

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

**FRIDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE**

:PRESENT:

**THE HONOURABLE SRI JUSTICE K.LAKSHMAN
AND
THE HONOURABLE SMT JUSTICE K. SUJANA**

**IA No. 1 OF 2023
IN
CRLA NO: 936 OF 2023**

Between:

Kakati Saraswathi, W/o. Late Srinu.

...Petitioner/Appellant
(Petitioner in CRLA 936 OF 2023
on the file of High Court)

AND

The State of Telangana, Rep. , by its Public Prosecutor, High Court for the State
of Telangana at Hyderabad.

...Respondent/Respondent
(Respondents in-do-)

Counsel for the Petitioner :C SHARAN REDDY

Counsel for the Respondent :PUBLIC PROSECUTOR

Petition under Section 389(1) of Cr.P.C praying that in the
circumstances stated in the affidavit filed in support of the petition, the High
Court may be pleased to suspend the execution of sentence of imprisonment
passed in S. C. No. 37 of 2022 on the file of the Principal Sessions Judge at
Bhadradi Kothagudem and release the petitioner on bail, Pending disposal of
CRLA No. 936 of 2023, on the file of the High Court.

**The Court made the following
ORDER**

**THE HON'BLE SRI JUSTICE K.LAKSHMAN
AND
THE HON'BLE SMT JUSTICE K.SUJANA**

**I.A.NO.1 OF 2023
IN
CRIMINAL APPEAL No.936 OF 2023**

ORDER : (per Hon'ble Smt Justice K.Sujana)

This petition is filed under Section 389 (1) Cr.P.C., by the petitioner/sole accused in S.C.No.37 of 2022 on the file of the Principal Sessions Judge, at Bhadradri Kothagudem. She was convicted on 20.10.2023 for the offence punishable under Section 302 IPC and was sentenced to undergo life imprisonment and to pay a sum of Rs.2,000/- (Rupees Two Thousand Only) and in default of which to undergo simple imprisonment for two months.

2. Heard Sri C.Sharan Reddy, learned counsel for petitioner/accused, and Sri T.V.Ramana Rao, learned Additional Public Prosecutor appearing for respondent -- State.

3. Learned counsel for the petitioner/accused submits that the evidence on record is not sufficient to prove the

- 2 -

guilt of the accused. Without there being any corroborating evidence, the trial Court convicted the accused basing on the dying declaration - Ex.P5 which lacks clarity. He further submits that the trial Court ought to have seen that deceased was taken to various hospitals till his death and though the deceased stated in his dying declaration that accused gave him an injection under the guise of giving birth to children, PW.1 has not stated the same and the same was not proved by the prosecution. As such, prayed this Court to enlarge the petitioner/accused on bail by suspending the sentences awarded to her.

4. Per contra, learned Additional Public Prosecutor vehemently opposed the bail application stating that the evidence on record is sufficient to prove the guilt of the accused as the evidence of PWs.1 to 4 is corroborating with each other and the same also corroborates with the dying declaration (Ex.P5). Therefore, there are no infirmities in the judgment of the trial Court. As such, prayed this Court to dismiss the bail application.

- 3 -

5. The facts of the case are that PW.1 is the *de facto* complainant who lodged complaint on 20.01.2020 stating that the deceased married the elder daughter of Kathi Venkateswarlu, by name Saraswathi (accused) and that there are disputes between them. He deposed that on 24.12.2019 the deceased arrived to his native village with accused for Christmas festival and the accused prepared some non veg curry and served it to the deceased only, due to which the deceased suffered from vomiting and diarrhoea. Later, the deceased was shifted to the Government Hospital, Kothagudem, for treatment. After two days, he was shifted to Dr.Ramesh Babu Hospital but due to refusal to provide treatment, the deceased was shifted to Dr.Nagaraju's Hospital and thereafter, he was shifted to KIMS Hospital, Khammam, for further treatment. Subsequently, he died due to the unknown poison.

6. Having regard to the rival submissions made, it is noted that the evidence of PWs.1 to 4 is corroborating with the dying declaration (Ex.P5), and the evidence of PW.5 - Medical Officer, also shows that the deceased died due to unknown poison. Therefore, this Court is not

- 4 -

inclined to grant bail to petitioner/accused at this stage. The impugned judgment dated 20.10.2023 requires detailed examination during the course of hearing of the appeal finally and the learned counsel for petitioner/accused can raise other contentions at the time of disposal of appeal.

7. In the light of the above discussion, this Court is of the opinion that petitioner/accused is not entitled for bail at this stage. Hence, the bail application is dismissed.

//TRUE COPY//

SD/- K. AMMAJI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

- 1) The Principal Sessions Judge at Bhadradi Kothagudem
- 2) One CC to SRI. C SHARAN REDDY Advocate [OPUC]
- 3) Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad [OUT]
- 4) Two spare copies.

HIGH COURT

**KL,J
&
SKS,J**

DATED:10/11/2023

LIST ON 13.03.2023.

ORDER



**IA No. 1 OF 2023
IN
CRLA NO: 936 OF 2023**

IA DISMISSED