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APHC010660782018

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: 2466/2018

Between:

1. GOLLA SUNITHA, R/O SUDDAKUNTAPALLI VILLAGE, RAMAGIRI MANDAL, NOW AT NUTHIMADUGU VILLAGE, KAMBADUR MANDAL, ANANTHAPURAMU DISTRICT.

...APELLANT

AND

1. THE STATE OF ANDHRA PRADESH, rep. by Public Prosecutor, High Court of Hyderabad for State of Telangana and State of Andhra Pradesh.

...RESPODENT

Appeal under Section 372/374(2)/378(4) of Cr.P.C praying that the High Court may be pleased to to allow the Criminal Appeal by setting aside the Judgment passed in Spl. S.C.No. 249 of 2016, dt 13-7-2018, On the file of the III Additional Sessions Judge (Fast Track Court), Ananthapuramu and Acquit the Appellant/Accused and pass

IA NO: 1 OF 2018

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 Suspend the Sentence and enlarge the Petitioner on bail pending disposal of the appeal preferred against the Conviction and Sentence passed on her vide

Judgment dt.13.07.2018 in Spl. S.C.No. 249 of 2016, dt 13-7-2018, On the file of the III Additional Sessions Judge (Fast Track Court), Ananthapuramu, in the interest of justice, and pass

IA NO: 1 OF 2024

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 grant bail by suspending the operation of conviction and sentence imposed by the calendar and Judgment Dt: 13-07-2018 in Spl.S.C. No. 249 of 2016 passed by the Hon'ble III Additional Sessions Judge (Fast Tract Court), Ananthapuramu, pending appeal and pass

Counsel for the Appellant:

1. GOUTHAMI SURAPAREDDY
2. D KODANDARAMI REDDY

Counsel for the Respondents:

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.2466 of 2018

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

Introductory:-

1. [i] Appellant is the sole accused in S.C. No. 249 of 2016 on the file of the III Additional District and Sessions Judge-cum-Fast Track Court, Anantapuramu. She was convicted and sentenced to suffer **Imprisonment for Life** for the offence punishable **under Section 302 IPC** and to suffer **Rigorous Imprisonment** for a period of **one year** for the offence punishable under Section **309 IPC,** with a further direction to pay a fine of **Rs.1000/-** for each of the said offences**.** In default of payment of fine, she was directed to suffer Simple Imprisonment for a period of one month for each default.

[ii] Questioning the conviction and sentence passed by the learned Sessions under the impugned judgment dated 13.07.2018, the present appeal is filed.

Case of the Prosecution:-

2. [i] Accused and PW.2 are wife and husband. Their marriage was performed on 27.04.2012. At that time, PW.2 was working at Jammu and Kashmir. They lived together and were blessed with two (02) children namely Kusuma and Rishi Yadav, *[herein after referred as the Deceased No.1 and Deceased No.2 respectively],* aged about 3 years and 1 year respectively. Thereafter, PW.2 got transferred to Babina of Utter Pradesh, in the year 2015.

[ii] On 04.05.2015 PW.2, the accused and children came to their native place and stayed for (15) days. On 19.05.2015 PW.2 left for Babina to attend his duties, assuring that he will take back his family. Accused was regularly in contact with PW.2 over phone, enquiring about the allotment of quarters etc.. On one occasion when PW.2 was on duty, he disconnected the phone call while the accused was talking with him, for which she got angry and scolded PW.2 for not taking to her and disconnecting the phone.

[iii] While things stood thus, on 22.06.2015 at about 5.45 p.m., PW.6 sister-in-law of accused came to the house and found the accused with bleeding injuries, armed with a knife and trying to cause injuries to her head also, on seeing the same, PW.6 raised cries. Then, PW.4 to PW.7 came and found the accused with knife causing injuries on her head, and cut bleeding injuries to both children at throat and head. When the accused was questioned, she stated before them that she killed her children and attempted

to commit suicide as her husband was not taking her family to work place. She was shifted to Government Hospital.

[iv] Surpanch of the village-PW.1 submitted Ex.P1-report in Kambadur Police Station on 22.06.2015 at about 10.00p.m., on the strength of the same, PW.14-the Sub Inspector of Police, registered a case in Cr.No.84 of 2015 for the offences punishable under Sections 302, 309 IPC and came to the scene of offence. The deceased No.1 and 2 - both children were found in a pool of blood, a Guard was posted outside the house as it was late night.

