



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

[3521]

THURSDAY, THE 30th DAY OF JULY 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL REVISION CASE NO: 213/2019

Between:

1.N.HEMALTA, W/O NEELURI BALAKRISHNA AGED ABOUT 27
YEARS D.NO. 2/603, SANTHINAGAR, DHARMAVARAM.

...PETITIONER

AND

1.NEELURI BALAKRISHNA, D.NO. 25/363, PARTHASARATHI NAGAR,
DHARMAVARAM.

2.NEELURI LAKSHMIDEVI, W/O LACHANNA, AGED ABOUT 65
YEARS.OF D.NO. 25/363, PARTHASARATHI NAGAR,
DHARMAVARAM

3.NEELURI JAGANNATH, S/O LACHANNA, AGED ABOUT 53 YEARS.
RESIDENTS OF D.NO. 25/363, PARTHASARATHI NAGAR,
DHARMAVARAM.

4.GOONDA SAVITHRAMMA, W/O SREENIVASULU AGED ABOUT 32
YEARS, PLOT NO. 1463, L3 KETHIREDDY COLONY,
DHARMAVARAM.

5.BEERA VISWANATH ALIAS NATHAIAH, S/O CHINNAPPA AGED
ABOUT 42 YEARS, D. NO. 24/427, SIDDAIAHGUTTA
DHARMAVARAM

6.GOONDA SREENIVASULU, S/O GOONDA OBULESU AGED ABOUT
37 YEARS, PLOT NO. 1463 L3, KETHIREDDY COLONY,
DHARMAVARAM

...RESPONDENT(S):

Counsel for the Petitioner:

1.K SRINIVAS

Counsel for the Respondent(S):

1.KATA SAMBASIVA RAO

2.N ASWARTHA NARAYANA

The Court made the following:

ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for brevity 'the Cr.P.C'), challenging the judgment dated 25.05.2017 passed in Crl.A.No.94 of 2014, whereby the learned Appellate Court confirmed the judgment dated 05.05.2014 passed by the learned Judicial Magistrate of First Class, Dharmavaram, in C.C.No.171 of 2008, acquitting the accused of the charge punishable under Section 498-A of the Indian Penal Code, 1860 (for brevity 'the I.P.C').

2. Heard the learned Counsel for the Petitioner, the learned Counsel for Respondent Nos.1 to 6, and the learned Assistant Public Prosecutor.

3. Sri K. Srinivas, learned Counsel for the Petitioner, while reiterating the grounds urged in the revision, submits that the learned Trial Court and the learned Appellate Court erroneously failed to properly appreciate the evidence adduced by the prosecution. Therefore, he prays that the Criminal Revision Case be allowed.

4. *Per contra*, Mr. A. Sai Rohit, learned Assistant Public Prosecutor, and the learned Counsel for Respondent Nos.1 to 6 submit that the learned

Appellate Court rightly appreciated the evidence on record and correctly confirmed the judgment of acquittal passed by the learned Trial Court in respect of the charge punishable under Section 498-A of 'the I.P.C.,' and urged to dismiss the Criminal Revision Case.

5. Thoughtful consideration is bestowed on the arguments advanced by the learned Counsel for both sides. I have perused the entire record.

6. Now the point for consideration is:

"Whether the judgment in C.C.No.171 of 2008 dated 05.09.2014, passed by the learned Judicial Magistrate of I Class, Dharmavaram, is correct, legal, and proper with respect to its finding, sentence, or judgment, and there are any material irregularities? And to what relief?"

7. While deciding a Criminal Revision Case filed against acquittal of accused, it is apposite to refer the Hon'ble Apex Court in **Bindeshwari Prasad Singh v State of Bihar**¹ wherein at Paragraph No.13 it is held as under:

"13. ... In the absence of any legal infirmity either in the procedure or in the conduct of the trial, there was no justification for the High Court to interfere in exercise of its revisional jurisdiction. It has repeatedly been held that the High Court should not re-appreciate the evidence to reach a finding different from the trial Court. In the absence of manifest illegality resulting in grave miscarriage of justice, exercise of revisional jurisdiction in such cases is not warranted."

