



2026:TSHC:4657

[3385]

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**WEDNESDAY, THE TWENTY FIFTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL APPEAL NO: 891 OF 2024

Criminal Appeal Under Section 372 of Cr.P.C. R/w 415 (2) of BNSS aggrieved by the Judgment dated 13- 12- 2023 passed in CrI. A. 12 of 2023 on the file of the Court of the Principal District & Sessions Judge, at Narayanpet preferred against the Judgment dated 30- 06- 2023 passed in C. C. No. 217 of 2022 (old C. C. No. 597 of 2016 on the file of the Court of the Junior Civil Judge –cum- Judicial Magistrate of First Class at Kosgi.

Between:

Shetty Renuka, W/o. Shetty Chandra Shekar, Aged: 56 years, Occ: Agriculture,
R/o. Sarjhakhanpet Village, Kosgi Mandal, Narayanpet District.

AND

...Apellant/Defacto Complainant

1. The State of Telangana, Rep. by Public Prosecutor, High Court at Hyderabad.

**...Respondent/
Respondent**

2. Mone Ramchander, S/o. Basappa, Aged: 32 years,
3. Mone Ramulu, S/o. Basappa, Aged: 40 years,
4. Mone Kamma, W/o. Mone Basappa. Aged: 65 years.
5. Mone Laxmi, W/o. Ramulu, Aged: 35 years,
6. Mone Suvarna, W/o. Ramchander, Aged: 30 years,
7. Mone Archana, W/o. Shravan Kumar, Aged: 28 years,

All Respondents (2 to 7) Occ: Agriculture, R/o. H. No. 5- 31, Sarjhakhanpet
Village, Kosgi Mandal, Narayanpet District.

**...Respodents/Appellants/
Accused**



2026:TSHC:4657

Counsel for the Appellant : Sri B Shiva Kumar

**Counsel for the Respondent No.1 : Sri M Ramachandra Reddy,
Additional Public Prosecutor**

Counsel for the Respondent Nos. 2 to 7: Sri K Ramesh Babu.

The Court made the following: JUDGMENT



2026:TSHC:4657

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL APPEAL No.891 of 2024

DATE:25.03.2026

BETWEEN:

Shetty Renuka

.....Appellant /Defacto complainant

And

The State of Telangana,
Rep., by Public Prosecutor,
High Court at Hyderabad & six others
.....Respondents

: JUDGMENT :

This Criminal appeal is filed aggrieved by the judgment dated 13.12.2023 passed in CrI.A.No.12 of 2023 by the Principal District and Sessions Judge at Narayanpet, wherein the appellate Court reversed the judgment of the trial Court in C.C.No.217 of 2022.



2026:TSHC:4657

2. C.C. No. 217 of 2022 was filed against respondent Nos. 2 to 7/accused for the offences punishable under Sections 323, 448, 504, and 506 read with Section 34 of the Indian Penal Code (for short "IPC"). On behalf of the prosecution, PWs.1 to 6 were examined and Exs.P.1 to P.4 were marked. Upon appreciation of the evidence on record, the trial Court convicted the accused for the offences under Sections 323 and 448 of IPC and sentenced them to pay a fine of Rs. 1,000/- each, in default to undergo simple imprisonment for 15 days on each count. Aggrieved by the said judgment, the accused preferred Crl.A.No.12 of 2023, wherein the appellate Court, on reappraisal of the evidence, held that the prosecution failed to prove the charges beyond reasonable doubt and accordingly set aside the conviction and acquitted the accused.

3. Heard Sri B.Shiva Kumar, learned counsel for the appellant, Sri M.Ramachandra Reddy, learned Additional Public Prosecutor appearing for respondent No.1-State and Sri K.Ramesh Babu, learned counsel appearing for respondent Nos.2 to 7.

