



**HIGH COURT OF ANDHRA PRADESH**  
THURSDAY ,THE FOURTH DAY OF MAY  
TWO THOUSAND AND TWENTY THREE

**PRSENT**

**THE HONOURABLE SRI JUSTICE A V RAVINDRA BABU**  
**CRIMINAL APPEAL NO: 192 OF 2011**

**Between:**

1. MANEPALLI PRABHAKARA RAO, KRISHNA DISTRICT S/o. Rama  
Kotayya, hindu  
R/o. Arlapdu Village,  
Gampalagudem (M), Krishna District.

**...PETITIONER(S)**

**AND:**

1. THE STATE OF A.P.,REP.BY P.P.,HIGH COURT, HYDERABAD Rept.  
by its Public Prosecutor,  
High Court of A.P.,Hyderabad.

**...RESPONDENTS**

**Counsel for the Petitioner(s): NARASIMHA RAO GUDISEVA**

**Counsel for the Respondents: PUBLIC PROSECUTOR (AP)**

**The Court made the following: ORDER**



## HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

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**CRIMINAL APPEAL No.192 OF 2011****Between:**

Manepalli Prabhakara Rao,  
S/o.Rama Kotayya, Hindu,  
38 years, Arlapadu Village,  
Gampalagudem Mandal,  
Krishna District.

....

Appellant

*Versus*

The State of AP,  
Rep. by Public Prosecutor,  
High Court of A.P.  
Amaravathi.

....

Respondent

DATE OF JUDGMENT PRONOUNCED : 04.05.2023

**SUBMITTED FOR APPROVAL:****HON'BLE SRI JUSTICE A.V.RAVINDRA BABU**

1. Whether Reporters of Local Newspapers  
may be allowed to see the judgment? Yes/No
2. Whether the copy of judgment may be  
marked to Law Reporters/Journals? Yes/No
2. Whether His Lordship wish to see  
The fair copy of the judgment? Yes/No

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**A.V.RAVINDRA BABU, J**



**\* HON'BLE SRI JUSTICE A.V.RAVINDRA BABU**

**+ CRIMINAL APPEAL No.192 OF 2011**

**% 04.05.2023**

**# Between:**

Manepalli Prabhakara Rao,  
S/o.Rama Kotayya, Hindu,  
38 years, Arlapadu Village,  
Gampalagudem Mandal,  
Krishna District.

....

Appellant

*Versus*

The State of AP,  
Rep. by Public Prosecutor,  
High Court of A.P.  
Amaravathi.

....

Respondent

**! Counsel for the Appellant** : Sri Narasimha Rao Gudiseva,  
Learned Counsel.

**^ Counsel for the Respondent** : Sri Y. Jagadeeshwara Rao,  
Learned Counsel, Rep.  
Learned Public Prosecutor

**> Head Note:**

**? Cases referred:**

This Court made the following:

**HON'BLE SRI JUSTICE A.V.RAVINDRA BABU****CRIMINAL APPEAL No.192 OF 2011****JUDGMENT:**

This Criminal Appeal, under Section 374(2) of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C'), is filed by the appellant, who was the accused in Special Sessions Case No.19 of 2008 on the file of the Court of Special Sessions Judge under the Scheduled Castes and Scheduled Tribes (Prevention Of Atrocities) Act-cum-X Additional District Judge, Krishna, Machilipatnam (for short, 'the learned Special Judge'), questioning the judgment therein, dated 17.02.2011, whereunder the learned Special Judge found the appellant herein guilty of the charge under Section 3(1)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the SCs & STs Act'), convicted him under Section 235(2) Cr.P.C and, after questioning him about the quantum of sentence, sentenced him to undergo Rigorous Imprisonment for a period of one year and to pay a fine of Rs.1,000/- in default to suffer Simple Imprisonment for three months.



2. The parties to this Criminal Appeal will hereinafter be referred to as described before the trial Court, for the sake of convenience.

