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APHC010859012017

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3566]**
(Special Original Jurisdiction)

WEDNESDAY, THE 1st DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE K SURESH REDDY

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

CRIMINAL APPEAL NO: 1415/2017

Between:

1. CHINTALAPUDI SIVA PRASAD @ PRASAD @ NAKKA, S/O. VENKATESHWARLU, DRIVER, R/O. 4TH LANE, NEHRU NAGAR, CHIMAKURTHY VILLAGE, ONGOLE DISTRICT, ANDHRA PRADESH.

...APELLANT

AND

1. THE STATE OF ANDHRA PRADESH, through Inspector of Police, PS., Ongole Rural Circle, as per Public Prosecutor, HighCourt, Hyderabad, Telangana State.

...RESPODENT

Appeal under Section 372/374(2)/378(4) of Cr.P.C praying that the High Court may be pleased to aggrieved by the judgment of the learned VII Additional District and Sessions Judge at Ongole in Special Case No. 196 of 2013 dated 21-9-2016 convicting the accused for offence u/s. 302, 326 of IPC with simple imprisonment for life and 3 years with fine of Rs.500/- in default of payment of fine to suffer simple imprisonment for a period of 3 moths. Hence this appeal.

IA NO: 1 OF 2017(CRLAMP 2810 OF 2017

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone the delay of 365 days in filing the criminal appeal, in the interest of justice.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to released the petitioner on bail in Crime No.130/2012 of Chimakurthy Police Station Prakasam District in S.C.No.196 of 2013 on the file of the VII Additional District and Sessions Judge, Ongole Prakasam District and during the pendency of Crl.A.No.1415 of 2017 and to pass

Counsel for the Appellant:

1. A GAYATRI REDDY
2. LEGAL AID

Counsel for the Respondent:

1. PUBLIC PROSECUTOR (AP)

The Court made the following:

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

SPECIAL DIVISION BENCH

PRESENT

HONOURABLE SRI JUSTICE K SURESH REDDY

And

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

CRIMINAL APPEAL No.1415 of 2017

JUDGMENT: (***Per Sri Justice A. Hari Haranadha Sarma***)

Introductory:-

[i] Sole accused in SC.No.196 of 2013 on the file of the Court of VII Additional District and Sessions Judge, Ongole is the appellant herein.

[ii] The appellant/accused tried for the charges under Sections 302 and 306 IPC. He was found guilty and sentenced to suffer Imprisonment for Life with a fine of Rs.500/-, in default of payment of fine, sentenced to undergo Simple Imprisonment for a period of three (03) months for the offence under Section 302 IPC, for causing murder of one Donthu Nagaraju *[herein after referred as 'the deceased"].* Further, sentenced to suffer imprisonment for a period of three years and to pay fine of Rs.200/-, and in default of payment of fine, directed to suffer Simple Imprisonment for one month, for the offence under section 326 of IPC. Both the principal sentences are directed to run concurrently.

[iii] Aggrieved by the conviction and sentence, the present appeal is filed questioning both conviction and sentence in respect of both the charges.

Case of the Prosecution:-

2. [i] The accused is a lorry driver by profession and having a record of involving in several unlawful activities. On 09.09.2012 at about 05.00 p.m., the accused picked up quarrel with LW12/Parare Venkateswarlu @Kuthelu at the shop of one Pulicherla Narasimha Reddy/PW9, meanwhile the deceased, tried to rescue LW.12/Parare Venkateswalu and chastised the accused, for which the accused grew wild and threatened the deceased in the presence of PW.7 and PW.8, LW.9/Marella Lakshmaiah, PW.9 and LW.11/Gottipati Yogamma, that he will do away with the life of the deceased.