[v] PW.15 - the Circle Inspector of Police, Kalyandurg took up investigation, on his instructions, inquest was held over the dead bodies of the deceased No.1 and 2 in the presence of Panchayatdars, PW.8, PW.9 and blood relatives of the deceased. Ex.P3 is the inquest report of the deceased No.1 and Ex.P4 is the inquest report of the deceased No.2. During the inquest, PW.4 and PW.5 were examined apart from PWs.1 to 3 and other witnesses. After the inquest, the bodies of deceased No.1 and 2 were sent to the Government General Hospital, Anantapuram for postmortem examination. At the time of inquest itself, the crime weapon, knife- M.O.1, blood stained stone - M.O.5 and control earth -M.O.6 were seized and the scene of offence was got photographed. Ex.P2 is the (6) positives of the photographs. Due to strong blow with M.O.1, the blood oozed out with pressure and fallen on particular perpendicular on the walls in semi circular shape. The blood stained wearing apparels of the deceased No.1 and 2 were collected, after completion of the Postmortem examination. The forensic Professor of

Government Medical College, Anantapuram-PW.13 conducted autopsy and opined that the deceased No.1 and 2 died due to shock and hemorrhage as a result of multiple injuries by sharp weapon. Ex.P9 and Ex.P10 are the postmortem examination certificates of the deceased No.1 and 2 respectively.

[vi] PW.12, Doctor, who attended the accused at 08.40 p.m., on 22.06.2015 opined that the accused sustained multiple lacerations over the scalp and they are simple in nature, and can be caused with sharp edged weapon. PW.15 tried to examine the accused, but the duty Doctor did not allow him. Ex.P8 is the wound certificate of the accused.

[vii] On 24.06.2015 PW.15 visited the Nuthiadugu village, examined PW.6, PW.7 and other witnesses, and recorded their statements.

[viii] On 13.07.2015 at about 11.00 a.m., PW.11- the Village Revenue Officer, produced the accused along with extra judicial confession statement of the accused covered by Ex.P6, then he secured the presence of PW.10 and another mediator, recorded the confessional statement of the accused. Ex.P7 is the requisition given by PW.11 to the Police. Basing on the statement of the accused, her wearing apparels on the date of the offence i.e., M.Os.7 to 9 were seized under the cover of Ex.P5. Accused was sent to judicial custody. Ex.P11 is the FIR, Ex.P12 is the RFSL Report, Ex.P13 is the letter of advice, Ex.P14 and Ex.P15 are the different rough sketches prepared at the scene of offence and Ex.P16 is the C.D.. M.Os.2 to 4 are

wearing apparels of the deceased No.1 and 2. M.O.7 is the Black colour nighty. M.O.8 is one white colour petti coat. M.O.9 is the rose colour jacket.

[ix] The investigation revealed that the accused has committed murder of her two children, with a view to take revenge against her husband, for not taking the family to his work place. Hence, the charge.

3. Accused was tried for the charges under Section 302 IPC for intentionally causing deaths of the deceased No.1 and 2 and under Section 309 IPC for attempting to commit suicide.

4. During trial, the prosecution got examined PW.1 to PW15 as referred above and got marked Exs.P1 to Ex.P16 -documents and M.Os 1 to M.O.9, on its behalf.

5. Answer given by the accused for the charge under Section 302 IPC is 'false', and in respect of the offence under Section 309 IPC, is "she do not remember".

6. When the accused was examined under Section 313 Cr.P.C., she denied the incriminating evidence appearing against her.

Evidence:-

7. PW.1 is the Surpanch of Nuthimadugu village, who gave report. PW.2 is the husband of the accused. PW.3 is a villager stated the information received about the accused committing murder of (2) children and attempting to commit suicide. PW.4 is the brother of PW.2, his evidence is hearsay about

the incident and the incident occurred prior to that based on his knowledge. PW.5 is a newspaper reporter and a practicing advocate, got acquaintance with the accused and residing in neighborhood, who went to the scene of offence on hearing the cries. PW.6 is the sister of PW.2 (sister-in-law of accused). PW.7 is a villager; his evidence is about reaching the scene of offence and removing the knife from the hands of the accused. PW.8 is the witness for observation of scene of offence and inquest. PW.9 is the Panchayat Secretary witness for inquest and observation of scene of offence. PW.10 is the VRO of the village acted as a mediator for arrest of the accused and recovery of material objects- M.Os.7 to 9. PW.11- V.R.O. of the village before whom, the extra judicial confession made by the accused vide Ex.P6, PW.12 is a Doctor, who attended the accused. PW.13 is the Doctor, who conducted autopsy over the dead bodies of both the children and offered opinion as to the cause of death. PW.14 is the investigation officer, who registered the F.I.R. in Crime No.84 of 2015 vide Ex.P11 on the strength of Ex.P1/complaint given by PW.1. PW.15 is C.I. of Police, another investigating officer, who conducted investigation and filed charge sheet. Further, the prosecution relied on Ex.P1 to Ex.P16 and M.Os.1 to 9 referred above.

