

***THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA**

+ CRIMINAL REVISION CASE No.1388 OF 2009

% 21.07.2026

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1. NARRA PAUL, CHAPADU MANDAL, KADAPA DISTRICT, S/O. PEDDA DANAMU COOLIE R/O. MORAIPALLE VILLAGE, CHAPADU MANDAL, KADAPA DISTRICT.

...PETITIONER

And:

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1. THE STATE OF A P REP BY ITS P P HYDERABAD AND 11 OTHERS, REP. BY ITS PUBLIC PROSECUTOR, HIGH COURT OF A.P., HYDERABAD.
2. KOPERLA JAYASEKHAR, S/O. SIKHAMANI R/O. MORAIPALLI VILLAGE, CHAPADU MANDAL OF KADAPA DISTRICT.
3. KOPERLA JAYAPPAUL, S/O. SIKHAMANI R/O. MORAIPALLI VILLAGE, CHAPADU MANDAL OF KADAPA DISTRICT.
4. TANGELA SUNDARAM DIED, S/O.VEERAIAH, R/O.MORAIPALLI VILLAGE, CHAPADU MANDAL OF KADAPA DISTRICT. (RESPONDENT NO.4/ACCUSED NO.3 SINCE DIED, CRIMINAL REVISION CASE AGAINST RESPONDENT NO.4/ACCUSED NO.3 IS ABATED, AS PER THE COURT'S ORDER DATED 09.04.2025 IN CRL.R.C.NO.1388 OF 2009.)
5. NARRA SESHANNA, S/O. VEERAIAH R/O. MORAIPALLI VILLAGE, CHAPADU MANDAL OF KADAPA DISTRICT.
6. OBULAPADU HAZIKELU, S/O. SUBBANNA @ DEVADANAM R/O. MORAIPALLI VILLAGE, CHAPADU MANDAL OF KADAPA DISTRICT.
7. TANGELLA SWAMYDASS, S/O. SOLOMON R/O. MORAIPALLI VILLAGE, CHAPADU MANDAL OF KADAPA DISTRICT.
8. TANGELLA DEVADAS, S/O. SUNDARAM R/O. MORAIPALLI VILLAGE, CHAPADU MANDAL OF KADAPA DISTRICT.

9. NARRA NAGARAJU, S/O. SESHANNA R/O. MORAIPALLI VILLAGE, CHAPADU MANDAL OF KADAPA DISTRICT.
10. NARRA NAGENDRA, S/O. SESHANNA R/O. MORAIPALLI VILLAGE, CHAPADU MANDAL OF KADAPA DISTRICT.
11. KOPERLA CHANDRA, S/O. SAMSON R/O. MORAIPALLI VILLAGE, CHAPADU MANDAL OF KADAPA DISTRICT.
12. TANGELLA YESANNA, S/O. THIMOTHI R/O. MORAIPALLI VILLAGE, CHAPADU MANDAL OF KADAPA DISTRICT.

...RESPONDENTS

! Counsel for the Petitioner:

1. PONNEKANTI MALLIKARJUNA RAO
2. LEGAL AID

^ Counsel for the Respondents:

1. KHAJA KHUTUBUDDIN SHAIK
2. SRI PANINI SOMAYAJI - ADDL. PUBLIC PROSECUTOR
3. LEGAL AID
4. --

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CHAPADU MANDAL, KADAPA DISTRICT.
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CHAPADU MANDAL, KADAPA DISTRICT.
- 10.TANGELLA YESANNA, S/O.THIMOTHI MORAIPALLI VILLAGE,
CHAPADU MANDAL, KADAPA DISTRICT.

...PETITIONERS

And:

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- 1.STATE S H O SUB INSPECTOR OF POLICE, Chapadu Police Station,
rep. by Public Prosecutor High Court of Andhra Pradesh, Hyderabad.