[ii] Thereafter the accused went to the house of the deceased at about 05.30 p.m. abused him in filthy language at his house. PW.1/Dontu Madhavi questioned the accused for abusing her husband/ deceased. Then the accused caught hold the neck of PW.1, meanwhile, father of the accused came and took away him from that place. When the husband of PW.1/ deceased came to his house, PW.1 informed about the incident, and the deceased narrated the earlier incident that has taken place at the shop of PW.9 to his wife /PW.1.

[iii] Again on 08.30 p.m. on the same day, the accused armed with a stick came to the house of the deceased and beat him over head with an intention to eliminate the deceased. PW.1 intervened. Then accused beat PW.1 also with a stick over her head and her shoulders. In that process, the deceased died instantaneously.

[iv] During the incident PW2/Bhuvanagiri Rambabu, the nephew of the deceased rushed to the scene of offence on hearing the cries of PW.1, witnessed the incident of accused beating the deceased with a stick and PW.1 with injuries on the ground. PW.2 raised alarm. Then PW.3, PW.4, PW.5 and PW6 rushed to the scene of offence and found the accused armed with a stick. PW.1 was shifted to RIMS Hospital, Ongole for treatment.

[v] PW.14/M.Subba Rao, Head Constable of Ongole II Town Police Station recorded the statement of PW.1 on receipt of medical intimation and sent the statement to the Station House Officer, Chimakurthy Police Station. Then PW.16/P.Ch.Balireddy registered a case in Crime No.130 of 2012 for the offences punishable under Sections 302, 324 IPC.

[vi] Thereafter, PW.17/V.Bhushanam, Inspector of Police observed the scene of offence in the presence of PW.15/Maddali Lakshmi Narasimharaju and Lw.16/Nalapati Kodaiah, prepared observation report at the scene of offence; collected blood stained earth, control earth from the scene of offence and also broken bangle pieces, from west north corner of the house of PW.1 were also seized. The scene of offence was got photographed through PW.12/Kamjula Lakshmi Reddy, [photographer].

[vii] Rough sketch of scene of offence was prepared by PW.17. Inquest over the dead body was conducted in the presence of PW.15 and LW16/Nelapati Kondaiah and the dead body was sent for autopsy through LW.17/S.R.K Sheriff, PW.11/Dr. M.Subbarao, Assistant Professor,

Department of forensics, RIMS Hospital, Ongole conducted autopsy over the dead body of the deceased and issued post mortem certificate, opining that the deceased died due to head injuries.

[viii] PW.13/Dr.G.Chittibabu issued wound certificate in respect of PW.1, opining that PW.1 sustained grievous injuries. In the course of investigation, the statements of PW.1, PW.2, PW.8 and LW.12/P.Venkatwswarlu got recorded before the Judicial Magistrate of First Class, Special Mobile Court at Ongole, in terms of Section 164 CrPC.

[ix] After arrest of the accused and on completion of investigation, charge sheet was laid for the offences under Sections 302, 326 IPC.

3. During trial, the prosecution got examined PW.1 to PW.17 as referred above and got marked Exs.P1 to Ex.P24 -documents and M.Os 1 to M.O.6, on its behalf. On behalf of the accused, Exs.D1 to D3 were got marked.

Findings of the learned Sessions Judge:-

4. Learned Sessions Judge, after addressing the evidence of PW.1 to PW.17 and also referring to 313 Cr.P.C. examination conducted, found that the evidence of prosecution witnesses certainly denotes that the accused inflected several stick blows on the deceased over his head and that he has caused injuries to PW.1 also, when she tried to intervene, sometimes even the testimony of sole eye witnesses is trustworthy, as per the legal position

clarified in ***Thallapalli Ramulu and Another Vs. State of Andhra Pradesh***[1] and also ***Yakub Ismailbhai Patel Vs. State of Gujarat***[2]. The death of the deceased is homicidal. The discrepancies, if any, in the prosecution witnesses, are minor and would not touch the very root of the case. The medical and ocular evidence is substantially consistent. The omissions and improvements, if any, are negligible. Therefore, the evidence of PW.1, PW.2 to PW.4 and PW.6 to PW.8 and medical evidence supported by PW.13 are sufficient to hold that the accused is guilty of the offences under Sections 302 and 326 IPC and hence, the conviction and sentence as mentioned above.