3. Special Sessions Case No.19 of 2008 arose out of the committal order in PRC No.26 of 2008 on the file of the Court of Judicial First Class Magistrate at Tiruvuru pertaining to Crime No.64 of 2008 of Gampalagudem Police Station. The State, represented by Sub-Divisional Police Officer, Nuzvid Sub-Division filed charge sheet pertaining to above said Crime for the offence under Section 3(1)(v) of the SCs & STs Act alleging in substance that the accused is resident of Arlapadu Village and Gampalagudem Mandal. He belonged to forward caste. LW.1 – Madugula Peda Lakshmaiah, who is resident of the same Village and Mandal, belonged to Scheduled Caste. The scene of offence is in the land of LW.1 in R.S.No.127/1 to an extent of Ac.0.63 cents. The Government of Andhra Pradesh issued D-Form Patta in the name of one Madugula Peda Nagaiah, father of LW.1, in the year 1971 in S.No.127/1 to an extent of Ac.1.27 cents. The parents of LW.1 died. After that, LW.1 and his brother partitioned the said land and, in the said partition, LW.1 got Ac.0.63 cents towards his share. So, he was in possession and enjoyment thereof. Six years



ago, he borrowed a sum of Rs.6,000/- from the accused to meet the medical expenses of his son and later he failed to discharge the due amount to the accused. Accused demanded LW.1 either to discharge his debt or handover his (LW.1) land document to him for which LW.1 requested time but, accused forcibly took away the D-Form Patta from LW.1 and occupied Ac.0.63 cents. Accused continuously cultivated the same. After four years, complainant (LW.1) approached the accused and asked him to handover the land to him since accused already collected lease amount from LW.4 – Inapanuri Devaiah and LW.5 – Madugula Venkateswara Rao as such the amount due by the accused was discharged but, accused denied to handover the land to LW.1. Therefore, he gave a report to LW.10 – Sk. Nagur Saheb, SI of Police, Gampalagudem Police Station, who registered the same as a case in Crime No.64 of 2008 for the aforesaid offence and intimated to LW.11 – G. Narayana Swamy, Sub-Divisional Police Officer, Nuzvid. LW.11 obtained permission from the Superintendent of Police, Krishna and took up investigation. He visited the land of LW.1 and gave requisition to LW.9 – S. Bhaskara Rao, Mandal Tahsildar, to ascertain the legal possession over the land and also to know about the caste of LW.1. During the course, he seized lease agreement between LW.4, LW.5 and accused and also xerox copy



of the D-Form Patta. He examined the witnesses during investigation. On 30.06.2008, he arrested the accused and sent him to judicial custody. He obtained caste certification and possession and enjoyment certificate from LW.9, the Tahsildar. Hence, the charge sheet.

4. The learned jurisdictional Magistrate took cognizance of the case for the offence under Section 3(1)(v) of the SCs & STs Act, numbered it as PRC No.26 of 2008 and after completing the formalities under Section 207 Cr.P.C committed the case to the Special Sessions Court and thereupon it was numbered as Special Sessions Case No.19 of 2008. On appearance of accused before the Court below, the learned Special Judge framed charges under Section 506 IPC and Section 3(1)(v) of the SCs & STs Act and explained to the accused in Telugu for which he pleaded not guilty and claimed to be tried.

5. To bring home the guilt of the accused, the prosecution, during the course of trial, examined PWs.1 to PW.11 and marked Exs.P-1 to P-8 and further Exs.D-1 to D-3.

6. After closure of the evidence of the prosecution, accused was examined under Section 313 Cr.P.C with reference to the



incriminating circumstances appearing in the evidence let in by the prosecution for which he denied the same. He did not adduce any defence evidence but, as evident from the judgment of the Court below, the accused filed agreement, dated 04.08.2002 in pursuance of his defence.

7. The learned Special Judge, on hearing both sides and after considering the oral and documentary evidence on record, found the accused guilty of the charge under Section 3(1)(v) of the SCs & STs Act and convicted him under Section 235(2) Cr.P.C. and, after questioning him about the quantum of sentence, sentenced him as above.

8. Felt aggrieved of the same, the unsuccessful accused in the aforesaid Special Sessions Case, filed the present Criminal Appeal.

9. Before going to frame the points for determination, it is appropriate to make a mention here that, according to the charge sheet filed by the Police, the outcome of the investigation is that the evidence collected discloses the offence under Section 3(1)(v) of the SCs & STs Act. The learned jurisdictional Magistrate took cognizance for the same. However, the learned Special Judge framed two charges *i.e.*, one under 506 of IPC and the other under





Section 3(1)(v) of the SCs & STs Act. The allegation under Section 506 IPC is that accused committed criminal intimidation by snatching forcibly the patta relating to the land of LW.1 in an extent of Ac.0.63 cents. But, as evident from the judgment, the learned Special Judge in the body of the judgment observed that the Court framed charge under Section 3(1)(v) of the SCs & STs Act. Even he did not give any finding as regards the charge under Section 506 IPC. Under the circumstances, now as the judgment is under challenge before this Court, this Court can as well look into as to whether, apart from the charge under Section 3(1)(v) of the SCs & STs Act, the prosecution before the Court below proved charge under Section 506 IPC against the accused.