...RESPONDENT

! Counsel for the Petitioner:

- 1.RAGHU RAM VEMPATY
- 2.LEGAL AID

^Counsel for the Respondent:

- 1.Sri PANINI SOMAYAJI – ADDL.PUBLIC PROSECUTOR

<Gist:

>Head Note:

? Cases referred: -

HIGH COURT OF ANDHRA PRADESH

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CRL.R.C. Nos:1388 & 1103 OF 2009

DATE OF ORDER: 21.07.2026

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE SUBHENDU SAMANTA

- 1. Whether Reporters of Local newspapers Yes/No
may be allowed to see the Order?**
- 2. Whether the copies of Order may be Yes/No
marked to Law Reporters/Journals**
- 3. Whether Your Lordships wish to see the Yes/No
fair copy of the Order?**

SUBHENDU SAMANTA,J

Date of reserved for orders : 09.07.2026
Date of pronouncement : 21.07.2026
Date of uploading : 21.07.2026

APHC010374922009



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3560]

TUESDAY, THE 21st DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 1388/2009

Between:

1. NARRA PAUL, CHAPADU MANDAL, KADAPA DISTRICT, S/O. PEDDA DANAMU COOLIE R/O. MORAIPALLE VILLAGE, CHAPADU MANDAL, KADAPA DISTRICT.

...PETITIONER

AND

1. THE STATE OF A P REP BY ITS P P HYDERABAD AND 11 OTHERS, REP. BY ITS PUBLIC PROSECUTOR, HIGH COURT OF A.P., HYDERABAD.
2. KOPERLA JAYASEKHAR, S/O. SIKHAMANI R/O. MORAIPALLI VILLAGE, CHAPADU MANDAL OF KADAPA DISTRICT.
3. KOPERLA JAYAPPAUL, S/O. SIKHAMANI R/O. MORAIPALLI VILLAGE, CHAPADU MANDAL OF KADAPA DISTRICT.
4. TANGELA SUNDARAM DIED, S/O.VEERAAIAH, R/O.MORAIPALLI VILLAGE, CHAPADU MANDAL OF KADAPA DISTRICT. (RESPONDENT NO.4/ACCUSED NO.3 SINCE DIED, CRIMINAL REVISION CASE AGAINST RESPONDENT NO.4/ACCUSED NO.3 IS ABATED, AS PER THE COURT'S ORDER DATED 09.04.2025 IN CRL.R.C.NO.1388 OF 2009.)
5. NARRA SESHANNA, S/O. VEERAAIAH R/O. MORAIPALLI VILLAGE, CHAPADU MANDAL OF KADAPA DISTRICT.

6. OBULAPADU HAZIKELU, S/O. SUBBANNA @ DEVADANAM R/O. MORAIPALLI VILLAGE, CHAPADU MANDAL OF KADAPA DISTRICT.
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12. TANGELLA YESANNA, S/O. THIMOTHI R/O. MORAIPALLI VILLAGE, CHAPADU MANDAL OF KADAPA DISTRICT.

...RESPONDENTS

Revision filed under Section 397/401 of CrPC praying that in the circumstances stated in the affidavit filed in support of the Criminal Revision Case, the High Court may be pleased to present this Memorandum of Criminal Revision Case to this Honourable Court against the Judgment passed in CrI.A.No.104 of 2005 on the file of the II Additional Sessions Judge, Kadapa at Proddatur dated 16-06-2009 partly allowing the appeal setting aside the Convictions passed for the offences under Section 147, 148, 326, 324 r/w 149 IPC in C.C.No.19 of 2003 on the file of the Court of 1st Additional Judicial Magistrate of First Class, Proddatur, dated 01-03-2005.

Counsel for the Petitioner:

1. PONNEKANTI MALLIKARJUNA RAO
2. LEGAL AID

Counsel for the Respondent(S):

1. KHAJA KHUTUBUDDIN SHAIK
2. SRI PANINI SOMAYAJI – ADDL. PUBLIC PROSECUTOR
3. LEGAL AID
4. --

CRIMINAL REVISION CASE NO: 1130/2009

Between:

