

**IN THE HIGH COURT FOR THE STATE OF TELANGANA**

**AT: HYDERABAD**

**CORAM:**

**\* THE HON'BLE SRI JUSTICE K. LAKSHMAN**

**AND**

**HON'BLE SMT. JUSTICE K. SUJANA**

**+ CRIMINAL APPEAL No.490 OF 2021**

**% Delivered on: -08-2023**

**Between:**

# Barkam Yadaiah

.. Appellant

Vs.

\$ The State of Telangana

.. Respondent

! For Appellant

: Mrs. C.Vasundhara Reddy

^ For Respondent

: Mr. C. Prathap Reddy

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> Head Note

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? Cases Referred

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1. AIR 1922 All. 233 (1)
2. (1906) 8 BOMLR 240
3. ILR 23 Madras 151
4. AIR 1922 All.266
5. IX Cochin Law Reports 397 (FB)
6. 1981 Cr.L.J. 451
7. 1964 Cr.L.J. 457
8. 1968 Cr.L.J. 762
9. (1897) ILR 19 All. 120
10. (1885) ILR 11 Cal.410
11. (2006) 1 Gauhati Law Reports 745
12. (2019) 14 SCC 723
13. 2016 (4) MLJ (Criminal) 378
14. 2000 (4) WLC 605
15. 1999 Cr.L.J. 1804

**HON'BLE SRI JUSTICE K. LAKSHMAN**  
**AND**  
**HON'BLE SMT. JUSTICE K. SUJANA**  
**CRIMINAL APPEAL No.490 OF 2021**

**JUDGMENT:** (Per Hon'ble Sri Justice K. Lakshman)

Heard Mrs. C. Vasundhara Reddy, learned counsel for the appellant and Mr. C. Prathap Reddy, learned Public Prosecutor appearing on behalf of the respondent.

2. This appeal is filed challenging the judgment dated 20.10.2014 in S.C. No.369 of 2014 passed by the learned Judge, Family Court - cum - VIII Additional Sessions Judge, Mahabubnagar.

3. The appellant herein is the sole accused in S.C. No.369 of 2014. The offence alleged against him is under Section - 302 of IPC. Vide the impugned judgment dated 20.10.2014, the trial Court convicted the appellant for the aforesaid offence and sentenced him to undergo imprisonment for LIFE and also to pay a fine of Rs.100/- (Rupees one hundred only). The trial Court recorded conviction against the appellant on the ground that he has pleaded guilty of the offence charged against him.

4. Learned counsel for the appellant - accused would submit that while convicting the appellant, the trial Court did not follow the procedure laid down under the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), more particularly Section - 229 of the Cr.P.C. The consequences of pleading guilty were not explained to the appellant after framing of the charge. Therefore, the impugned judgment is without following due procedure laid down under the Cr.P.C. and also the principle laid down by the Hon'ble Supreme Court in a catena of decisions.

5. On the other hand, learned Public Prosecutor would contend that the trial Court explained the procedure to the accused, charge was framed, read over and explained to him in Telugu language and after due understanding of the contents of the charge, consequences thereof, the appellant - accused voluntarily pleaded guilty of the offence charged stating that he committed murder of his wife. On consideration of the said facts, the trial Court recorded conviction against the appellant. There is no error in it. Thus, the present appeal filed by the appellant is not maintainable as per Section - 375 of Cr.P.C.

6. In the light of the aforesaid discussion, it is relevant to note that Section - 228 of the Cr.P.C. deals with framing of charge, and the same is extracted as under:

**“28. Framing of charge.**

(1) If, after such consideration and hearing as aforesaid, the Judge is of opinion that there is ground for presuming that the accused has committed an offence which-

(a) is not exclusively triable by the Court of Session, he may, frame a charge against the accused and, by order, transfer the case for trial to the Chief Judicial Magistrate, and thereupon the Chief Judicial Magistrate shall try the offence in accordance with the procedure for the trial of warrant- cases instituted on a police report;

(b) is exclusively triable by the Court, he shall frame in writing a charge against the accused.

(2) Where the Judge frames any charge under clause (b) of sub- section (1), the charge shall be read and explained to the accused and the accused shall be asked whether he pleads guilty of the offence charged or claims to be tried.”

7. Section - 229 of the Cr.P.C. deals with conviction on plea of guilty, and the same is also extracted as under:

**“229. Conviction on plea of guilty.** If the accused pleads guilty, the Judge shall record the plea and may, in his discretion, convict him thereon.”