5. Heard Smt. A. Gayatri Reddy, learned counsel for the appellant/accused and Sri Marri Venkata Ramana, learned Public Prosecutor appearing for the State.

Arguments in the appeal:

For the appellant /accused:-

6. [i] The defence of the accused, in brief, is that PW.2, PW.3, PW.5 and PW.6 are all close relatives and their evidence is interested hence, cannot be given much credence.

[ii] In the absence of proof as to dispute between the accused and LW.12/P.Venkateswarlu, the root cause of the crime that the accused attacking LW.12/P.Venkateswarlu becomes doubtful.

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[1] *2012 (1) ALD (Crl.) 851 (AP)*
[2] 2004(2) ALD (crl.) 881 (SC)

[iii] Even, the father the accused, who has taken back the accused during the first time attack, on the deceased at the house of the deceased, is not examined and it creates doubt on the prosecution's story.

[iv] The evidence of prosecution witnesses PW.1 to PW.17 does not establish the guilt of the accused beyond reasonable doubt and the learned Sessions Judge has ignored the discrepancies in the prosecution case.

[vi] The prosecution has alleged previous bad conduct of the accused, but no such material is placed. Accused has been falsely implicated in the case.

[vii] The interested nature of the prosecution witnesses should have been considered by the learned Sessions Judge.

[viii] There is no clear motive for the accused to eliminate the deceased and, the prosecution failed to examine LW.12/P.Venkateswarlu, a material witness; In view of the non-examination of the said material witness, there exists considerable doubt against the prosecution case. Hence, the appellant/accused is entitled to the benefit of doubt and consequent acquittal.

7. Learned Additional Public Prosecutor, Sri Marri Venkata Ramana submitted that –

[i] The accused is having criminal antecedents. For the reason that the deceased tried to interfere, while accused was talking with LW.12/P.Venkateswarlu, the accused developed grudge against the deceased and came to the house of the deceased and attacked.

[ii] The wife of the deceased (PW.1), who is an eye witness, tried to intervene and sustained injuries. Her evidence can be considered important, crucial and relevant for proving the charges laid against the accused and her testimony gets corroborated with the evidence of the other witnesses.

[iii] There is ample and clear evidence indicating the guilt of the appellant/accused.

[iv] The injured eyewitness is the wife of the deceased, and her evidence is natural, credible, and trustworthy.

[v] The evidence of other witnesses is also natural and consistent, and their evidence cannot be doubted on any material aspect.

[vi] The impugned judgment is well-reasoned and does not suffer from any legal or factual infirmity. Hence, there are no grounds to interfere. Accordingly, the appeal, in respect of both the charges, is liable to be dismissed.

8. Perused the record. Thoughtful consideration is given to the arguments advanced by both sides.

9. The points that arise for determination in this appeal are -

1) Whether prosecution is able to bring home the guilt of the appellant/accused for the offences punishable under Sections 302, 326 IPC, beyond all reasonable doubt? and Whether the judgment of conviction and sentence dated 21.09.2016 in

S.C.No.196 of 2013 passed by the learned Sessions Judge, Ongole are sustainable in law or on facts? Or require any interference? If so, in what grounds and to which extent?

2) What is the result of the appeal?

Point No.1:-

MOTIVE:-

10. [i] When there are reliable eyewitnesses to the occurrence, motive loses its significance. It is a settled proposition of law that the absence or inadequacy of motive cannot be a ground to discard otherwise cogent and trustworthy ocular evidence. In this regard, reference may be made to the following authorities:

a) ***State of Uttar Pradesh v. Kishanpal and Others***[3]**,** wherein the Hon'ble Supreme Court held that "motive loses all its importance in a case where direct evidence of eyewitnesses is available" and that the absence or inadequacy of motive cannot stand in the way of conviction if the evidence of the eyewitnesses is clear and reliable.

b) The same principle was reiterated in ***Sheo Shankar Singh v. State of Jharkhand***[4]**,** wherein the Supreme Court held that proof of motive recedes into the background when the prosecution relies upon credible eyewitness testimony and the absence of motive becomes inconsequential.