10. Now, in deciding this Criminal Appeal, the points that arise for consideration are:

1. Whether the prosecution before the Court below proved beyond reasonable doubt that the accused committed criminal intimidation prior to 15.06.2008 against LW.1 – Madugula Peda Lakshmaiah by snatching forcibly patta from his possession in the manner as alleged?



2. Whether the prosecution before the Court below proved beyond reasonable doubt that the accused wrongfully dispossessed LW.1 – *de-facto* complainant from his land to an extent of Ac.0.63 cents in R.S. No.127/1 within the meaning of Section 3(1)(v) of the SCs & STs Act?

3. Whether there are any grounds to interfere with the impugned judgment?

11. **POINT Nos.1 to 3**: Sri Narasimha Rao Gudiseva, learned counsel for the appellant, would contend that, absolutely, except PW-1 - the *de-facto* complainant, none of the witnesses stated that accused snatched away the patta of PW.1 from his possession. The evidence of other prosecution witnesses is hearsay in nature. PW.1 did not lodge any police report when the accused allegedly snatched away the patta. He kept quiet. Even when the accused allegedly leased out the land to some others he did not question PW.4 and PW.5, when they were cultivating the land under the alleged lease. Apart from this, the defence of the accused is that, on 04.08.2002, PW.1 delivered physical possession of the land to him under possessory agreement of sale. So, accused claimed lawful possession over the property. Though the accused filed copy



of the agreement in 313 Cr.P.C examination, the Court below, without proper reasons failed to look into the same. Though the accused denied the so called lease agreement between him and PW.4 and PW.5, the trial Court held that it was proved by the prosecution and the accused did not send the same to the handwriting expert. With regard to the document filed by the accused in 313 Cr.P.C examination, the trial Court applied a different yardstick and disbelieved the case of the accused. Even otherwise, if really, the accused dispossessed PW.1 wrongfully, he would not have kept quiet for a period of four years. Accused can probabilize his defence theory by relying upon the above circumstances. The evidence on record would only disclose that accused came into possession of the property with an understanding with PW.1. Absolutely, there was no wrongful dispossession of PW.1 and the learned Special Judge did not look into the defence of the accused properly and made a conviction erroneously and the Appeal is liable to be allowed.

12. Sri Y. Jagadeeswara Rao, learned counsel, representing learned Public Prosecutor, would contend that by virtue of the evidence adduced it is clear that PW.1 was out of possession of the land for a period of four years or so and the reason was that the



accused took away the patta of PW.1 and occupied the land with force as PW.1 failed to repay the debt borrowed by him *i.e.*, a sum of Rs.6,000/- from the accused and accused even indulged in leasing out the land to PW.4 and PW.5. The evidence of PW.4 and PW.5 would further support the case of the prosecution and the evidence of PW.2 to PW.8 also supported the case of the prosecution and the learned Special Judge rightly appreciated the evidence on record as such the Appeal is liable to be dismissed.

13. Coming to the evidence of PW.1, he is the *de-facto* complainant. The sum and substance of his evidence is that in the partition he got Ac.0.60 cents of land, which was given to his father under D-Form Patta. He was in possession of Ac.0.60 cents of land. When he borrowed Rs.6,000/- from the accused, for the medical treatment of his son, who suffered with Cancer, he could not discharge the debt. Five years ago, accused asked his D-Form patta for the purpose of verification and took away the same and occupied the land. Accused leased out the land to LW.4 and LW.5 for two years. LW.4 cultivated the land for one year and paid lease amount of Rs.3,000/- p.a. to the accused. Subsequently, accused leased out the said land to LW.5. He asked accused to surrender his land but he expressed that still there was some due amount.



When he informed the incident to the Sarpanch, he did not give proper reply. So he reported the matter to the Police. Ex.P-1 is his report.

14. Coming to the evidence of PW.2, who is relative of PW.1, he deposed that PW.1 has Ac.0.60 cents of land in their village. He borrowed Rs.6,000/- from the accused about five years ago and did not discharge the said debt. Accused came and took away the land document and cultivated the land of PW.1 for four years and out of four years he gave the land to one Yadayya and also to one Venkateswara Rao. PW.1 presented report on 15.06.2008.