Findings of the learned Sessions Judge:-

8. [i] There are no eye witnesses to the incident. PW.6 - the sister-in-law of the accused came to the house of the accused and witnessed the things, she found the accused armed with a knife - M.O.1, causing injuries to her head and the children were in a pool of blood, she raised cries. On

hearing cries, nearby persons including her younger brother, PW.4 and neighbours PW.5 and PW.7 reached the scene, all of them found the deceased in a pool of blood. They have also seen the accused armed with a knife and hacking herself on her head causing bleeding injuries. PW.6 stated that she questioned the accused that what has happened, the accused told before them that as PW.2 did not take her to his work place, she did not want to live; hence, she killed her children and also wanted to kill herself. This version of the accused is immediately after the incident. Hence, the same is relevant under Section 6 of the Evidence Act.

[ii] PWs.4 to 7 rushed to the scene of offence, soon after accused killing her children and she attempting to commit suicide, and found the children with cut injuries on the throat and head, they also stated about the statement of the accused made before them. The statement of the accused forms part of the same transaction and also amounts to confession before the witnesses, which forms part of the same transaction.

[iii] Evidence of PWs.3 to 7 corroborates the testimony of PW.2 regarding the motive attributed to the accused that she was frustrated and disgusted with her life because her husband not taking her with him. It is not even the case of accused that any such dispute is raised by the accused before the elders, family members, prior to the incident.

[iv] PW.2 performed tonsuring ceremony of his children at the temple of their village, for which parents of the accused also attended, accused did not feel any discomfort to stay at her in-laws house.

[v] The recovery of the material object from the scene of offence, marked as M.O. No.1, and the evidence of PW.1, PW. 5 and PW.6 that they witnessed the accused holding the knife (M.O. No.1) and the nighty wore by her stained with blood, would strengthen the prosecution case. The medical evidence of Doctors, who conducted autopsy and who examined the accused also supports the occurrence and the homicidal death of the deceased. There is extra judicial confession of the accused made to PW.11, V.RO of the village.

[vi] As per the law laid down by the Hon'ble Apex Court in ***Ratan Gond C. Vs. State of Bihar***[1], the twin tests that can be applied in respect of extra judicial confession are- 1) whether it is voluntary 2) whether it is true? as a matter of caution Courts require certain material corroboration to the confessional statement. The confessional statement under Ex.P6 is (20) days after registration of the case. Evidence of PWs.1 to 7 corroborates with the averments made in Ex.P6, therefore, the evidence of PWs.1 to 7, PW.11 and Ex.P6 are sufficient to believe that the prosecution is able to prove that the accused has intentionally killed her children and attempted to commit suicide

[1] AIR 1959 SC 18

and there are no grounds to extend benefit of doubt. Hence, accused is liable for conviction and sentence as mentioned above.

Arguments in the Appeal:-

9. For the appellant/accused:-

(i) There are no eye witnesses to the incident.

(ii) The confession of the accused is weak and unreliable.

(iii) The psychological condition of the accused should be taken into consideration.

(iv) Learned counsel for the accused would rely on the following authorities :-

a) The observations of the Hon'ble High Court of Madhya Pradesh made in **Baijanti Bai Vs. State of M.P.**[2] for the preposition that - *where the accused attempted to end her life by jumping into well along with the female child in her lap, and when life of her female child lost in the incident, her mental condition at time of incident was not normal; act done with knowledge of consequences is not prima facie a murder and can be considered as an offence of culpable homicide not amounting to murder.*

b) In a decision rendered by the Hon'ble Apex Court on 28.04.2025, in **Chunni Bai Vs. State of Chhatttisgarh**[3]**,** observed that -*where the accused said to be under the influence of some invisible power while committing the act, and where the crime is committed by mother in her own*

[2] 2000 CRI.L.J. 3253=(2017) 1 SCC 101
[3] (2025) 5 SCC 297

house, the Court shall not rush to hold but an intention to commit such offence has been proved, in the light of the peculiar facts and circumstances of the case. A son can be bad son, but a mother can never be a bad mother and that when an offence is said to have been committed under some influence of invisible power, as per the plea of the accused, reasonable doubt can be entertained as to the existence of intention viz., mensria for causing the death and in the said case, conviction was converted to part-II of 304 IPC.