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[3] (2008) 16 SCC 73,

[4] (2011) 3 SCC 654

First incident at about 5.00 p.m.:-

[ii] In the present case, the interference of the deceased when the accused was attacking LW.12/ Parare Venkateswarlu and the nature of the quarrel with the accused are said to be the motive for the accused to eliminate the deceased.

[iii] The evidence of Pw.7 to PW.9 becomes important. PW.7 deposed that he has acquaintance with both the accused and the deceased, and also PW.1, PW2, PW6 and PW8. On 09.09.2012 at about 04.00p.m. or 04.30 p.m. the accused met him in front of a B.C. hostel, at one Reddy shop, and asked to purchase two beer bottles. Accordingly, PW.7 went to NBK Wine shop and purchased beer bottles, gave them to the accused. Accused consumed beer. PW.7 went back to his house and while returning, in front of BC hostel he noticed that the accused quarreling with LW.12/P.Venkateswarlu, the deceased/Nagaraju came and separated the Kuthelu (LW.12) and the accused, then accused questioned the deceased that the deceased is interfering in everything and the accused will see the end of the deceased. Then father of the accused came, separated LW.12/P.Venkateswarlu and the accused. Thereafter he returned to home. In the evening he went to the circus near Ramalayam; at about 07.30 or 08.00 p.m. the people in the Circus raised cries on going out from the Circus, he followed them. He has noticed that the accused shouting that he killed the

deceased-Nagaraju and the accused was armed with a stick. Then all of them went and noticed the deceased in a pool of blood and PW.1 also in a pool of blood.

[iv] During his cross examination it is elicited that he got acquaintance with the accused for 4 years. But there is no friendship. He has no obligation to do any work for the accused. He is 5 years elder to the accused. He do not have any obligation to purchase and give beer to the accused and accused himself can purchase the same. He did not witness what has happened in the house of the deceased. He did not give any report in respect of dispute between the accused and the deceased. It was suggested to him that due to the disputes between the accused and himself [PW.7] he is deposing false.

[v] PW.8 deposed that on 09.09.2012 at about 05.00 p.m. he along with LW9/ Marella Lakshmaiah went to the shop of PW.9 and they compromised the matter between the accused and LW.12/P.Venkateswarlu and advised them not to quarrel. At about 08.00 p.m. he heard the cries from the house of the deceased and he went to the house of the deceased and found the dead body. During the cross-examination, nothing is elicited to doubt the mediation done by PW.9 along with LW.9/M.Lakshmaiah between the accused and LW12/P.Venkateswarlu.

[vi] PW.9 has stated that he is running Cool Drink Shop; he got acquaintance with the deceased and the accused, the deceased died two

years prior to the date of his evidence. At about 2 years prior to the giving evidence, at about 5.00 or 6.30p.m., on one day the accused and the deceased quarreled in front of his shop, then he has warned them not to quarrel in front of his shop. No cross-examination was done on behalf of the accused on PW.9.

Second incident at about 5.30p.m. /6.00 p.m.:-

[vii] PW.1 is the injured eye witness. Her evidence is that the date of incident is Sunday. Her husband was present at the house. She went for coolie works and came back in the evening while she was boiling water for taking bath; accused came and called her husband out of the house. But her husband was not in the house, she questioned why the accused was scolding her husband, then the accused informed her that her husband was interfering with the affairs of the accused and that the accused will kill her husband.