15. PW.3 deposed about the so called amount of Rs.6,000/- borrowed by PW.1 from the accused. Accused came and took away D-Form Patta from PW.1. Accused started cultivation. PW.1 did not obstruct the accused. Accused leased out the land to Yadayya and Venkateswara Rao. When he asked PW.1 about the D-Form Patta, he told him that the accused took away the said patta.

16. According to PW.4, Devaiah, he cultivated the land of PW.1 four years ago for two years taking the same from the accused on a lease of Rs.2,750/- per annum. PW.1 asked the accused to



return the land but accused did not return as his debt was due. So PW.1 gave report to Police.

17. According to PW.5, he took the land of PW.1 for lease from the accused for two years in 2006. PW.1 told him that he borrowed Rs.6,000/- from the accused and the accused took away his D-Form Patta. PW.1 asked him not to take that land but he already took the land after executing lease deed. Ex.P-2 is the lease agreement executed by him. He handed over Ex.P-2 to Police. He obtained lease agreement for a sum of Rs.2,750/- per annum. When PW.1 asked the accused to return his land, accused refused. So, PW.1 gave report.

18. According to PW.6, he was neighbourer to the south of PW.1's land. In the year 2008, PW.3 and PW.5 cultivated the same. He heard that accused leased out the same. He learnt that PW.1 borrowed money from the accused and he leased out the land to the accused and accused leased out the land to lessees. As PW.1 did not repay the debt, accused occupied the land of PW.1.

19. According to PW.7, PW.3 acquired the land of PW.1 for two years. PW.5 acquired the same for one year. As debt was due from PW.1, accused took the land.



20. According to the evidence of PW.8, two years ago PW.4 and PW.5 cultivated the land of PW.1 for lease by taking from the accused. As the debt was not repaid by PW.1, accused took the land and leased out the same.

21. PW.9, the Tahsildar, deposed that he enquired about the caste of PW.1 and issued Ex.P-3 caste certificate.

22. According to PW.10, SI of Police, he received report from PW.1 and registered the same as case in Crime No.64 of 2008 and issued original FIR. On instructions from DSP, he addressed a letter to MRO and obtained caste certificate of PW.1 and forwarded the same to the DSP.

23. The SDPO, PW.11, deposed that after receipt of copy of FIR, he got an order from the Superintendent of Police, Krishna to investigate the case. It is Ex.P-6. During investigation, he examined PW.1, PW.2, PW.3, PW.5, PW.6, PW.7 and PW.8 and got a copy of lease agreement executed by the accused from PW.5. He also obtained Ex.P-7, D-Form Patta. He obtained caste certificate of PW.1. He arrested the accused on 30.06.2008 and sent him to judicial custody. He obtained the land particulars from the Mandal Revenue Officer also.



24. As seen from the evidence of PW.1, during cross-examination, he denied that he executed possessory agreement in favour of the accused by selling his land for a sum of Rs.20,000/- on 04.08.2002 and he signed in that agreement and that now he changed his version. He cannot say the date, month and year when the accused took away D-Form Patta. He did not give any report to Police when the accused took away his D-Form Patta and he gave report after four years. Even he did not give any complaint to Police that accused occupied his land for a period of four years. He did not mention in Ex.P-1 that accused leased out his land for lease to others. He did not know what was written in Ex.P-1. He denied that he sold the land to the accused under proper agreement by receiving consideration and that he filed a false report. He denied that accused did not occupy his land forcibly and did not snatch away his patta forcibly.

25. PW.2 during cross-examination deposed that he was not present when PW.1 borrowed Rs.6,000/- from the accused. He did not know that PW.1 sold his land to the accused under possessory agreement dated 04.08.2002. He was not present when the accused took away the document of PW.1 relating to the land. By virtue of the above, the evidence of PW.2 that the accused took





away the land document of PW.1 is nothing but hearsay. Even according to the chief-examination of PW.3, his evidence is hearsay in nature as regards taking of patta of PW.1 by the accused. The evidence of PW.4 and PW.5 was not relating to the act of the accused in taking away the document of PW.1 with force. Their evidence is that they took the land from the accused in the respective years and cultivated the same. According to the evidence of PW.6, he did not speak that the accused with force took away the land document of the PW.1. Even PW.7 and PW.8 did not speak that the accused took away the D-Form Patta of PW.1 with force. So, the evidence of PW.2 and PW.3 is hearsay in nature. Even PW.1 did not say as to the date, month and year when the accused took away his D-Form Patta. So, there remained self-serving evidence of PW.1 with regard to the allegation that the accused came to his house and asked D-Form Patta of his land for the purpose of verification and took away the same. He admitted that he did not give any complaint to Police when the accused took away his D-Form Patta but gave complaint after four years. It is not a case where the Police recovered copy of D-Form Patta from the accused. A man of reasonable prudence would not keep quiet for a period of four years when the accused took away his D-Form



Patta. Under the circumstances, absolutely, the evidence on record did not prove the charge under Section 506 IPC.

