

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

Criminal Appeal No.900 OF 2009

Between:

Palleboina Neeladri & Ors

... Appellants

And

The State of Andhra Pradesh,
rep. by its Public Prosecutor,
High Court for the State of A.P,
Hyderabad

... Respondent

DATE OF JUDGMENT PRONOUNCED: 19.10.2022

Submitted for approval.

THE HON'BLE SRI JUSTICE K.SURENDER

- | | | |
|---|--|--------|
| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2 | Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

K.SURENDER, J

* THE HON'BLE SRI JUSTICE K. SURENDER

+ CRL.A. No. 900 of 2009

% Dated 19.10.2022

#Palleboina Neeladri & Ors

... Appellants

And

\$The State of Andhra Pradesh,
rep. by its Public Prosecutor,
High Court for the State of A.P,
Hyderabad

... Respondent

! **Counsel for the Appellant:** S. Sayam Sundar Rao

^ **Counsel for the Respondent:** Public Prosecutor

> **HEAD NOTE:**

? **Cases referred**

HON'BLE SRI JUSTICE K.SURENDER**CRIMINAL APPEAL No.900 of 2009****JUDGMENT:**

1. The appellants are convicted for the offence under Section 3(1)(x) of SCs & STs (POA) Act and sentenced to undergo rigorous imprisonment for a period of six months vide judgment in SC No.129 of 2007, dated 30.07.2009 passed by the Special Sessions Judge for Trial of Cases under SCs & STs (POA) Act, 1989 (for short 'the Act'). Aggrieved by the same, present appeal is filed.

2. The case of the prosecution is that P.W.1 was working as Village Secretary, Erugatla village and he was posted for election duty in the said village conducted at the Grampanchayat office. When he was on election duty around 1.00p.m on 02.08.2006, there was some galata at Grampanchayat office and P.W.1 went there and tried to console, but the appellants herein abused him in filthy language by stating that "ERA LAMBADI LANJAKODAKA-NEEVU CONGRESS PARTIKI ANUKULAMGA UNNAVU-EE LANJAKODEKE MOTHAM CHASEDI" and beat him with

hands, kicked him with legs and sticks. P.W.1 fearing further attack, jumped the wall and escaped.

3. P.W.2, who was the then Headmaster in Zilla Parishad Secondary School Penuballi, was the Returning Officer in the Gram Panchayat elections of Erugatla village. He stated that when there was galata regarding identification of a lady voter in Grampanchayat booth, he went there and saw some assailants attacking P.W.1. However, he did not identify the appellants as the persons who attacked P.W.1. P.W.2 specifically mentioned that he did not hear any one abusing in the name of caste.

4. P.Ws.3 and 4, who are voters who stated that the appellants herein beat P.W.1 with hands, but did not mention about any words attracting offence under Section 3(1)(x) of the Act.

5. As seen from the evidence on record, P.W.1 belonged to Congress party and these appellants admittedly belonged to opposite Telugu Desam Party. At the Grampanchayat office there were admittedly four police constables, who were placed

on duty and around 200 to 300 people in and around the booth in the said office. P.W.2 who was the Headmaster and Returning Officer in the said elections did not mention about any beating by these appellants and specifically stated that he did not know the persons, who beat P.W.1. The prosecution did not declare him hostile to the prosecution case. P.Ws.3 and 4 admitted that they are associates of one Karimulla, who belonged to Congress Party.

6. The main case of the appellants is that they were falsely implicated for the reason of belonging to Telugu Desam Party, at the instance of said Karimulla, who was closely associated with P.W.1, who also belonged to Congress Party. P.W.3 had accompanied the said Karimulla's brother to the Court and P.W.4 was also known to Karimulla.

7. The complaint was lodged on the next day with a delay of nearly 20 hours. The said delay is not explained by P.W.1. When admittedly, there were 200 to 300 people in the area when the galata took place, it is not known as to how P.Ws.1, 3 and 4 has identified these appellants as the persons who

had indulged in beating P.W.1 with sticks, fist blows and legs. The learned Sessions Judge held that the appellants were not guilty for the offence under Sections 353 and 506 of IPC.

8. The witnesses who have stated against the appellants admittedly belong to one political party and the appellants belong to other rival political party. P.W.1 neither in the complaint or before the Court during chief examination specify as to who were the persons who stated such words attracting offence under Section 3(1)(x) of the Act. In the group of nearly 200 to 300 people, alleging that these persons who belonged to rival political party had abused P.W.1 in the name of caste, casts doubt on the said version in the back ground of the sole independent witness P.W.2, who is the Returning Officer stating that P.W.1 was not abused in the name of caste. As stated PW2 was not declared hostile and the police personnel posted at the office were not examined.

9. In the said circumstances, the benefit of doubt is extended to the appellants, as such, they are acquitted of the charge under Section 3(1)(x) of the Act. The judgment of the

trial Court in SC No.129 of 2007 dated 30.07.2007 is hereby set aside. Since appellants are on bail, their bail bonds shall stand cancelled.

10. Accordingly, the Criminal Appeal is allowed.

Date: 19.10.2022

Note: LR copy to be marked.

B/o.kvs

K.SURENDER, J

HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL APPEAL No.900 of 2009

Date: 19.10.2022.

kvs