8. Perusal of the aforesaid provisions would show that the trial Court after framing of charge shall read and explain the same to the accused and the accused shall be asked whether he pleads guilty of the offence charged and claims to be tried.

9. If an accused pleads guilty, the Judge shall record the plea and may, in his discretion convict him thereon. It is apt to note that the word used is ‘may’. Though the accused pleads guilty, it is not compulsory that the trial Court shall record conviction against an accused. Generally, the plea is not accepted in a capital case, though there is nothing illegal in doing so if the Court is satisfied that the accused understands all the essential elements of the crime and the effect of the plea.

10. It will not be a wise exercise of the discretion to accept the plea of guilty in a capital case. Charges of murder, it has been pointed out, frequently involve complicated questions as to the knowledge and intention with which the death of the victim was caused, and it is undesirable (unless the case is clear) to convict the accused on his

plea<sup>1</sup>. Therefore, it is essential that before accepting and acting on the plea, the Judge must feel satisfied that the accused admits facts or ingredients constituting the offence. The plea of the accused must, therefore, be clear, unambiguous and unqualified and the Court must be satisfied that he has understood the nature of the allegations made against him and admits them. The Court must act with caution and circumspection before accepting and acting on the plea of guilt. Once these requirements are satisfied, the law permits the Judge trying the case to record a conviction based on the plea of guilt.

11. The trial Court shall consider diverse factors, like knowledge and understanding of accused, proper application of judicial mind, nature of offence and prevention of miscarriage of justice. Fair trial includes right to life guaranteed to appellant under Article - 21 of the Constitution of India. Therefore, the trial Court shall consider the aforesaid aspects while convicting the appellant on pleading guilty, more particularly, where the offence is capital offence.

12. In **Dalli v. Emperor**<sup>1</sup>, it was held that in a case of murder it has long been the practice of this Court not to accept the plea of guilty. After all murder is a mixed question of fact and law and unless the Court is perfectly satisfied that the accused knew exactly what was necessarily implied by his plea of guilty, the case should be tried.

13. In **Emperor v. Chinia Bhika Koli**<sup>2</sup>, wherein considering the fact that the trial Court convicted the accused on pleading guilty, the Bombay High Court held that the judgment pronounced by the trial Court is not in accordance with the usual practice to accept a plea of guilty in a case where the natural sequence would be a sentence of death. A man may plead that he hit someone who thereby died, and that he did it for the purpose of taking away the ornaments of the person injured without necessarily admitting that he committed murder, for murder under the Penal Code requires a certain intention or a certain knowledge.

14. In **Queen Empress v. Chinna Pavuchi**<sup>3</sup>, the Madras High Court observed as under:

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<sup>1</sup>. AIR 1922 All. 233 (1)

<sup>2</sup>. (1906) 8 BOMLR 240

<sup>3</sup>. ILR 23 Madras 151

“The Code (Section 271) only says that 'the plea shall be recorded, and he may be convicted thereon.' "As a matter of practice the Sessions trials especially in murder cases many Judges, as we think very properly, prefer not to act on the plea of guilty, but proceed to take the evidence just as if the plea had been one of the not guilty, and decided the case upon the whole evidence, including the accused's plea."

15. The principle laid down in **Dalli**<sup>1</sup> was followed in **Sukhia v. Emperor**<sup>4</sup> and the rule of practice was re-affirmed in the following words:

“The rule is that when an accused is on his trial on a capital charge, it is not expedient that the Court should convict him even upon a plea of guilty entered before the trial Court itself. As a matter of practice the Court should in its discretion, put such a plea on one side and proceed to record and consider the evidence, in order to satisfy itself, not merely of the guilt of the accused but of the precise nature of the offence committed and the appropriate punishment for the same.”

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<sup>4</sup>. AIR 1922 All.266



16. In **Sirkar v. Pathu**<sup>5</sup>, it was held as under:

“In this country, it is dangerous to assume that a prisoner of this class understands what are the ingredients of the offence under Section 302 of the Indian Penal Code, and what are the matters which might reduce the act committed, to an offence under Section 304. Even in England, it used to be the practice of some judges, and probably is still, although they were not bound to do so, to advise persons pleading guilty to a capital offence to plead not guilty and stand their trial.”

The learned Judge held-

“The accused is charged with a capital offence, and it need hardly be pointed out that the usual practice in such cases is not to accept the plea of guilty, but to proceed to record evidence and base the order of conviction or acquittal according to the reliability or unreliability of that evidence.”

