

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

**MONDAY, THE TWENTY SIXTH DAY OF JUNE
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL APPEAL NO: 511 OF 2023

Appeal filed under Section 378(1) & (3) of Cr.P.C., against the Judgment dated 22.06.2009 passed in S.C.No. 307 of 2007 & 99 of 2009 on the file of the Assistant Sessions Judge, Miryalaguda, Nalgonda District.

Between:

The State of A.P., rep. by the Public Prosecutor, High Court of A.P.,
Hyderabad

...APPELLANT/PETITIONER

AND

1. Ganesh Bapu Rao Pawar Kale @ Jaipu, S/o. Bapu Rao Pawar, 45 years. R/o. Nalgonda District, N/o. Kurgav, Nanded. (A-1)
2. Sreenu Bhonsle @ Sreenu Babandi., S/o. Shivaji Bhonsle. 26 years. R/o. Yadagirigutta. N/o. Surath, Gujarath State. (A-2)
3. Arjun Khandee, S/o. Kishna @ Naravan Pawar, 26 years. R/o. Mallepally. N/o. Badanpur, Parbani, Nanded. (A-4)
4. Gosal Sappalaiah @ Sappliah @ Shivaji Bhosle, S/o. Dasu, 49 years, R/o. Yadagirigutta, N/o. Surath. Gujarath State. (A-7)
5. Raju Shinde, S/o. Vishnu. 18 years. R/o. Yadagirigutta. (A-8)
6. Gokul @ Santosh, S/o. Rambav, 18 years. Mallepally, N/o. Yesgay. Gangapur. Aurangabad. (A-9)

...RESPONDENTS/ACCUSED

Counsel for the Appellant : PUBLIC PROSECUTOR

Counsel for the Respondents : None appeared

The Court delivered the following: JUDGMENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL APPEAL No.511 OF 2023

JUDGMENT:

1. The State is aggrieved by the acquittal of the accused for the offence under Section 395 of IPC.

2. Learned Sessions Judge acquitted the accused on the ground that none of the prosecution witnesses identified the accused and the prosecution failed to examine the injured persons. No property was seized from the possession of the accused pursuant to their alleged confession to be admissible under Section 27 of the Indian Evidence Act. In the event of none of the witnesses identifying the accused and when there are no seizures, the Court has no other option but to acquit the accused. There are no grounds to interfere with the order of acquittal.

3. Accordingly, Criminal Appeal is dismissed. Miscellaneous applications pending, if any, shall stand closed.

Sd/- K. SRINIVASA RAO
JOINT REGISTRAR

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SECTION OFFICER

To,

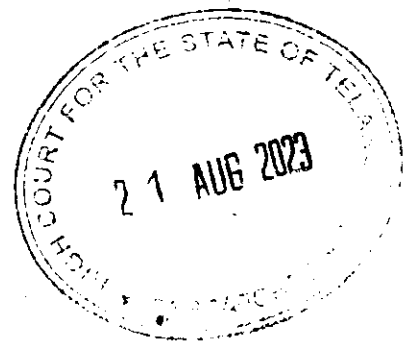
1. The Assistant Sessions Judge, Miryalaguda, Nalgonda District.
2. The Judicial Magistrate of First Class, Miryalaguda, Nalgonda District.
3. The Station House Officer, Haliya Police Station, Nalgonda.
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
5. **Two CD Copies**

HIGH COURT

DATED:26/06/2023

JUDGMENT

CRLA.No.511 of 2023



DISMISSING THE CLRA.

⑨ VW
4/8/23