[viii] To the extent of the conduct of the accused causing threats, the evidence of PW.1 is direct. It is not hearsay. May be with regard to the incident that has taken place in front of the shop of PW.9 relating to the quarrel with LW.12/P.Venkateswarlu is hearsay, but with regard to the accused coming and posing threats with husband of PW.1 will be killed, is direct.

[ix] Further her evidence is that father of the accused came and taken away the accused aside, stating that the accused has anything with the husband of PW.1, he has to clear them before the elders and that accused

should not meddle the ladies. To the extent of this incident also PW.1, is a direct witness. During the cross-examination of PW.1, she has stated that there are no disputes between her family and the family of the accused, and she do not know whether Police cases are existed between the accused and LW.12/P.Venkateswarlu but her husband informed about the disputes between the accused and LW.12/P.Venkateswarlu.

[x] PW.6 is the daughter of the deceased. She is minor, aged about 14 years. Her evidence is that on 09.09.2012 evening, at about 6.00 p.m. while she was playing with her sister and friends in front of her house, when her father is not there in the house, accused came there and enquired about her father, then accused threatened mother of PW.6, that he will kill the father of PW.6 by the next day morning and went away. With reference to the cross-examination that the Circus was commenced from 7.30 p.m. and closed by 9.00 p.m., it is argued that PW.6 cannot speak about the threats of the accused against the deceased. It is pertinent to note that the incident referred to by PW.6 is alleged to have taken place at about 6:00 p.m., while the circus commenced at 7:30 p.m. Hence, her testimony cannot be discarded in its entirety. However, her statement in the cross-examination that they came to know about the incident while returning from the circus creates ambiguity as to whether she was referring to the first incident or the second incident, and the same was not elicited.

[xi] When both chief examination and cross-examination of PW.6 are read together, it can be understood that the evidence of PW.6 in cross-

examination that she came to know about the accident is traceable to the actual attack but not the threats posed in the evening. Therefore, the evidence of PW.1, PW.9 and PW.6 are found sufficient to believe that the accused gone to the house of the deceased and hurling threats in continuation of the incident that occurred in front of PW.9.

[xii] From the evidence of PW.7 to PW.9, it is evident that a quarrel had taken place between the accused and the deceased. Though none of the witnesses has spoken about the precise cause of the quarrel, the evidence on record leaves no room for any reasonable doubt regarding the occurrence of the first and second incidents that preceded the actual attack at about 8:00 p.m. Therefore, the plea of absence of motive advanced on behalf of the accused is untenable. This Court is satisfied that the prosecution has established the motive for the offence with reasonable clarity and certainty.

Homicidal Death of the deceased:-

11. [i] The deceased said to have succumbed to the head injury sustained on the back side of the head caused by a stick [doddu karra/heavy wooden stick]; the injuries are noted as left side back of the head and white substance is appearing. Further, the Panchayatdars opined that the death of the deceased was the result of an intentional assault and the head injury inflicted by the accused.

[ii] As per Post Mortem Certificate-Ex.P9, following ante-mortem injuries are noted:-

1. Laceration measuring 6cm x3cm x bone depth present over left parito-occipital region of the scalp, through which part of the brain matter expled out, on cut section contusion measuring 12cms and 9cm present over the scalp.

2. After reflection of the scalp contusion measuring 15cm x 11 cm over right fronto temporal region.

3. Comminuted fracture of the 9cm x 8cm with multiple bony fragments varying from 1 to 2 cm in size present over the left *parito occipital* region of the skull enter into the cranial cavity.

4. Laceration measuring 7cm x 6cm x 2cm present over *parito-occipital* region of the brain on left side, in which fractured bony fragments of the skull were embedded.

5. Subdural *Haemotoma* measuring 15cm x12cm over right *parito* temporal region ; cause of death is noted as due to head injury.