17. Relying on the aforesaid principle, a Division Bench of Kerala High Court in **Ramesan v. State of Kerala**<sup>6</sup>, it was observed as follows:

“13. The rule of practice adopted by the various High Courts in not acting upon a plea of guilty in

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<sup>5</sup>. IX Cochin Law Reports 397 (FB)

<sup>6</sup>. 1981 Crl.L.J. 451

cases of serious offences of murder is a rule of caution and prudence. An offence of murder involves not only the physical act of violence but also the mental element of intention or knowledge. A lay accused, when he pleads guilty is likely to be more concerned with the physical act and may not advert to the various ingredients constituting the offence. As mentioned in *Dalli v. Emperor* AIR 1922 All 233(1) : 1922-23 Cri LJ 283, whether act constitutes murder is a mixed question of law and fact. The Court while holding an accused guilty of murder should also enter a finding that he did the act with the requisite intention or knowledge. For such a finding to be entered and to decide whether the offence is murder or a lesser offence, the Court should have before it the details of the occurrence, the circumstances under which the act was done and the motive if any and for this purpose it is desirable that the entire evidence is placed before the Court.”

18. In **Re: Sundararaju v. Unknown**<sup>7</sup>, the Madras High Court held that it was necessary for the Judge to take evidence even though the accused pleaded guilty in grave offences like murder. Referring to the said principle, in **Re, Gavisiddappa v. State**<sup>8</sup>, a Division Bench of

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<sup>7</sup>. 1964 Crl.L.J. 457

<sup>8</sup>. 1968 Crl.L.J. 762

the High Court of Karnataka at Mysore Bench held that the trial Court has to take into account in order to decide the nature of plea etc.

19. In **Queen-Empress v. Bhadu**<sup>9</sup>, the Allahabad High Court held as under:

“In this country, it is dangerous to assume that a prisoner of this class understands what are the ingredients of the offence under Section 302 of the Indian Penal Code, and what are the matters which might reduce the act committed, to an offence under Section 304. Even in England, it used to be the practice of some judges, and probably is still, although they were not bound to do so, to advise persons pleading guilty to a capital offence to plead not guilty and stand their trial.

The accused is charged with a capital offence, and it need hardly be pointed out that the usual practice in such cases is not to accept the plea of guilty, but to proceed to record evidence and base the order of conviction or acquittal according to the reliability or unreliability of that evidence.”

20. In **Netai Luskar v. Queen Empress**<sup>10</sup>, an accused person, in answer to a charge of murder, stated that he had killed his wife; but that he had done so in consequence of his having discovered her

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<sup>9</sup>. (1897) ILR 19 All. 120

<sup>10</sup>. (1885) ILR 11 Cal.410

involvement in an act of adultery on the previous day. In the face of such facts, the Court, in *Netai Luskar (Supra)*, observed "We think the whole statement must be taken, together; and being so taken it certainly is not equivalent to a plea of guilty upon the charge of murder under Section 302 of the Penal Code. The explanation to the first exception in Section 300 of the Indian Penal Code states that the question "whether the provocation was grave and sudden enough to prevent the offence from amounting to murder is a question of fact;" and by Section 299 of the Code of Criminal Procedure "it is the duty of the Jury to decide all questions which, according to law, are to be deemed questions of fact." We think, then, that this case should have been tried out, and the verdict of the Jury taken on the plea raised by the accused. We accordingly set aside the sentence passed by the Sessions Judge, and direct that the accused Netai Luskar be tried on the charges on which he was committed to the Court of Sessions.

21. Considering the said above said principle and other factors, in **State of Mizoram v. Ramengmawia**<sup>11</sup>, a Division Bench of Gauhati High Court held in paragraph Nos.21 to 25 and the same is as under:

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<sup>11</sup>. (2006) 1 Gauhati Law Reports 745

