

HIGH COURT FOR THE STATE OF TELANGANA
MAIN CASE: CrI.A.No.776 of 2024
PROCEEDING SHEET

Sl. No	DATE	ORDER	OFFICE NOTE
	15.04.2026	<p data-bbox="524 436 784 470"><u>KL,J & BRMR,J</u></p> <p data-bbox="816 491 1024 525"><u>I.A.No.3 of 2024</u></p> <p data-bbox="524 543 1313 688">Sri G.Satyanarayana Yadav, learned counsel for the petitioner and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor.</p> <p data-bbox="524 709 1313 1079">Petitioner is sole accused in S.C.No.110 of 2015. <i>Vide</i> impugned judgment dated 10.06.2024, learned Special Sessions Judge for the Trial of SCs/STs (POA) Act Cases-cum-II Additional District and Sessions Judge at Nalgonda, convicted him for the offence under Section 302 of IPC and sentenced him to undergo life imprisonment. He is in jail from 10.06.2024.</p> <p data-bbox="524 1100 1313 1415">Learned counsel for the petitioner would contend that there is no motive and prosecution utterly failed to prove motive beyond reasonable doubt. Petitioner is suffering with mental illness and learned Magistrate referred him to medical examination and found that he is suffering with mental illness.</p> <p data-bbox="524 1436 1313 1864">Medical evidence is not corroborative. P.Ws.1 to 3 are sons and grandson, respectively and they are interested witnesses. Deceased has too many enemies and the same is spoken to by P.Ws.1 to 3. There is discrepancy with regard to villagers keeping the deceased in a school/panchayat office. There is also discrepancy with regard to raising hues and cries. Prosecution did not examine any villager/independent witness. There is also discrepancy with</p>	

regard to nature of injuries and also the objects alleged to have been used by the petitioner. P.Ws.11 and 12, panch witnesses did not support the prosecution witnesses and they turned hostile. The evidence of P.W.4 is also not believable, he was minor at that point of time. Even the depositions of P.Ws.1 to 3 are also not reliable. There is discrepancy with regard to playing of P.Ws.4, 5 and 6. The villagers targeted the petitioner and implicated him in the present case. In Ex.P15, the house of P.W.1 is at 170 meters away from the scene of offence. Therefore, hearing hues and cries by P.W.1 is not possible and his evidence cannot be believed. Ex.P19/FSL report also reveals that blood group of blood stains on item Nos.1, 3 and 5 could not be determined. Without considering the said aspects, learned trial Court sentenced him to undergo life imprisonment.

Whereas learned Additional Public Prosecutor would contend that P.Ws.1 to 4 and 6 are eye witnesses and learned trial Court, on consideration of their evidence, recorded conviction against the petitioner.

P.W.10/panch witness to the inquest and seizure under Ex.P6 supported the case of the prosecution. P.W.14/Doctor, who conducted autopsy over the dead body of the deceased opined that there are four injuries on the dead body of the deceased and cause of death is due to hemorrhagic shock due to poly trauma (multiple injuries). He gave his report i.e.,Ex.P12. On consideration of the said aspects only, learned trial Court convicted the petitioner.

Perusal of record would reveal that, according to the prosecution, the deceased knows mantras/sorcery/black magic. Petitioner suspected that the deceased made sorcery

to his sheep. Therefore, he killed the deceased. P.Ws.1 to 4 and 6 are eye witnesses to the incident. In one voice, they have deposed that the petitioner/accused committed murder of the deceased with an axe i.e., M.O.1. Just because they are relatives of the deceased, their evidence cannot be brushed aside. Petitioner has not taken defence that he is suffering with mental illness and also protection under Section 84 of IPC.

With regard to contentions of the petitioner, there is discrepancy with regard to hues and cries, objects with which alleged injuries caused on the dead body, nature of injuries etc., can be considered at the time of hearing of the appeal finally.

It is opt to note that in Section 313 Cr.P.C examination, petitioner/accused specifically stated that he has not committed any offence. Police arrested him at his house and referred him to Erragadda Hospital.

Learned counsel for the petitioner has produced proceedings dated 16.12.2024 to contend that the petitioner is suffering with mental illness. In the said proceedings, it is mentioned that the appellant was referred to Government Hospital for Mental Care, Hyderabad on 26.02.2013 and he was discharged on 25.04.2013. He was handed over to police on 11.05.2013 and thereafter, he was shifted to District Jail, Nalgonda. Petitioner was again referred to the said hospital on 22.07.2024 and was discharged on 29.08.2024 with an advice to take medication regularly and come for follow up treatment for every month. He again went to the said hospital on 07.12.2024 as outpatient during interim bail along with his son. In the said proceedings, it is

also mentioned that the petitioner has completely stopped medication and developed recurrence of symptoms. He was given medicines and injections and advised to come after 15 days for follow up. He was again referred to Institute of Mental Health on 16.12.2024. Petitioner was non cooperative for the examination. Therefore, detailed lunation could not be performed. He needs to be admitted in the hospital for observation, detail evaluation and management.

Learned Additional Public Prosecutor has produced medical certificate dated 08.04.2025 issued by Medical Officer, Central Prison, Cherlapalli, wherein it is stated as follows:

“1. He was admitted in Institute of Mental Health care on 22.07.2024 and was discharged on 04.09.2024 for complaints of sleeplessness, not taking food, not talking to others and found withdrawn from others.

2. He was on regular consultations with IMH doctors monthly.

3. At present he is monitored regularly by IMH doctors and is maintained, doing well with medication. He is on Tab.Olanzapine 10mg daily one, Tab.Esciloporam.10 mg daily once, Tab.THP daily once, Tab.Lorazepam 2mg SOS.

4. He was complaining of chest pain in Jan, 2026, or which referral was done in Gandhi Hospital.

5. He was also complaining of Rediness of Bilateral eyes ophthalmologist referral was done, diagnosed as bilateral nasal pteryglum and treated symptomatically.

6. Recent psychiatric referral was done on 07.04.2026.

7. On 08.04.2026, he was complaining of burning micturition, treated symptomatically.

8. At present, his vitals are stable.”

As discussed supra, the aforesaid contentions of learned counsel for the petitioner can be considered at the time of hearing of the appeal finally. There are five eye witnesses. In one voice, all of them have specifically deposed that the petitioner committed the offence.

The aforesaid discussion also would reveal that the petitioner is suffering with mental illness. He is not cooperating to the Doctors for the complete evaluation. He needs admission in the hospital and regular treatment for the said mental illness.

Analysis of evidence of witnesses while considering bail application is impermissible as held by the Hon'ble Supreme Court in **Omprakash Sahni v. Jai Shankar Chaudhary** [(2023) 6 SCC 123].

In view of the same, we are not inclined to grant bail to the petitioner. This bail application is liable to be dismissed and accordingly, dismissed. However, the Superintendent, Central Prison, Cherlapalli, Medchal-Malkajgiri District is directed to admit the petitioner in Institute of Mental Health Care, Errgadda for a period of three (3) months for the purpose of evaluation of petitioner's mental/health condition completely and to submit report. However, liberty is granted to the petitioner to renew his request after three (3) months.

KL,J

BRMR,J

CrI.A.No.776 of 2024
List on 15.07.2026.

kvs

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