26. The gist of the offence under Section 3(1)(v) of the SCs & STs Act is wrongfully dispossessing a member of Scheduled Caste or a Scheduled Tribe from his land or premises or interfering with the enjoyment of his rights over any land, premises or water. Here the allegation of the prosecution is that the accused having taken with force the D-Form Patta of PW.1 occupied his land with force. The prosecution failed to prove that the accused forcibly took away the D-Form Patta of PW.1.

27. So, there remained another allegation that accused wrongfully dispossessed PW.1 from the land. Now it is to be seen whether the evidence on record would prove the same. PW.2 was not a witness when the accused allegedly took away the document. He deposed that he does not know whether PW.1 sold the land to accused under possessory agreement on 04.08.2002. He deposed that he did not state before Police as in Ex.D-1. As seen from the evidence of the Investigating Officer, Ex.D-1 is proved by the defence. According to Ex.D-1, he came to know that six years ago PW.1 borrowed a sum of Rs.6,000/- from the accused. PW.2 though he deposed in chief-examination that PW.1 borrowed a



sum of Rs.6,000/- from the accused but he deposed in cross-examination that he was not present when PW.1 borrowed Rs.6,000/- from the accused. So, Ex.D-1 is not material in the circumstances of the case. PW.2 admitted that he was not present when the accused leased out the land to Yadayya and Venkateswara Rao. Under the circumstances, the evidence of PW.2 did not disclose the forcible dispossession of PW.1 from the land.

28. According to the evidence of PW.3, his evidence is hearsay in nature with regard to D-Form Patta. His evidence is that accused started cultivation and PW.1 did not obstruct the accused. Accused leased out the land to Yadayayya and Venkateswara Rao. He does not know whether PW.1 and his four sons sold the land to the accused under possessory agreement. Even the evidence of PW.3 did not disclose that he was present when the accused allegedly occupied the land of PW.1 with force. The evidence of PW.3 that accused started cultivation of the land of PW.1 does not mean that accused wrongfully dispossessed PW.1 from his land.

29. It is no doubt true that according to the evidence of PW.4 and PW.5, they took the land from the accused and that the land originally belonged to PW.1. Prosecution projected Ex.P-2, lease agreement, in between PW.5 and accused. Though accused denied



his signature on Ex.P-2 the overall evidence of PW.4 and PW.5 that they cultivated the land as lessees is not under challenge. So, what is evident from the evidence of PW.4 and PW.5 is that they cultivated the land of PW.1 having taken the same from the accused. This part of evidence of PW.4 and PW.5 would not further prove the case of the prosecution with regard to the basic allegation that accused dispossessed wrongfully PW.1 from his land. PW.4 claimed that he came into possession of the property through lease. He does not know that Madugala Venkateswara Rao came into possession of the land under a lease agreement. PW.5 testified about Ex.P-2. During cross-examination PW.4 deposed that he did not state before Police as in Ex.D-2, which is proved by virtue of the evidence of the Investigating Officer. As seen from Ex.D-1, which is the relevant portion in 161 Cr.P.C. statement of PW.2 to the effect that it is relating to the so called amount borrowed by PW.1 from the accused. It is also not material. PW.5 during cross-examination stated that PW.1 asked him not to take the land under lease and he replied that he already took the land. He deposed that he did not state before Police as in Ex.D-3. Ex.D-3 is proved by virtue of the evidence of Investigating Officer. As seen from Ex.D-3, which is relating to



letting out of the land to PW.4 and PW.5 and when the said fact is not in dispute, Ex.D-3 assumes no importance.

30. According to the evidence of PW.6, he heard that as PW.1 borrowed money from the accused, he leased out the land to the accused and accused in turn leased out the land to PW.3 and PW.5. As PW.1 did not repay his debt to the accused, accused occupied the land of PW.1. Even he did not know as to whether PW.1 executed possessory agreement in favour of the accused. According to him, PW.1 never objected the accused to cultivate his land and to lease out the land to others.