10. ***For the Prosecution-State:-***

(i) Learned Additional Public Prosecutor, while submitting that the observations in ***Chunni Bai's case*** *[cited supra]* rendered by the Apex Court are not applicable to the present case, relied on the observations of the Hon'ble High Court of Madras, made in a case between **Madesh Vs. State**[4], where it was a case of infanticide, where it was seen that the accused/mother of the infant, was pulling out a knife from the chest of the child, burden to prove that the accused comes under the exceptions lies on her, particularly, the unsound mind. Further he has also submitted that the plea of unsound mind is not taken by the accused, therefore, no lenience can be extended.

[4] 2013 Live Law (Mad) 256

(ii) Learned Additional Public Prosecutor further submitted that the conviction and sentence imposed does not warrant any interference.

11. Perused the record.

12. Thoughtful consideration is given to the arguments advanced by both sides.

13. Now the points that arise for determination in this appeal are-

1) Whether the prosecution is able to bring home the guilt of the accused/appellant for the offence under Section 302 IPC viz., killing her two children and for the offence under Section 309 IPC for attempting to commit suicide, and whether the conviction and sentence imposed by the learned Sessions Judge, under the impugned judgment are sustainable in law or on facts? Or require any interference? If so, on what grounds and to which extent?

2) What is the result of the appeal?

Point No.1:-

[It is a peculiar case where a mother killed her two children and attempted to commit suicide. At the stage of framing charges, for killing two children, two separate charges are framed for the offence under Section 302 IPC. However, when the matter came up for final disposal learned Sessions Judge imposed a single conviction for the offence punishable under Section 302 IPC. In any event, two life imprisonments have to run concurrently.]

14. As per Ex.P1 report One Boya Siddhiah informed the informant/Sake Narasimhulu-PW.1 about the accused killing her two children and attempting to commit suicide. Then the informant-PW1 called 108 ambulance, shifted the accused to the hospital and submitted a report for taking appropriate action. Ex.P1 is dated 22.06.2015. On the strength of Ex.P1, F.I.R- Ex.P11 was registered. As per Ex.P1 and Ex.P11, the time and date of occurrence is 05.45 p.m. on 22.06.2015. Information was submitted at about 10.00 p.m. on 22.06.2015. PW1 confirmed about the information submitted covered by Ex.P1 and it appears that the information was transmitted in the night and received at about 01.40 a.m. by the concerned Magistrate. On the point of delay, there are no serious latches. Argument contra deserves to be ignored. Particularly in the context of the distance between the village and Kalyandurga is around 25 kilometers and the absent of any evidence as to availability of public conveyance. The accused was in the hospital for one week. On the next day of incident, PW2 went to the hospital, as per the evidence of PW1.

15. PW2 is the husband of the accused. He has stated about his relationship with the accused and the deceased No. 1 and 2 and the accused living together, transfer to Bambino of Uttar Pradesh and coming down to his native place along with his wife and children. Further, stated about leaving his wife and children viz., the accused and deceased No.1 and 2, informing the accused that he will take them after finding a quarter etc. He has also stated about the accused making calls and his inability to lift the call, for which the accused becoming angry and scolding him etc. According to PW2, he

received information through PW4 that his wife (accused) murdered both the children and her attempt to commit suicide. Then he came down to his village. During the cross examination of PW2, a material witness, it is elicited that most of the time when they were at native place, particularly when the accused came for delivery, she used to stay with her parents. His parents died long back, prior to his marriage. By the time he came to his native place, police were already present. At about 03.00 or 04.00p.m., he went to see his wife at GGH Anantapuramu. When he talked with her, she was able to speak. For one week she was in the hospital. Police are aware that she was in hospital under treatment. They have posted Security Guard. He has questioned his wife as to why she has committed the offence. She cried and stated that somehow the incident occurred. It was suggested to him that he did not stay along with his wife during tonsuring ceremony stating that the children did not born to him. He has denied the same. It was also suggested to him that he was suspecting the fidelity of his wife and harassed her. Further it was suggested to him that in order to leave the accused, he came two days prior to the offence and planned the incident and committed the offence. Accused is falsely implicated as the accused is alive. Further it was also suggested to him that he along with PW.4 and PW.6 conspired and with the help of hired assassins, the offence was committed and with the help of PW1, a complaint was lodged with false case against the accused.

