercise to be undertaken. Moreover consequent to its filing, the knowledge of such event shall spread in the society, which may put a lady in such a situation, which cannot be dealt with her without the support of the family. Thus, in my view, the explanation given by the prosecution is quite justified.

14. In the respect of the evidence of DW-1 regarding previous enmity of PW-4 and accused, it appears that PW-4 is the brother-in-law of the victim lady. It has been disbelieved by the Trial Court that there were previous disputes between PW-4 and the accused regarding the demand for money towards ploughing charges. In this case, the allegation under section 354 of I.P.C against the present petitioner by the victim lady in such a situation cannot be said to have been planned if it is still believed to be true.

15. Thus, in my view, it is justly arrived at the circumstances of a true case. It is not believable that victim lady can create such situation which laid petitioner in a false implication. In the cited case before Constitutional Bench, it has been proved that there was previous animosity between the families of the victim lady as well as the accused person. The learned Constitutional

Bench has also found the delay in lodging of the F.I.R. The F.I.R of cited case is silent about the presence of the ocular witnesses, but in the presence of PW-3 and PW-5 are present in the scene of offence.

After entire evaluation of the observations of the Trial Court as well as the Appellate Court regarding order of conviction, are found sustainable; there are no illegality or impropriety; hence the instant Criminal Revision Case is dismissed as devoid of merit. There shall be no order as to costs.

As a sequel, Interlocutory Applications pending, if any, in this petition, shall stand closed.

JUSTICE SUBHENDU SAMANTA

Date: 02.12.2025
JLSR/PBS