1. KOPERLA JAYASEKHAR, S/O.SIKHAMANI MORAIPALLI VILLAGE, CHAPADU MANDAL, KADAPA DISTRICT.
2. KOPERLA JAYAPUAL,, S/O.SIKHAMANI MORAIPALLI VILLAGE, CHAPADU MANDAL, KADAPA DISTRICT.
3. NARRA SESHANNA, S/O.VEERAAIAH MORAIPALLI VILLAGE, CHAPADU MANDAL, KADAPA DISTRICT.
4. OBULAPADU HAZIKELU, S/O.SUBBANNA @ DEVADANAM MORAIPALLI VILLAGE, CHAPADU MANDAL, KADAPA DISTRICT.
5. TANGELLA SWAMYDASS,, S/O.SOLMON MORAIPALLI VILLAGE, CHAPADU MANDAL, KADAPA DISTRICT.
6. TANGELLA DEVADAS, S/O.SUNDARAM MORAIPALLI VILLAGE, CHAPADU MANDAL, KADAPA DISTRICT.
7. NARRA NAGARAJU, S/O.SESHANNA MORAIPALLI VILLAGE, CHAPADU MANDAL, KADAPA DISTRICT.
8. NARRA NAGENDRA, S/O.SESHANNA MORAIPALLI VILLAGE, CHAPADU MANDAL, KADAPA DISTRICT.
9. KOPERLA CHANDRA, S/O.SAMSON MORAIPALLI VILLAGE, CHAPADU MANDAL, KADAPA DISTRICT.
- 10.TANGELLA YESANNA, S/O.THIMOTHI MORAIPALLI VILLAGE, CHAPADU MANDAL, KADAPA DISTRICT.

...PETITIONERS

AND

- 1.STATE S H O SUB INSPECTOR OF POLICE, Chapadu Police Station, rep. by Public Prosecutor High Court of Andhra Pradesh, Hyderabad.

...RESPONDENT

Revision filed under Section 397/401 of CrPC praying that in the circumstances stated in the affidavit filed in support of the Criminal Revision Case, the High Court may be pleased to file the present Criminal Revision Case against the Judgment dt.16-06-2009 in CrI.A.No.104 of 2005 on the file of II Additional Sessions Judge, Kadapa at Proddatur in so far as imposing fine of Rs.2,000/- each to the petitioner U/s.324 of I.P.C. in setting aside the

conviction imposed by the II Additional Judicial First Class Magistrate, Proddatur in C.C.No.19 of 2003 dt.14-3-2005.

Counsel for the Petitioners:

- 1.RAGHU RAM VEMPATY
- 2.LEGAL AID

Counsel for the Respondent:

- 1.SRI PANINI SOMAYAJI - ADDL. PUBLIC PROSECUTOR

The Court made the following:

THE HON'BLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE Nos:1388 & 1130 OF 2009

COMMON ORDER:

1. Both these criminal revision cases were arise out of common judgment, dated 16.06.2009, passed by learned II Additional Sessions Judge, Kadapa at Proddatur, in Crl.A.No.104 of 2005, whereby and whereunder learned Sessions Judge has set aside the conviction of accused for the offences punishable under Sections 147, 148, 326, 324 read with Section 149 of Indian Penal Code, 1860 (for short, '**IPC**'), recorded by learned I Additional Judicial Magistrate of First Class, Proddatur, in C.C.No.19 of 2003, dated 14.03.2005, and modified the conviction for the offence under Section 324 of IPC against all accused by way of fine amount of Rs.2,000/-.
2. Aggrieved by the modification of conviction and sentence, de facto complainant preferred Crl.R.C.No.1388 of 2009, whereas the accused persons preferred Crl.R.C.No.1130 of 2009.
3. **The prosecution case, in brief, is as follows:**
 - 3.1. On 05.08.2002, at about 8.00 A.M., while A.1, A.2 and A.4 were laying metal on the road along with coolies at Malawada of Moraipalli Village, an altercation took place with P.W.1 regarding the improper spreading of the metal. During the course of altercation, A.1 pushed P.W.1 aside. When P.W.1 questioned his conduct, A.1 allegedly went to his house, brought a stick and beat P.W.1 on his forehead, causing

a bleeding injury. Thereafter, A.1 again assaulted P.W.1 on the right side of his head. A.3 allegedly caused a fracture on the left ulna of P.W.1. The other accused allegedly assaulted P.Ws.2 to 9 with sticks and stones, caused simple injuries.