16. From the cross-examination done on PW.2, it can be seen that the accused is attributing that PW.2 has committed the offence and implicated

her. Similar suggestion is given to PW.14 and PW.15 and that the accused gave statement in Government Hospital that PW2 has planned to eliminate her and her children on the ground that they did not born to him and escaped in the night. During the 313 Cr.P.C. examination vide question No.41, she stated that her husband implicated her in the case and he was present in the village on the date of incident. It is relevant to note that, in respect of the charge No.2 relating to attempt to commit suicide, during 313 Cr.P.C. examination, the accused stated that she do not remember what has happened. But when it came to suggesting to PW.2, PW.14 and PW15 and even during 313 Cr.P.C. examination her stand is that her husband implicated her in the case. She did not say anything in specific term stand that PW.2-her husband has committed murder of two children and attempted on her life and implicated her in the case on the ground that the children did not born to him. It is not her case that there are many matrimonial disputes between the accused and PW.2.

17. PW.4 is the younger brother of PW.2. His evidence is that on the date of incident at about 05.45p.m. he went and saw both minor children *(deceased no. 1 and 2)* in a pool of blood and accused was trying to kill herself. He and others came and dragged the knife from her hands. Accused was shifted to hospital. During the cross-examination, PW.4 stated that PW.6 saw the incident first. By the time he (PW.4) went to minors were in a pool of blood and that they are dead. PW.6 saw them by touching whether they are alive or not. At about 06.00 p.m., 108 ambulance was contacted. It was suggested

to PW.4 that PW.2 and PW.6 planned to eliminate the accused and her children and that the some unknown offenders committed the offence during the night time.

18. Here in this context, it is relevant to note that as per Ex.P8-wound certificate of the accused, the incident happened on 22.06.2015 and wounds are self-inflicted and the injured was first seen on 22.06.2015 at about 08.30p.m. Therefore, the question or suggestion that during night time the unknown offenders /hired assassins engaged by PW.2, PW.4 and PW.6 etc. causing the death out of conspiracy etc., are beyond comprehension and probability, when the same is seen in the light of the evidence of the material witnesses, their presence is quite natural.

19. PW.6 said that to be the sister of the accused, who is the first person to have seen the accused after the incident, deposed that PW.2 and accused got one son and one daughter. At the time of incident, PW.2 got transfer to Uttar Pradesh. Accused used to state that PW.2 has no intention to take her and children. But, PW.6 was convincing the accused that PW.2 would take her as soon as he gets quarters. On 22.06.2015 when she (PW6), her daughter, accused and her children present at the home, she went to market and returned by 05.45p.m., opened the gate and by the time she opened the door, the accused was beating her forehead with knife and the children of the accused were already in pool of blood. Then she raised cries. Neighbours including PW.5, PW.7, PW.4 came there. They dragged the knife from the hands of the accused and kept it aside. When the accused was questioned,

accused stated that, PW2 is not taking children, she do not want to live and she murdered her children and she wanted to kill herself. Children were already dead. They had their throat cut and their head was with bleeding injuries. Accused was shifted to Government General Hospital, Kalyanadurg in 108 ambulance. PW.4 informed PW.2 about the incident over the phone. This corroborates the version of PW.2 that he was informed by PW.4 about the incident. During the cross-examination, PW6 stated that she is working as Anganwadi teacher. There are no disputes between herself and accused. Her daughter was sleeping and the children of the accused were in the house and not sleeping. They were playing when she went to market (santa/sandee/fare). By the time she returned, accused and her children were present. PW.4, PW.5, PW.6 were talking outside the house, while moving into her house, she observed throat of the boy cut and there were 5 or 6 injuries to the girl. Accused was in nighty and it was blood stained. At about 10 a.m. on next day police came. Police were informed during the night. Children were not taken to the doctor, as they were already dead.

20. PW.7 stated that on the date of incident, he was proceeding towards bus stand at about 06.00 p.m. on hearing cries of PW6, from the house, he PW4 and PW5 went to the house of the accused and found the accused trying to hack on her head with a knife. Then they removed the knife from the hands of the accused. They found the children of the accused were on the floor lying dead. When they asked the accused as to why what happened, she told that her husband was not taking her and children, therefore, she killed her

children. Thereafter, the matter was informed to police. During the cross-examination, nothing strange to disbelieve his (PW.7) testimony is elicited, except some minor contradictions.