4. The learned counsel for the appellant contends that the evidence on record is sufficient to establish the guilt of the accused and that the trial Court rightly convicted them. It is



submitted that the Sessions Judge erred in concluding that PW.1 did not file a copy of the report along with Ex.P.1 and failed to properly appreciate the evidence of PWs.1 to 5, who supported the prosecution case. It is further contended that the appellate Court wrongly accepted the defence version that a prior criminal case and refusal to compromise led to false implication as a counterblast. Hence, prayed this Court to set aside the judgment of the appellate Court by allowing this criminal appeal.

5. On the other hand, the learned counsel for respondent Nos.2 to 7 contends that there is no sufficient evidence on record to establish the guilt of the accused for the offences under Sections 323 and 448 of IPC. It is submitted that the trial Court erred in convicting the accused, whereas the appellate Court rightly set aside the conviction in view of material contradictions in the evidence of PWs.1 and 2 and lack of corroboration in the testimony of PWs.1 to 5. Hence, the appellate Court has rightly set aside the conviction and prayed to dismiss this appeal.

6. Upon considering the submissions made by the learned counsel on both sides and on perusal of the material available



on record, this Court finds that, in order to prove the allegations against respondent Nos.2 to 7/accused, the prosecution examined PWs.1 to 6. PW.1 is the de facto complainant and alleged injured, PW.2 is cited as an eye-witness, PW.3 to PW.5 are mediators, and PW.6 is the Investigating Officer. It is an admitted fact that there exists a long-standing dispute between the parties with regard to an open piece of land adjacent to the house of PW.1, with both sides claiming right and possession over the same. According to the prosecution, due to such dispute, the accused developed grudge and allegedly trespassed into the house of PW.1 and assaulted her.

7. However, a careful appreciation of the evidence reveals material inconsistencies. PW.1, in her testimony, stated that A.1 alone caught hold of her hair, dragged her, and assaulted her, but she did not specify any particular injury sustained nor attribute any specific overt act to A.2 to A.6. In contrast, the evidence of PWs.2 and 3 suggests that all the accused participated in the assault, which is inconsistent with the version of PW.1. Further, there is no medical evidence on record to substantiate any injury allegedly sustained by PW.1. These contradictions and lack of corroboration create serious doubt regarding the prosecution case.



8. With regard to the offence under Section 448 of IPC, in view of the admitted civil dispute concerning the ownership and possession of the land, this Court is of the opinion that it cannot be conclusively determined in the criminal proceedings that the accused had no right over the property so as to constitute criminal trespass. In such circumstances, this Court finds that the trial Court erred in convicting the accused, whereas the appellate Court has rightly appreciated the evidence and set aside the conviction. This Court finds no valid grounds to interfere with the well-reasoned judgment of the appellate Court.

9. Accordingly, the Criminal Appeal is dismissed confirming the judgment dated 13.12.2023 passed in CrI.A.No.12 of 2023 by the Principal District and Sessions Judge at Narayanpet.

Miscellaneous petitions, if any, pending shall stand closed.

SD/- P.CH.NAGABHUSHAMBA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal District & Sessions Judge, at Narayanpet .
2. The Junior Civil Judge –cum- Judicial Magistrate of First Class at Kosgi. (with records, if any)
3. The Station House Officer, Kosgi Police Station, Mahabubnagar District.
4. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
5. One CC to Sri B Shiva Kumar, Advocate [OPUC]
6. One CC to Sri K Ramesh Babu, Advocate [OPUC]
7. Two CD Copies

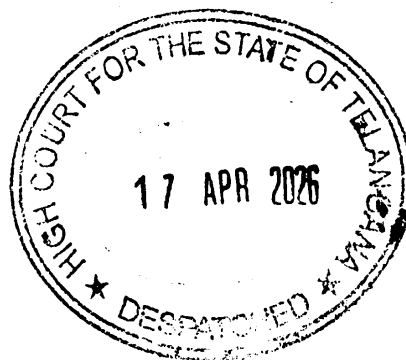
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2026:TSHC:4657

HIGH COURT

DATED: 25/03/2026



JUDGMENT

CRLA.No.891 of 2024

DISMISSING THE CRIMINAL APPEAL

W/S
18/04/26