- 3.2. Thereafter, the injured persons boarded an auto, proceeded to the police station, where P.W.1 lodged a report. They were thereafter referred to the Government Hospital for treatment.
- 3.3. Upon completion of investigation, the police filed a charge sheet for offences punishable under Sections 147, 148, 324 and 326 read with Sections 149 of IPC.
- 3.4. During trial, prosecution has examined P.Ws.1 to 13, marked several documents as Exs.P.1 to P.17. On behalf of defence, D.W.1 was examined and Exs.D.1 to D.5 were marked.
- 3.5. Upon considering the evidence, learned trial court found A.1 to A.11 guilty for the offences under Sections 148 and 324 of IPC, found A.3 guilty for the offence under Section 326 of IPC, A.1, A.2 and A.4 to A.11 found guilty for the offence under section 324 read with 149 of IPC and Section 326 read with 149 of IPC; and sentenced A.1 to A.11 to undergo rigorous imprisonment for six months each and to pay a fine of Rs.2,000/- each in default to suffer simple imprisonment three months each for the offence under section 148 IPC. Further, A.1 to A.11 are sentenced to undergo rigorous imprisonment for one year each and to pay a fine of Rs.5,000/- each in default to suffer simple

imprisonment for three months each for the offence under section 324 of IPC. Further, A.3 is sentenced to undergo rigorous imprisonment for three years and also sentenced to pay a fine of Rs.5,000/- in default to suffer simple imprisonment for three months for the offence under Section 326 of IPC. Further A.1, A.2 and A.4 to A.11 are found guilty for the offence under section 326 r/w 149 IPC and they are sentenced to suffer rigorous imprisonment for two years each and to pay a fine of Rs.5,000/- each in default to suffer simple imprisonment for three months each.

3.6. Aggrieved thereby, the accused preferred appeal being CrI.A.No.104 of 2005 before learned appellate Court. Upon hearing both parties, learned appellate Court acquitted all the accused for the offences punishable under Sections 147, 148, 326, 324 read with Section 149 of IPC. However, convicted them for the offence punishable under Section 324 of IPC and sentenced each of them to pay a fine of Rs.2,000/-.

3.7. Challenging the modification of conviction and sentence, de facto complainant preferred CrI.R.C.No.1388 of 2009, whereas the accused persons preferred CrI.R.C.No.1130 of 2009.

4. **SUBMISSIONS OF THE DE FACTO COMPLAINANT:**

4.1. Learned counsel for the de facto complainant contended that learned appellate court committed a grave illegality in reversing the well-

reasoned judgment of learned trial court and in modifying the conviction and sentence under Section 324 IPC.

- 4.2. He further submits that there are glaring evidences including some medical evidence of doctor to hold that P.W.1 including other prosecution witnesses has sustained severe bodily injury inflicted all accused persons; thereby, the order of acquittal for the offences punishable under Sections 147, 148 and 326 read with Section 149 IPC is unsustainable.

5. **SUBMISSIONS OF THE ACCUSED:**

- 5.1. Learned counsel appearing for accused persons submits that there was an unexplained and inordinate delay in lodging the FIR. As per prosecution case, alleged incident occurred on 05.08.2002, but the FIR was registered on 07.08.2002, there are no satisfactory explanation for the delay of two or three days, which is fatal to the prosecution case.
- 5.2. He further submits that place of occurrence itself is highly doubtful. The evidence of Investigating Officer as well as Ex.P.17-rough sketch clearly establish that P.W.1 had no house adjacent to the place where the metal road was allegedly being laid. It is further submitted that laying of a metal road by itself does not disclose any criminal intention.
- 5.3. Moreover, the evidence of D.W.1, the Gram Panchayat official and Exs.D.1 to D.5 itself proved that the metal road was actually laid on

12.08.2002, and not on 05.08.2002. It was also submitted that no weapons, allegedly used in the commission of the offence were seized or produced before learned trial court to substantiate the ingredients of the offence punishable under Section 326 of IPC. Hence, learned appellate court justifiably found that there is no material to record conviction in this case.