“21. What emerges from the above discussion, held as a whole, is that majority of the High Courts are of the view that the Court should not, ordinarily, act upon the plea of guilty of the accused in serious offences, such as murder, and that in such cases, the decision shall be rendered after the entire evidence is presented before the Court. There are, however, glimpses of the view, even in the decisions cited above, that there is no absolute bar under the law in acting upon entirely on the plea of guilt of the accused if the facts and circumstances of a case so justify provided that if the Court takes all precautions necessary to ensure that the plea offered by the accused is voluntary and that the accused understands the offence with which he is charged with and the accused admits the facts and/or the ingredients constituting the offence. The practice adopted by the various High Courts in not acting upon solely on the plea of guilt of an accused in the cases of serious offences, such as murder, is a rule of caution and prudence. Though ignorance of law is not an excuse, there is no principle of law that everyone must be presumed to know the law. The Court cannot, therefore, presume that the accused knows the law that he has the freedom not to plead guilty or that the accused knows as to what the penal definition of murder' is. Clarified the Supreme Court

in *Motilal Padampat Sugar Mills Co. Ltd. v. State of U.P.*, reported in (1979) 2 SCC 409, thus, “it must be remembered that there is no presumption that every person knows the law. It is often said that everyone is presumed to know the law, but that is not a correct statement: there is no such maxim known to the law.

22. Setting at rest the controversy if there is an absolute bar or not in acting upon the plea of guilty of the accused even in a heinous offence, such as murder, it is worth noticing that in *State of Maharashtra v. Sukhdeo Singh*, ((1992) 3 SCC 700 : AIR 1992 SC 2100), the Apex Court held, “.....Where the Judge frames the charge, the charge so framed has to be read over and explained to the accused and the accused is required to be asked whether he pleads guilty of the offence charged, or claims to be tried. Section 229 next provides that if the accused pleads guilty, the Judge shall record the plea and may, in his discretion, convict him thereon. The plain language of this provision shows that if the accused pleads guilty the Judge has to record the plea and thereafter decide whether or not to convict the accused. The plea of guilt tantamounts to an admission of all the facts constituting the offence. It is, therefore, essential that before accepting and acting on the plea the

Judge must feel satisfied that the accused admits facts or ingredients constituting the offence. The plea of the accused must, therefore, be clear, unambiguous and unqualified and the Court must be satisfied that he has understood the nature of the allegations made against him and admits them. The Court must act with caution and circumspection before accepting and acting on the plea of guilt. Once these requirements are satisfied the law permits the Judge trying the case to record a conviction based on the plea of guilt. If, however, the accused does not plead guilty or the learned Judge does not act on his plea he must fix a date for the examination of the witnesses, i.e., the trial of the case. There is nothing in this Chapter which prevents the accused from pleading guilty at any subsequent stage of the trial. But before the trial Judge accepts and acts on that plea he must administer the same caution unto himself. This plea of guilt may also be put forward by the accused in his statement recorded under section 313 of the Code.

23. From a careful reading of what has been observed and held in Sukhdeo Singh (supra), it is abundantly clear that in law, there is no absolute bar, on the part of the Court of Sessions, to convict an accused on his plea of guilty; but before the conviction of the accused is based entirely on his

plea of guilt, the Court must take care to ensure that the plea of the accused is voluntary, clear, unambiguous and unqualified, that the accused understands the nature of the allegations made against him and admits them and that the accused admits all such facts, which are necessary and essential to constitute the offence.

24. What further logically follows is that the Court must also be satisfied that the facts placed before it in support of the plea of guilt are in themselves sufficient to sustain the offence charged with. In other words, the Court must have before it all such facts, which are essential to constitute the offence and such facts must be admitted by the accused before the plea of guilt of the accused is acted upon or conviction is based thereon.

25. We may hasten to point out that unlike section 229 Cr. PC, where the Legislature allows the Sessions Court merely to record the plea of guilt of the accused and convict him thereon, section 252 Cr. PC, which empowers a Magistrate, in the cases, which are triable by summons procedure, to convict the accused on 'his plea of guilty' requires that a Magistrate shall record the plea as nearly as possible in the words used by the accused and may, in his discretion, convict thereon. Unlike section 252, though section 229 does not cast any obligation on the Sessions Judge to record the plea



of the accused as nearly as possible in the words used by the accused, yet prudence demands that the Court records the plea in the words used by the accused so that the Court confirming conviction and sentence may know what exactly the plea of the accused was.”

It was further held that it is imperative on the part of the trial Court, to frame an appropriate charge which indicates as to how the offence of murder had been committed by the accused.

22. In **Jupudi Anand Gupta v. State of Andhra Pradesh**<sup>12</sup>, wherein the accused were convicted for the offence under Section - 9 (1) of the A.P. Gaming Act, 1974, on pleading guilty by the accused, the Apex Court held that the trial Court has to necessarily record admission of accused as nearly as possible in words used by him. Non-compliance of the same rendered conviction unsustainable. The said principle was also laid down by a Division Bench of Madras High Court in **Gopal v. State**<sup>13</sup>.

