

**THE HON'BLE SRI JUSTICE RAJA ELANGO**

**CRIMINAL APPEAL No.704 of 2016**

**JUDGMENT:**

1. This appeal is filed by the Complainant against the judgment dated 16.3.2015 passed in C.C.No.95 of 2012 by the Judicial Magistrate of First Class, Jammalamadugu.

2. Brief facts of the case are as follows:

The complainant and the accused belonged to Dhannawada village of Mylavaram Mandal. The present accused were also accused in C.C.No.54 of 2009 on the file of the Judicial Magistrate of First Class, Jammalamadugu. The complainant is a political leader and a social worker. She spent huge amounts for providing water facility to the villagers through bore wells in Dhannawada village. Prior to 1.10.2008, the accused damaged the pipe line laid by the complainant for the purpose of the village. When the complainant questioned the accused about their unlawful acts, they abused her in filthy language, for which a complaint was preferred by the complainant before Talamanchipatnam Police Station and the same was registered as Crime No.61 of 2008 for the offence under Sections 506, 509 and 431 r/w 34 IPC and the same was numbered as C.C.No.54 of 2009 before the Judicial Magistrate of First Class, Jammalamadugu. While so, while the complainant was coming to Jammalamadugu to attend before the learned Magistrate, the accused, who were waiting on the road, came near to her vehicle, abused her and threatened her not to give evidence against them. They also threatened that they will kill her if she speaks against them in the Court. When her driver questioned the accused, they threatened and abused him. Hence, the complainant filed the present complaint before the learned Magistrate. After recording the sworn statement of the complainant, the learned Magistrate took cognizance of the case against the accused for the offence under Sections 506 r/w 34 IPC and

numbered it as C.C.No.95 of 2012.

3. During the course of trial, P.Ws. 1 and 2 were examined and no documents were marked on behalf of the complainant. No oral or documentary evidence was adduced on behalf of the accused.

4. On appreciation of oral and documentary evidence, the trial Court found the accused not guilty for the offence under Sections 506 r/w 34 IPC acquitted them. Aggrieved by the same, the complainant filed the present appeal.

5. Learned Counsel for the petitioner submitted that the trial Court has not appreciated the evidence in a proper perspective and that the evidence of P.Ws.1 and 2 is very consistent and corroborative and that there are no doubtful circumstances.

6. From the material on record, it is obvious that the complainant and her driver were examined as P.Ws.1 and 2 before the trial Court. After evaluating the evidence, the trial Court acquitted the accused on the following grounds:

(i) The complainant did not produce any documentary evidence to substantiate that while she was coming to the Court to give evidence, the incident took place. She did not furnish the details in which case she was coming to the Court to depose on the date of incident;

(ii) P.Ws.1 and 2 did not mention the specific place where the accused threatened them.

(iii) P.W.2 failed to produce any document that he is working as driver to P.W.1;

(iv) P.W.1 failed to examine any independent witness to support her version;

7. Apart from the above observations, it is evident from the record that the complainant has not lodged any complaint regarding the said

incident even though the police station is on the way to the Court. Further, except informing that the accused threatened them, P.Ws.1 and 2 did not mention specifically the words alleged to have been uttered by the accused. In order to attract an offence under Section 506 r/w 34 IPC, necessarily words alleged to have been uttered by the accused should be stated before the Court. Then, the Courts can examine as to whether such abusive words or threatening words would amount to an offence under Section 506 IPC. P.Ws.1 and 2 did not specifically state the words alleged to have been uttered by the accused. In the circumstances, this Court is not inclined to interfere with the judgment of the trial Court.

8. Accordingly, the Criminal Appeal is dismissed. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

**RAJA ELANGO, J**

1<sup>st</sup> August, 2016

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1.08.2016

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