[iii] PW.11/ Dr. M. Subbarao, who conducted post mortem over the dead body of the deceased, stated about the injuries mentioned in the Postmortem report, and the cause of death is due to head injury and issuance of Post Mortem Certificate by him. He has specifically mentioned that injury number 4 is possible only due to a blunt localised force like stick and all injuries are possible by beating with a stick like M.O No.1. As against the possibility suggested during the cross-examination that the deceased might have fallen in a drunken condition on stone, he has stated that no suspicious smell is there from the body, therefore, alcoholic smell was not noted in Ex.P9. The medical evidence is clear that the death is not natural but due to head

injury. As per prosecution witnesses, the head injury is caused by the accused.

[iv] Whether the accused caused the injury will be answered infra. However, to the extent that the death resulted from a head injury inflicted with a blunt object such as a stick (M.O.No.1), it can be safely concluded that the death of the deceased is homicidal based on the inquest report, post mortem certificate, and the evidence of relevant witnesses and also corroboration from the other material prosecution evidence.

Injuries on PW.1:-

12. [i] PW.1 deposed that her husband returned to house at about 08.00 p.m. and she has informed about the accused approaching her in the evening, and then her husband informed her about the incident that has taken place in the afternoon and that the matter will be placed before the elders; when her husband was sitting at on the cot at about 08.30p.m., accused came and beat the deceased on the left side back of the head with a stick. Then when PW.1 tried to rescue her husband, accused beat on her hands. In that process, her bangles were broken. Accused beat her on the left side of the head. Then PW.1 raised cries. Thereafter, PW.2 came to the spot, while the accused was beating her husband [deceased]. On seeing the same PW.2 frightened and called PW.3, PW4, PW5. Then accused left the spot. Meanwhile, her children, who went to circus came back. Further, PW.1 stated that she got acquaintance with the accused previously. She was shifted to RIMS Hospital,

Ongle and by that time, her husband died. She was examined by police and recorded her statement. She was also examined under Section 164 Cr.P.C. During the cross-examination of PW.1, she has stated that they stay only in front of their house as there is no vacant place at the back side of the house. On the day of the incident her husband was sitting on the cot in front of their house. Accused came from behind through Sandu [street], and beat her husband with a stick. Accused beat her on the head when she tried to rescue her husband. Accused beat her two times. It was suggested to her that she did not say before the police that accused beat on her hands and her bangles were broken. She has admitted that she did not state before the police that the accused beat her on the left side of her head. It was also suggested to her, she did not state colour of the bangles before the police. It is also elicited during the cross-examination of PW.1 that when she raised cries, PW.2 came there and accused on seeking PW.2 fled away from the scene. PW.2 called the other people. The evidence of PW.1 is clear that the accused beat her on her head. Acquaintance between PW.1 and the accused is not denied. The omissions that the colour of bangles is not stated etc., are minor, does not dilute the evidence of prosecution.

[ii] PW2 stated that on 09.09.2012 at about 08.30p.m., he heard cries of PW.1, went and saw the accused hitting the deceased on the head with a stick; on seeing him [PW.2] the accused fled away. He [PW2] found PW.1 also in a pool of blood. Then PW.2 called PW.3, PW.4 and PW.5 raising

cries. In that process accused threatened all of them with dire consequences. He would also add that on the rising of cries by all, the accused fled away.

[iii] Learned counsel for the accused would argue that whether the accused fled away on seeing PW.2, or on rising of cries by PW.2, or on rising of cries by all, is not clear, therefore, inconsistent. This inconsistency cannot be found sufficient to doubt the prosecution case and evidence.

[iv] During the cross examination, PW.2 stated that PW.3 is his elder brother, PW.5 is his mother, PW.6 is daughter of the deceased, PW.7 is their relative. During the cross-examination, he has stated that he do not know how many people came at the time of the incident.