23. As discussed above, the trial Court has to consider the aforesaid aspects while framing charge and while convicting the accused on pleading guilty in terms of Section - 229 of the Cr.P.C. It

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<sup>12</sup>. (2019) 14 SCC 723

<sup>13</sup>. 2016 (4) MLJ (Criminal) 378

is not mandatory on the part of trial Court to record conviction against accused on pleading guilty. If the accused pleads guilty, the trial Court shall record the plea and may, in its discretion, convict him thereon.

24. Section - 374 of the Cr.P.C. deals with ‘appeals from convictions’. As per Sub-Section (2) of Section - 374, any person convicted on a trial held by a Sessions Judge or an Additional Sessions Judge or on a trial held by any other Court in which a sentence of imprisonment for more than seven (07) years has been passed against him or against any other person convicted at the same trial, may appeal to the High Court.

25. Section - 375 of the Cr.P.C. says ‘no appeal in certain cases when accused pleads guilty’. It says notwithstanding anything contained in Section - 374 of the Cr.P.C., where an accused person has pleaded guilty and has been convicted on such plea, there shall be no appeal. Thus, as per Section - 375, an accused cannot file appeal after conviction on pleading guilty. However, an accused may file an appeal challenging the extent or legality of the sentence under the said provision. Thus, Section - 375 of the Cr.P.C. should be read with

Section - 229 of the Cr.P.C. and the decision shall be based on facts and circumstances of each case.

26. In **Jagdish Singh v. State**<sup>14</sup>, the Rajasthan High Court held that a right of appeal is not a natural or inherent right and hence it must be referable to express provisions in a statute.

27. Section - 375 of the Cr.P.C. puts a bar to bring an appeal in cases when accused pleads guilty and is convicted on such plea. However, Section - 375 (b) of the Cr.P.C. gives an exception to bring an appeal but only as to the extent of legality of the sentence if the conviction on plea of guilty is ordered by Court of Sessions or Magistrate of the First or Second Class, since there is express provision contained in Section - 377 under which the State Government may appeal to the High Court against sentence upon conviction to the accused. Section - 375 of the Cr.P.C. confines only to the accused meaning thereby that the accused may appeal as to the extent or legality of the sentence if he is convicted on his plea of guilty by Court of Sessions or the Magistrate.

28. In **Anand Bardewa v. State of Sikkim**<sup>15</sup>, the Sikkim High Court held that if the facts alleged by the prosecution are

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<sup>14</sup>. 2000 (4) WLC 605

admitted by the accused do not amount to the offence charged or to any offence, the plea of guilty is no bar for an appeal on merits and does not stand in the way of the accused being acquitted. Section - 375 of the Cr.P.C. even assumes that the principle of Section - 375 of the Cr.P.C. should apply to revisions also, it is by now well-settled that though ordinarily in the case of conviction on a plea of guilty, there is a bar under Section - 375 of the Cr.P.C. for an appeal except as to the extent or legality of the sentence, still if the facts alleged or disclosed or admitted by the accused do not amount to the offence for which he has been convicted, even though on his own plea, such a plea of guilty is no bar to an appeal on merits and to any challenge to the conviction itself and will not stand in the way of the accused being acquitted.

29. Thus, there is wide range of discretion vested to the Court and such power has to be exercised most judiciously. In other words, it only means that notwithstanding the plea of guilt, the Court may proceed with the trial and take evidence particularly in serious type of

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<sup>15</sup>. 1999 CrL.L.J. 1804

cases. Even though, the Court has the jurisdiction to convict the accused solely on the basis of his plea of guilty, it has to satisfy itself that there are proper safeguards against the prejudice to the accused or there has been no miscarriage of justice. The trial Court has to further satisfy itself that the accused has fully understood the facts constituting such offence which is related to the charge in connection with which he has been arrayed in the trial. Furthermore, it is incumbent upon the Court to ensure that the accused has admitted all the elements of the offence and not on a fragmented piece of guilt, the conviction can be recorded.