21. Theory of the accused that PW.2 planned and tried to eliminate her and her children, suspecting her fidelity, paternity of children is found unbelievable when the same is seen in the light of the evidence of the prosecution witnesses. The defence of either physical, medical or legal insanity tried to be projected during the arguments in this appeal was not canvassed anywhere during the trial. The defence taken in the answers given at the stage of charge or under Section 313Cr.P.C. examination are consistent and coherent although. The nature, extent, depth and effect of injuries on the body of the accused reflected in the wound certificate and spoken by the Doctor, who treated her, inspire us to believe that she has attempted to commit suicide after killing her children. The instances referred by the learned counsel for the accused with reference to the case law relied on where the accused tried to jump in the well along with the children or the instance where the accused taking poison along with the victim's children cannot be equated to the present case where the inflicting of the injuries on the children is so brutal, fatal and vital, when compared to the injuries on the body of the accused.

22. The psychological state of accused is clear. It can be believed that she is aware about what she is doing including the consequences thereof. Intention behind what is done and intensity while doing the thing, on the part of the accused are very much evident. Clear repentance or being in

psychological disturbed state of mind and coming out such state etc. cannot be gathered from the factual context of the case. The statement made by the accused immediately after the incident to the prosecution witnesses will amount to even extra judicial confession. The extra judicial confession covered by Ex.P6 may be surrounded with clouds. But the oral extra judicial confession made to other witnesses immediately after the incident by the accused and that, she was found with the deceased immediately after the incident and that, the children are living with the accused in her custody, when seen together, she has a special burden to prove as to what has happened to children and what has happened to her. The defence is not inspiring the confidence even with any remote probability. Per contra the evidence of prosecution witnesses particularly PW.2, PW.6 and PW.9 and immediately conduct of the prosecution witnesses as well as the other evidence, with all clarity beyond reasonable doubt indicating the guilt of the appellant/accused. The defence that even as per the prosecution story the mother killing two children shall indicate the abnormal state of mind of the accused and that it can be considered that she is not sane found not acceptable in the present factual scenario. Neither the mental nor legal insanity on the part of the accused are acceptable upon marshalling of the entire evidence. The suicide attempt did not precede the killing of children. Even from the answers given by the accused during her examination under Section 313 Cr.P.C., it is clear that she did not deny the fact that she has attempted to commit suicide. Her answer is that she does not remember what has happened. She denied the

evidence with regard to killing of her children, when it comes to suicide, she said that she does not remember. The evidence of the other witnesses that the accused confessed that she has attempted to commit suicide appears to be quite natural and reliable. Therefore, the conclusions drawn by the learned Sessions Judge as to the accused attempted to commit suicide, falling within the charge under Section 309 IPC is acceptable.

23. Since the charge under Section 302 IPC is proved and she is liable to undergo imprisonment for Life and as the sentence with regard to 309 IPC will anyway run concurrently, the liability of the accused for the offence under Section 309 IPC and the applicability of Section 309 IPC in view of the fact that the statute book under Bharatiya Nyaya Sanhita [BNS] no longer treats an attempt to commit suicide as an offence, becomes purely academic. The issue regarding the retrospective application of such beneficial legislation, therefore, does not require any adjudication in the facts and circumstances of the present case.

24. For the afforested reasons, point framed is answered concluding that the prosecution is able to prove the guilt of the accused/appellant for the offences punishable under Sections 302, 309 IPC.

Point No.2:

25. In the result, appeal is **dismissed.** The conviction and sentence recorded by the learned III Additional District and Sessions Judge-cum-Fast Track Court, Anantapuramu in S.C. No. 249 of 2016, under the impugned

judgment dated 13.07.2018, for the offences punishable under Sections 302, 309 IPC are hereby confirmed. 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.1/2024 dt.25.04.2024 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**[5], she 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 her presence and ensure the implementation of the sentence.

As a sequel, interlocutory applications pending, if any, shall also stand closed.

JUSTICE K. SURESH REDDY

JUSTICE A. HARI HARANADHA SARMA

Date: 01.07.2026
Pnr

Whether the order is:

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

[5] 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.2466 of 2018

Date: 01.07.2026

Pnr