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Court : Andhra Pradesh

Decided On : Mar-03-1994

Reported in : 1994(1)ALT639; 1995(1)ALT(Cri)317

Judge : G. Radhakrishna Rao and ;Ramesh Madhav Bapat, JJ.

Acts : Indian Penal Code (IPC), 1860 - Sections 302 and 354; Code of Criminal Procedure (CrPC) - Sections 374(2)

Appeal No. : Criminal Appeal No. 641 of 1993

Appellant : Komati Rajam

Respondent : State of A.P., Rep. by Public Prosecutor

Advocate for Def. : Public Prosecutor

Advocate for Pet/Ap. : P. Raghava Reddy, Adv.

Disposition : Appeal dismissed

Judgement :

G. Radhakrishna Rao, J.

1. This appeal is filed against the judgment is Sessions Case No. 148 of 1992 passed by the Sessions Judge, Adilabad, convicting and sentencing the accused-appellant to undergo imprisonment for life and to pay a fine of Rs. 1,000-00 for the

offence under Section 302 IPC and further to undergo R.I. for two years and to pay a fine of Rs. 1,000-00 for the offence under Section 354 IPC.

2. The brief facts of the case are as follows:

On 20-3-1992 at 8 p.m. when the deceased-Muchini Poshavva was alone in her house, the accused entered into her house by consuming liquor and dragged her with an intention to outrage her modesty. Then in order to rescue herself struggled with him and beat him with a broom. The accused got wild and attacked her by taking a stick from the heap of firewood and beat her on various vital parts of her body. Then P.Ws. 2 and 3 came mere and intervened and prevented the accused from further assaulting the deceased. Thereafter the accused left the place. Then after narrating the incident to P.Ws. 2 and 3 with regard to the attack on her, she died. P.W.I the village servant on being informed of the death of the deceased by P.Ws. 2 and 3 rushed to the spot and found her lying dead and on 21-3-1992 at about 4 p.m. he went to the Police Station and narrated the incident to the S.H.O., who in turn recorded his statement and obtained thumb-impression and registered the case. After completing the investigation, the police filed the charge-sheet against the accused.

3. In order to prove its case, the prosecution examined P.Ws. 1 to 9 and marked Exs. P-1 to P-24. M.Os. 1 to 4 were also marked. After closure of the prosecution evidence, the accused-appellant was examined under Section 313 Cr.P.C. with reference to the incriminating circumstances, for which he pleaded not guilty.

4. In this case P.Ws. 2 and 3 who are residing by the side of the hut of M. Rajam deposed that while they were taking food, they heard Iolli from the house of M. Rajam and on hearing the same, they went there and found Poshavva lying on the ground the accused running away from that place. Thereafter they asked Poshavva as to what happened. Then she stated that the accused tried to outrage her modesty, that she beat him with broom-stick and that the accused in turn beat her with stick on her neck and ribs. Their evidence discloses that they found arrack bottle at that place which was left by the accused. It is clear from the evidence of P.Ws. 2 and 3 about their identifying the accused when he ran away from the scene of offence. P.W.1 reported the matter to the police whose statement was

recorded by the police and thereafter police took up investigation and obtained finger prints of the accused and had them compared with the chance prints available on liquor bottle-M.O.1 with the Finger Print Expert P.W.6. P.W.7 Dr. G. Lakshmi Gayathri who conducted]postmortem examination on the dead body of the deceased found the following external injuries:

1. Contusion 3' x 3' on the right shoulder.

2. Contusion 2' x 2' on the right Axilla.

3. Contusion 1' x 1' on the front of the right chest.

4. Contusion 4' x 1' on the right side of the abdomen.

5. Contusion 4' x 1' on the left shoulder.

6. Contusion 1' x 1' above the left elbow fracture of the lower end of the humerous.

7. Contusion 3 ' x 3 ' on the right inguinal region.

8. Contusion 3 ' x 3 ' on the left inguinal region.

9. Contusion 2 ' x 2 ' on the right upper arm.

10. Contusion 2 ' x 2 ' on the left hand.

11. Contusion 3 ' x 3 ' on the right thigh.

and opined that the cause of death of the deceased was due to shock and hemorrhage due to multiple injuries and injury to internal viscera and they are sufficient to cause death in the ordinary course of nature.

5. Considering the evidence of P.Ws. 1 to 3 coupled with the evidence of Finger Print Expert P.W.6 and the medical evidence P.W.7, we hold that the conclusions arrived at by the learned Sessions Judge are perfectly justifiable and hence there are no reasons to interfere with the findings-recorded by the learned Sessions Judge.

6. In the result, the Criminal Appeal is dismissed, confirming the convictions and sentences recorded by the learned Sessions Judge.

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