30. The proper exercise of discretion is vested on the trial Court in terms of Section - 229 of the Cr.P.C. is of considerable importance especially when the accused is absolutely unaware of the language of the Court or the language in which the Court proceedings are conducted and is illiterate. It is precisely for the said reasons that the Courts in India do not accept such pleas of guilt and proceed to take evidence in such cases. This practice of not accepting plea of guilty in certain circumstances is highly preferable lest the evidence which may be taken in the case might disclose that no offence was committed by the accused. Normally, the plea of guilt would be

regarded as a waiver of the right of appeal except as to the severity or the legality of the sentence. A plea of guilt made by an accused under such circumstances, *namely* lack of knowledge and understanding, poverty, desperation, lack of proper advice, unavailability of experienced counsel may not be accepted as a plea of guilt and Section - 375 of the Cr.P.C. would not come in the way of preferring an appeal against the judgment and order of conviction. Such an appeal, if so filed ought not only to be heard on the question of sentence.

31. It is also apt to note that the object of trial is to investigate the offence and to find out the truth.

32. The sum and substance of the aforesaid judgments is that Section - 229 of the Cr.P.C. makes it mandatory that if the accused pleads guilty, the Court shall record the said plea in a lawful manner and follow all the procedure prescribed. The procedure prescribed has to be followed strictly, since acceptance of the plea would result in an accused being convicted without trial. The term 'pleading guilty' should be required a positive and informed act of admitting all the elements of the offences. Mere lip service or a monosyllabic 'yes' in reply to a pointed question by the Court, cannot under any

circumstances be equated with, or accepted as pleading of guilt by the accused. Violation of not recording the exact words of the accused while he is pleading guilty is sufficiently serious to invalidate the conviction of the accused.

33. Thus, the trial Court has discretionary power under Section - 229 of the Cr.P.C., and that it 'may' convict the accused based on his plea of guilt clarifies that conviction is not mandatory and various other factors should be taken into consideration. Also, as per the said provision and judicial precedents, plea needs to be recorded in a trial which shall take place in accordance with law. Therefore, Section - 375 of the Cr.P.C. cannot bar appeals in cases where the accused has lack of knowledge and the plea was made involuntarily out of frustration. Thus, the Courts must apply their judicial mind and record evidences in cases where the punishment is either life imprisonment or death penalty. Therefore, trial Courts should preferably refrain from convicting the accused solely based on his plea of guilt and should further direct to conduct the trial.

34. In the light of the aforesaid discussion and also the principle laid down in the aforesaid judgments, coming to the case on

hand, the trial Court vide impugned judgment dated 20.10.2014, convicted the appellant - accused basing on his pleading guilty. Though, in the judgment, there is mention about providing legal aid to the accused charged under Section - 228 of the Cr.P.C. for the offence under Section - 302 of the IPC was read over and explained to him in Telugu and after due understanding of the contents of the charged punishment, the accused voluntarily pleaded guilty of the offence charged saying that he has committed murder of his wife. There is also mention about the trial Court ascertaining from the accused asking him whether his plea is voluntarily or from any force or influenced from anybody, he has confirmed that he is voluntarily pleading guilty, but not under any influence. Thus, there is no consideration of the aforesaid factors and the principle laid down in the aforesaid judgments. The trial Court did not explain the consequences of pleading guilty to the accused and also other aspects. Viewed from any angle, the impugned judgment is liable to be set aside.

35. The present Criminal Appeal is accordingly allowed setting aside the impugned judgment dated 20.10.2014 in S.C. No.369 of 2014 passed by the learned Judge, Family Court - cum - VIII



Additional Sessions Judge, Mahabubnagar. The matter is remanded back to the trial Court i.e., Judge, Family Court - cum - VIII Additional Sessions Judge, Mahabubnagar for fresh disposal.

36. The S.C. is of 2014. The impugned judgment is dated 20.10.2014. Therefore, the trial Court shall make an endeavour to dispose of the aforesaid Sessions Case strictly in accordance with law, as expeditiously as possible, preferably within a period of six (06) months from the date of receipt of copy of this judgment. The appellant - accused shall co-operate with the trial Court in concluding trial and disposal of the aforesaid Sessions Case. He shall not involve in any criminal acts.

37. It is brought to the notice of this Court that at present the appellant is lodged in Central Prison, Cherlapally, Medchal - Malkajgiri District. In the light of the aforesaid discussion, since the impugned judgment is set aside and the matter is remanded back to trial Court, the Superintendent, Central Prison, Cherlapally, Medchal - Malkajgiri District, is directed to release the appellant - accused i.e., Barkam Yadaiah S/o Yellaiah, forthwith. He shall appear before the trial Court on 29.08.2023.

As a sequel, the miscellaneous applications, if any, pending in the appeal shall stand closed.

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**K. LAKSHMAN, J**

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**K. SUJANA, J**

**9<sup>th</sup> August, 2023**  
Mgr