[v] As per PW2, PW3 informed him. As per PW.3, PW.2 informed him, and PW.4, PW.5 and PW7 when they are at a circus, while they are coming to the home, accused has shown the stick and stated that he murdered the deceased. He was treated as hostile at the instance of Public Prosecutor. During the cross-examination on behalf of the accused, it was simply suggested to him that he did not inform the police that accused threatened them that he will kill, whoever wants to help the deceased family, for which he has denied.

[vi] Evidence of PW4, PW5 and PW6 is also hearsay in nature.

[vii] PW.13 - G. Chittibabu is the Doctor. His evidence is that PW.1 was admitted in the casualty ward on 09.09.2012 at about 10.30p.m., she was

conscious. Police intimation-Ex.P11 was given and treatment was extended to PW.1. PW.1 was conscious and coherent when her statement was recorded, his endorsement as to her conscious is Ex.P12 on Ex.P1. He further stated that he found *4x1 cm bony deep laceration present over left parietal region of the scalp red in colour*. He is of the opinion that the injuries are grievous in nature and could have been caused by blunt object like stick. Ex.P13 is the wound certificate. The injuries can be caused by weapon like M.O.1. During the cross-examination, it is elicited that the injury may be possible when a person comes in contact with deep projected stones. He has denied the suggestion that PW.1 was not conscious. During his re-examination of PW.13, it is elicited that the injuries are 0-6 hours. Ex.P13 -wound certificate is corroborating the time of injury being at 08.45 p.m., the injury has 4 x 1 cm *bony deep laceration over left parietal region of the skull - red in colour* and that the injuries are grievous in nature. PW.13 issued Ex.P13. Therefore, the injuries on PW.1, nature of the injuries, accused causing such injuries, need not be doubted.

[viii] The prosecution version as to PW.1 sustaining injuries on account of the accused beating her stands acceptable in view of the oral evidence of PW.1 with corroboration from the evidence of PW.13 and Ex.P13 and other witnesses, who joined immediately after the incident, and one or two of them found the accused flying away, stands acceptable. Therefore, it can be held that prosecution is able to bring home guilt of the accused for the

offence under Section 326 IPC and the findings of the learned Sessions Judge does not warrant any interference.

Homicidal death of the deceased and causing such homicidal death:-

13. [i] PW.1 is an injured eyewitness. She was coherent, as per the evidence of PW.13, at the time of giving Ex.P1. She has deposed before the Court in tune with the prosecution version and the contents of Ex.P1.

[ii] The evidence of PW.2 corroborates the evidence of PW.1 with regard to the accused attacking the deceased in continuation of the earlier two incidents that occurred on the same day. The persistence of the accused in assaulting the deceased is evident from his visiting the house of the deceased twice. In this context, the contents of Ex.P1 require examination. As per Ex.P1, on 09.09.2012, husband of informant/PW.1 was at house as there was no duty; she went to fields and came back in the evening. When she was heating water for bathing, accused came to her house, raised cries in the name of her husband loudly. When she came out on what has happened, why he was abusing her husband, then accused threatened that he will kill her husband by early hours as her husband [deceased] interfered with the affairs of the accused, by saying so accused caught hold of her neck. Then she pushed him aside. Then father of the accused came and questioned why he is quarreling with a lady. After sometime her husband/deceased returned home, she asked why the quarrel took place with the accused. Then her husband/ the deceased said when accused was beating some person, he interfered and

questioned why the accused was beating such person. Later her husband/ the deceased was sitting on a cot outside the house and it was at about 08.30 p.m. the accused armed with a stick threatened to kill her husband and beat him on the head. As a result, the deceased fell on the road, when she tried to intervene and prevent beating on her husband, accused beat her head causing bleeding injury. Again beat her on two shoulders causing injuries. On hearing cries, her niece -PW2/M. Rambabu, rushed to the spot and her husband died on the spot. The accused ran away leaving the place. Said Rambabu/PW.2 took PW.1 to RIMS Hospital for treatment.

[iii] Ex.P1 is containing required details as to the time, date of the offence, name of the accused, even the presence of witness, PW2. However, the contradictions covered by Exs.D1, D2 and D3 are as follows.