31. PW.7, during cross-examination, admitted that PW.1 had executed possessory agreement in favour of the accused towards Rs.20,000/- and he never objected the lessees to cultivate the land. The evidence of PW.7 is not challenged by the prosecution before the Court below when he supported the defence theory. Even PW.8 deposed in cross-examination that he got knowledge that PW.1 sold his land to the accused for Rs.20,000/- under possessory agreement.

32. As seen from the above, it is clear that none of the witnesses especially PW.2 to PW.8 deposed that they were witnesses when



the accused occupied the land of PW.1 with force. On the other hand, according to the evidence of PW.7 and PW.8, they know that accused sold away the land to PW.1 under possessory agreement of sale. It is not for this Court to decide the validity of the so called possessory agreement of sale.

33. There is no dispute that when the accused filed copy of such document during 313 Cr.P.C examination, the Court below did not appreciate the defence of the accused on the ground that accused failed to prove the same. The learned Special Judge did not look into the admissions made by PW.7 and PW.8 during cross-examination that PW.1 executed possessory agreement in favour of the accused for Rs.20,000/- and that he never objected the lessees to cultivate the land. So, as the prosecution did not challenge their evidence, it probabalizes the defence theory with reference to the document filed under 313 Cr.P.C examination and the learned Special Judge did not look into these crucial aspects.

34. It is to be noticed that as to what is the criterion in proving the charge in this regard is that the prosecution should prove that accused wrongfully dispossessed PW.1 from the land.



35. So, the allegation relating to the charge is based upon Ex.P-1 and now except the evidence of PW.1 there remained nothing in support of such charge. Now, this Court has to look into the conduct of PW.1. A man of reasonable prudence, when he was wrongfully dispossessed from the land, would not keep quiet. He did not choose to lodge any report with the Police when he was allegedly dispossessed wrongfully from the land. On the other hand, he did not object PW.4 and PW.5 when they were cultivating the land. The admissions made by PW.4 and PW.5 mean that they had some knowledge that the accused came into possession of the land only with an understanding with PW.1. A perusal of the judgment of the Court below reveals that the learned Special Judge made an observation that PW.2 to PW.8 categorically deposed that accused took away D-Form Patta and occupied the land of PW.1. Absolutely, the evidence of PW.2 to PW.8, on scrutiny, never disclosed that the accused took away the D-Form Patta and occupied the land of PW.1.

36. The so called cultivation of the land of PW.1 by the accused with an understanding and the alleged wrongful dispossession of PW.1 by the accused are two different factors. The second factor was proved by the prosecution and the first factor was to be



probabilized by the accused. In a criminal trial, the accused can prove his defence basing on the preponderance of the probabilities. Absolutely, in my considered view, the learned Special Judge did not look into the facts and circumstances in proper perspective. There was no question of PW.1 keeping quiet without lodging any report when he was allegedly dispossessed four years ago prior to Ex.P-1 and he would have certainly obstructed PW.4 and PW.5 when they were cultivating the land. Apart from this, the admissions from PW.7 and PW.8 are probabilizing the defence theory. Having regard to the above, the evidence on record, absolutely, did not prove the allegation that accused dispossessed PW.1 wrongfully from the land. The learned Special Judge, in my considered view, did not look into the fact that what all the evidence relating to the allegations of the prosecution was nothing but hearsay. The self-serving evidence of PW.1 is not liable to be believed as his conduct was not that of a man of reasonable prudence. Having regard to the above, I am of the considered view that it is a fit case where it can be held that the prosecution miserably failed to prove the charge under Section 506 IPC against the accused beyond reasonable doubt. The learned Special Judge by erroneously appreciating the evidence on record, recorded an order of conviction under Section 3(1)(v) of the SCs & STs Act





though the evidence on record did not warrant the same. Hence, the judgment is liable to be interfered with.

37. In the result, the Criminal Appeal is allowed by setting-aside the judgment in Special Sessions Case No.19 of 2008, dated 17.02.2011, on the file of the Court of Special Judge under the Scheduled Castes and Scheduled Tribes (Prevention Of Atrocities) Act-cum-X Additional District Judge, Krishna, Machilipatnam as such the accused is acquitted under Section 235(1) Cr.P.C. for the charges under Section 506 IPC and Section 3(1)(v) of the SCs & STs Act.

Consequently, Miscellaneous Applications pending, if any, shall stand closed.

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**JUSTICE A.V.RAVINDRA BABU**

Date: 04.05.2023  
DSH