

**HIGH COURT FOR THE STATE OF TELANGANA**

**MAIN CASE: CrI.A.No.483 of 2024**

**PROCEEDING SHEET**

| <b>Sl.<br/>No</b> | <b>DATE</b> | <b>ORDER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>OFFICE<br/>NOTE</b> |
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|                   | 08.06.2026  | <p><b><u>KL, J &amp; BRMR, J</u></b></p> <p style="text-align: center;"><b><u>I.A.No.1 of 2025</u></b></p> <p>Heard Mrs.C.Vasundhara Reddy, learned counsel for the petitioner/accused and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent – State.</p> <p>Petitioner herein is the sole accused in S.C.No.453 of 2022 on the file of the learned Principal Sessions Judge, Hanumakonda. <i>Vide</i> the impugned Judgment dated 15.04.2024, the learned trial Court convicted the petitioner herein for the offence punishable under Section 302 of IPC and sentenced him to undergo life imprisonment.</p> <p>Learned counsel for the petitioner would contend that PWs.2 and 7 are planted witnesses. There are serious discrepancies with regard to the time of incident. In Ex.P.3 crime details form, the blood stains and death of the deceased was not shown beside the stone. There is also another discrepancy with regard to the scene of offence. PW.7 is a child witness and his evidence cannot be believed. He was tutored by his mother and grandmother. Finger prints were not lifted. Scientific Officer, who visited the scene of offence, was</p> |                        |

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|  |  | <p>not examined, which could have been best evidence. Therefore, the depositions of DW.1 and CW.1 were not considered. Therefore, the case of the prosecution is doubtful. The deceased has many enemies and he used to manipulate pattadar passbooks and the said fact was spoken by PW.1. PWs.3, 6 and 7 were examined after one week from the date of incident i.e., 15.07.2021. Time of death of the deceased is also not proved by the prosecution beyond reasonable doubt. Without considering the said aspects, learned trial Court convicted the petitioner and sentenced him to under go life imprisonment. Petitioner is in jail from 15.04.2024.</p> <p>In support of her contentions, learned counsel for the petitioner placed reliance on the principle laid down by the Apex Court in <i>Manuwa alias Satish and others v. State of Uttar Pradesh</i><sup>1</sup>.</p> <p>Whereas, learned Additional Public Prosecutor would contend that PWs.2 and 7 are the eye-witnesses. PW.3 also specifically deposed that the petitioner going towards Mysamma Kunta area holding an axe. PW.4, circumstantial witness, also spoken that the petitioner/accused moving here and there holding an axe. Considering the said evidence, learned trial Court rightly convicted the petitioner and sentenced him to undergo life imprisonment. The offence committed by the petitioner is serious and grave in nature.</p> |  |
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<sup>1</sup> (2023) 1 SCC 714

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|  |  | <p>PW.2 is the friend of the deceased. PW.2 and the deceased went for walk along with PW.7, grandson of the deceased. PW.2 had spoken about the role played by the petitioner specifically. Even PW.3, another circumstantial witness, categorically stated that he noticed that the petitioner/accused going towards Mysamma Kunta area holding an axe. Even then nothing was elicited from PW.3 during cross-examination.</p> <p>It is apt to note that PW.4, resident of Rampet Village, Kazipet Mandal, also specifically deposed that the accused is moving here and there holding an axe. PW.7, who is the grandson of the deceased, is six years old at the time of giving his deposition. Learned trial Court posed certain questions to PW.7 and on satisfaction that PW.7 is in a position to give evidence, recorded his evidence. PW.7 also specifically stated that when he and PW.2 were walking with the deceased, the petitioner/accused beat his grandfather (deceased) with an axe. PW.10 – Doctor, who conducted autopsy over the dead body of the deceased, found 12 injuries, which are grievous in nature. PW.8 is the panch witness for recovery of M.O.1 axe. Even then nothing was elicited from them during cross-examination.</p> <p>On consideration of the said aspects only, learned trial Court convicted the petitioner for the offence</p> |  |
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|  | <p>punishable under Section 302 of IPC and sentenced him to undergo life imprisonment.</p> <p>While deciding bail application, this Court cannot analyze the evidence of prosecution witnesses as held by the Apex Court in <b>Omprakash Sahni v. Jai Shankar Chaudhary [(2023) 6 SCC 123]</b> and the same was reiterated in <b>Rajesh Upadhayay v. The State of Bihar [2025 INSC 1468]</b>.</p> <p><i>Prima facie</i>, there are specific allegations against the petitioner herein and both the eye-witnesses i.e., PWs.2 and 7 have specifically spoken the role played by the petitioner in commission of offence.</p> <p>In the light of the aforesaid discussion, we are not inclined to grant bail to the petitioner/accused. Accordingly, this petition is liable to be dismissed and accordingly, it is dismissed.</p> <p style="text-align: right;">_____<br/><b>KL, J</b></p> <p style="text-align: right;">_____<br/><b>BRMR, J</b></p> <p style="text-align: center;"><b><u>Crl.A.No.483 of 2024</u></b></p> <p style="text-align: center;">List on 22.07.2026 for hearing the appeal finally.</p> <p style="text-align: right;">B/o.<br/>Ynk</p> |  |
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