1) Ex.D1 – PW.1 did not state that when accused beat her, her bangles were broken and that when she tried to interfere, accused beat her.
2) Ex.D2 - is relating to the evidence of PW2 that on hearing cries of PW.1, PW2 came and by the time he reaches accused beat the deceased.
3) Exhibit D3: by the time PW2 reachethe deceased died.

[iv] Ex.D2 and Ex.D3 are relevant to show that PW2 is not an eye witness. However, in the process of occurrence of the incident, PW.1 raising cries, PW2 coming over there, and PW2 noticing the accused there and PW.1

with injuries and deceased in a pool of blood are the circumstances. As per Exs.D1 to D3 even if there are discrepancies, they are minor, and do not effect the case of the prosecution to any tune.

[v] The evidence of the injured eye witness-PW.1, corroborated by PW.2, if read in conjunction with the evidence of PW.7 to PW.9 with regard to the incident that occurred in the evening, establishes that the accused intentionally caused the death of the deceased and that the accused is accountable for the murder of the deceased. Accordingly, it can be held that the prosecution has proved the guilt of the accused for the charge under Section 302 IPC as well. Omissions, if any, as to the failure of blood group comparison on the control earth and stick as well as the evidence of mediators as to inquest etc., do not inspire to entertain any doubt in the prosecution story, much less a reasonable doubt.

Conclusion:-

14. In this connection, it is trite that the Hon'ble Apex Court in a catena of judgments including the decision in ***Sharad Birdhichand Sarda v. State of Maharashtra***[5], has laid down five (5) golden principles, which govern a case based only on circumstantial evidence:

> *"(1) The circumstances from which the conclusion of guilt is to be drawn should be fully established.*

[5] (1981) 4 SCC 116

(2) *The facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty.*

(3) *The circumstances should be of a conclusive nature and tendency.*

(4) *They should exclude every possible hypothesis except the one to be followed, AND*

(5) *There must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused."*

15. In the light of the evidence and discussions made above, this Court finds that the prosecution is able to prove the guilt of the appellant /accused for the offences under Section 302, 326 IPC and the findings and conclusions drawn by the learned Sessions Judge under the impugned judgment does not warrant any interference. Point No.1 framed is answered accordingly.

Point No.2:-

16. **In the result**, the present Criminal Appeal is **dismissed** confirming the conviction and sentence recorded by the learned VII Additional District and Sessions Judge, Ongole in Sessions Case No.196 of 2013, dated 21.09.2016. Needless to state that the period already undergone by the appellant/accused shall be given set off under Section 428 Cr.P.C.

As the appellant was released on bail by order in I.A.No.1/2021 dt.02.01.2023 in terms of the order of the Composite High Court for the State

of Telangana and the State of Andhra Pradesh in **Batchu Rangarao v. State of Andhra Pradesh**[6], he is directed to surrender forthwith before the concerned Court and serve the balance sentence. Failing which, the learned Sessions Judge shall issue necessary warrant for securing his presence and ensure the implementation of the sentence. Failing which, the learned Sessions Judge shall issue necessary warrant for securing his presence and ensure the implementation of the sentence.

Miscellaneous petitions, if any, pending in the Criminal Appeal, shall stand closed.

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JUSTICE K.SURESH REDDY

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JUSTICE A.HARI HARANADHA SARMA

Date: 01.07.2026
Pnr

Whether the order is:

Speaking	√	Non-speaking	-
Reportable	-	Non-reportable	√

[6] 2016 (3) ALT (Crl.) 505 (DB) (A.P.)

***HONOURABLE SRI JUSTICE K. SURESH REDDY**

And

***THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA**

(***Per Sri Justice A. Hari Haranadha Sarma***)

CRIMINAL APPEAL No.1415 of 2017

Date: 01.07.2026

Pnr