5.4. Learned counsel also argued that Crl.R.C.No.1130 of 2009 is preferred questioning the imposition of sentence by learned appellate court under Section 324 of IPC against all accused persons. There are no material before learned trial court or the appellate court to hold that the petitioners have committed any offence of assault upon the injured prosecution witnesses on the relevant date.

6. **OBSERVATIONS OF THIS COURT:**

- 6.1. In both these revisions, the judgment of learned appellate court is under challenge.
- 6.2. Learned appellate court, while dealing with the judgment passed by judgment in calendar case being C.C. No.19 of 2003, is of the view that there are several discrepancies in the case of the prosecution.
- 6.3. Firstly, the place of occurrence itself is doubtful as the investigating officer categorically admitted during cross-examination that there was no house belonging to P.W.1/ complainant beside the metal road. Further, the allegation of assault in respect of laying metal road was occurred on 05.08.2002 and on the same day they proceeded to the

hospital for medical treatment, but FIR was registered one day thereafter. On a plain perusal of FIR, it appears that it only disclosed the name of three accused persons i.e., A.1, A.2 and A.4, but subsequently, total 11 accused persons were arrayed as accused in this case. Obviously, there are exaggerations in the prosecution case, which appears to have been introduced only to attract the ingredients of Sections 147 and 149 of IPC, which require participation of at least five persons constituting an unlawful assembly. Furthermore, the prosecution failed to establish the common object of the alleged unlawful assembly.

6.4. Learned appellate court further observed that absence of evidence of doctor regarding the use of dangerous weapons so as to attract the offence punishable under Section 326 IPC. Thus, learned appellate court has justifiably hold that the charges under Sections 147, 148, 326 read with Section 149 IPC were not proved. However, learned appellate court, believing the sole testimony of injured/P.W.1, has convicted the all accused persons under Section 324 of IPC. In the considered opinion of this Court, when the entire prosecution case regarding the place of occurrence, registration of FIR, date of alleged occurrence is doubtful, the testimony of P.W.1 cannot safely be relied upon without adequate corroboration.

6.5. Moreover, the evidence of D.W.1 supported by Exs.D.1 to D.5, clearly established that the metal road was actually laid on 12.08.2002. So,

the allegation that the quarrel occurred on 05.08.2002 while laying the same road creates serious doubt regarding the very genesis of the occurrence.

6.6. Considering the entire material on record, I am of the view that, though learned appellate court has recorded that conviction is maintainable on the basis of the evidence of injured, but no order of conviction can be passed only to keep the fear in the minds of the accused. Criminal jurisprudence requires that every ingredient of the offence must be proved beyond reasonable doubt.

6.7. In this case, though learned appellate court has rightly acquitted the accused of the offences punishable under Sections 147, 148 and 326 read with Section 149 of IPC, but erroneously recorded conviction under Section 324 of IPC, despite there is heavy doubt in the prosecution case.

6.8. In the considered opinion of this Court, the prosecution has miserably failed to establish the charge under Section 324 of IPC beyond reasonable doubt against any of the accused. Accordingly, Crl.R.C. No.1130 of 2009 filed by the accused is allowed. Crl.R.C. No.1388 of 2009 filed by the de facto complainant is dismissed. The impugned judgment of learned appellate Court is confirmed insofar as it acquitted the accused of the offences punishable under Sections 147, 148 and 326 read with Section 149 IPC. However, the conviction and sentence recorded against the accused for the offence punishable

under Section 324 of IPC are hereby set aside. The accused are acquitted for the offence punishable under Section 324 of IPC and are set at liberty, if they are not required in any other case.

6.9. The fine amount, if already deposited by the accused, shall be refunded to them in accordance with law.

6.10. Under the above observation, these criminal revision cases are disposed of.

6.11. Miscellaneous petitions, if any, pending in these revisions shall stand closed.

JUSTICE SUBHENDU SAMANTA

Dt.21.07.2026

BV

Whether the order is :

Speaking: Yes/No

Reasoned: Yes/No

Reportable: Yes/No