8. The Hon'ble Supreme Court in **D Stephens v Nosibolla**² at Paragraph No.10 held as under:

"The revisional jurisdiction conferred on the High Court under S. 439, Cr.P.C., is not to be lightly exercised, when it is invoked by a private complainant against an order of acquittal, against which the Govt. has a right of appeal under S. 417. It could be exercised only in

¹(2002) 6 SCC 650

²AIR 1951 SC 196

exceptional cases where the interests of public justice require interference for the correction of a manifest illegality, or the prevention of a gross miscarriage of justice. This jurisdiction is not ordinarily invoked or used merely because the lower court has taken a wrong view of the law or mis-appreciated the evidence on record.”

9. The Hon’ble Apex Court in **K Chinnaswamy Reddy v State of AP**³, at

Paragraph No.7 held as under:

“7. It is true that it is open to a High Court in revision to set aside an order of acquittal even at the instance of private parties, though the State may not have thought fit to appeal; but this jurisdiction should in our opinion be exercised by the High Court only in exceptional cases, when there is some glaring defect in the procedure or there is a manifest error on a point of law and consequently there has been a flagrant miscarriage of justice. Sub-section (4) of S. 439 forbids a High Court from converting a finding of acquittal into one of conviction and that makes it all the more incumbent on the High Court to see that it does not, convert the finding of acquittal into one of conviction by the indirect method of ordering retrial when it cannot itself directly convert a finding of acquittal into a finding of conviction. This places limitations on the power of the High Court to set aside a finding of acquittal in revision and it is only in exceptional cases that this power should be exercised. It is not possible to lay down the criteria for determining such exceptional cases which would cover all contingencies. We may, however, indicate some cases of this kind which would in our opinion justify the High Court in interfering with a finding of acquittal in revision. These cases may be: where the trial court has no jurisdiction to try the case but has still acquitted the accused, or where the trial court has wrongly shut out evidence which the prosecution wished to produce, or where the appeal court has wrongly held evidence which was admitted by the trial court to be inadmissible, or where material evidence has been overlooked either by the trial court or by the appeal court, or where the acquittal is based on a compounding of the offence, which is invalid under the law. These and other cases of similar nature can properly be held to be cases of exceptional nature, where the High Court can justifiably interfere with an order of acquittal; an in such a case it is obvious that it cannot be said that the High Court was doing indirectly what it could not do directly in view of the provisions of S. 439 (4). We have, therefore, to see whether the order of the High Court setting aside the order of acquittal in this case can be upheld on these principles.”

10. Keeping in view of all the principles laid down in the judgments referred *supra*, I shall proceed to decide this Revision Case without there being any

³ AIR 1962 SC 1788

iota of re-appreciation of evidence by sitting like a Second Appellate Court.

Therefore, appreciation of the evidence is not practically possible and feasible.

11. The prosecution examined P.Ws.1 to 9 and marked Exs.P-1 and P-2.

The learned Appellate Court did not believe the prosecution case, holding that the evidence of the prosecution witnesses was contradictory and suffered from material infirmities. It was further held that the prosecution evidence was insufficient to establish the guilt of the accused beyond all reasonable doubt.

On a careful perusal of the entire judgment of the learned Appellate Court, there is no perversity. There is no flagrant miscarriage of justice and there were no material irregularities. Therefore, the judgment of the learned Appellate Court is required to be upheld by dismissing the Revision Case.

12. For the above reasons, the Criminal Revision Case fails and is, accordingly, dismissed. No order as to costs.

As a sequel, interlocutory applications, if any pending, shall stand closed.

Dr. Y. LAKSHMANA RAO, J

Dt: 30.07.2026
KMS

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

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Date: 30.07.2026
KMS