

***THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA**

+ CRIMINAL REVISION CASE No.507 OF 2009

% 25.09.2026

1. T.ANAND, S/O.T.ADINARAYANA, R/O.D.NO.6-10-365,
SINGALAGUNTA, TIRUPATI.

...PETITIONER

And:

\$ 1. THE STATE OF A P, REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF A.P., HYDERABAD.

...RESPONDENT

! Counsel for the Petitioner:

SRI HARINADH NIDAMANURI

^Counsel for the Respondents:

PANINI SOMAYAJI
ASSISTANT PUBLIC PROSECUTOR
FOR THE RESPONDENT/STATE

<Gist:

>Head Note:

? Cases referred:

(1957) 1 SCC 700
(2016) 12 SCC 770

HIGH COURT OF ANDHRA PRADESH

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CRL.R.C. No:507 /2009

DATE OF ORDER: 25.09.2026

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?**

JUSTICE SUBHENDU SAMANTA

Date of reserved for orders : 31.07.2026
Date of pronouncement : 25.09.2026
Date of uploading : 25.09.2026

APHC010586312009



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

[3560]

FRIDAY, THE 25TH DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 507/2009

Between:

1.T.ANAND, S/O.T.ADINARAYANA, R/O.D.NO.6-10-365,
SINGALAGUNTA, TIRUPATI.

...PETITIONER

AND

1.THE STATE OF A P, Rep. by the Public Prosecutor, High Court of
A.P., 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 present this memorandum of Crl.R.C., aggrieved by the Judgment dated 24.03.09 passed in Crl.A.No.104 of 2007 by the Spl. Sessions Judge-cum-IV Addl. Dist. Judge, Tirupati in partly modifying the Judgment dated 14.06.07 passed in S.C.No.165 of 2006 on the file of the Court of the Addl. Asst. Sessions Judge, Tirupati.

IA NO: 1 OF 2009(CRLRCMP 670 OF 2009)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to dispense with the filing of the certified copy of the Judgment dated 14.06.07 passed in S.C.No.165 of 2006 on the file of the Court of the Addl. Asst. Sessions Judge, Tirupati.

IA NO: 2 OF 2009(CRLRCMP 691 OF 2009)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the Judgment dated 24.03.09 passed in Crl.A.No.104 of 2007 by the Spl. Sessions Judge-cum-IV Addl. Dist. Judge, Tirupati in partly modifying the Judgment dated 14.06.07 passed in S.C.No.165 of 2006 on the file of the Court of the Addl. Asst. Sessions Judge, Tirupati, by releasing the petitioner on bail, pending disposal of the Crl.R.C.

Counsel for the Petitioner:

1.HARINADH NIDAMANURI

Counsel for the Respondent:

1.PUBLIC PROSECUTOR

The Court made the following order:

Instant Criminal Revision Case has been preferred against judgment dated 24.03.2009 passed in Crl.A.No.104 of 2007 on the file of the learned Special Sessions Judge-cum-IV Additional District Judge, Tirupati by partly modifying the judgment dated 14.06.2007 passed in S.C.No.165 of 2006 on the file of the Court of the Additional Assistant Sessions Judge, Tirupati.

2. Petitioner was arrayed as an accused for commission of offence under Section 307 IPC. Learned trial Court, after completion of trial, found petitioner to be guilty for offence punishable under Section 307 IPC and accordingly sentenced him to undergo rigorous imprisonment for a period of five years with a fine of Rs.500/-. The order of conviction was challenged in appeal wherein it was partly modified by converting offence under Section 324 IPC instead of Section 307 IPC and sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.500/-. Hence, this revision.

3. **Brief fact of the prosecution case:-**

Petitioner married younger daughter of PW.1 (*de facto* complainant). There was marital dispute between petitioner and his wife. Accordingly, Cr.No.150 of 2002 was registered under Section 498-A IPC on the complaint given by the daughter of *de facto* complainant and the case was pending. Thereafter daughter of PW.1 again filed one maintenance case vide M.C.No.32 of 2002 before the concerned Court claiming maintenance

against petitioner. In view of the above criminal case, petitioner bore grudge against PW.1 and wanted to kill him, thereby, on 01.12.2005 at about 9.30 a.m., when PW.1 came out from college for taking tiffin, accused, who was armed with iron rod, came from his behind, beat PW.1 on his head indiscriminately and caused bleeding injuries. While PW.1 tried to run away towards main gate with a view to escape, accused chased him and again beat him on his body, thereby, PW.1 fell on the ground, PWs.2, 3 and LW.4, who were present at the scene interfered, thereafter, accused left the scene by throwing iron rod. PW.1 was shifted to S.V.R.R.Hospital, Tirupati. On receipt of hospital intimation, PW.7 (Inspector of Police) rushed to the Hospital and recorded the statement of PW.1, on the basis of which, Cr.No.244 of 2005 under Section 307 IPC was registered. On the same day, petitioner was arrested. From the possession of the petitioner, M.O.1 knife was recovered. Petitioner also led police to the scene of offence where accused shown iron rod and police seized the same in presence of mediators. After completion of investigation, charge sheet was filed against petitioner under Section 307 IPC.

4. **Submission of the petitioner/submission of the learned counsel for the petitioner:**

Learned counsel for the petitioner submitted that prosecution has miserably failed to bring home the charge against the present petitioner, there are several discrepancies in the case of the prosecution. Statements of prosecution witnesses cannot be believed as they are not corroborated

the prosecution case. He submits that i) on such alleged incident, one P.Bhaskar brought PW.1 to the hospital through an auto rickshaw. The said P.Bhaskar, who is a colleague of PW.1 was not cited as witness. Auto Rickshaw driver was also not examined by prosecution; ii) the Doctor (PW.6), who examined PW.1 did not mention the age of injury. He is also not deposed regarding connection of M.O.3/knife with the injury; iii) Police did not collect blood strains or controlled earth; and iv) as witnesses are all friends of PW.1 or police stock witnesses, their testimonies are not credible. The prosecution is failed to bring the motive of the petitioner to assault PW.1. It is further contended that the appellate Court has not properly gone through the eye-witnesses but erroneously recorded the conviction under Section 324 IPC.

5. **Submission of the prosecution:-**

It is submitted that the prosecution has successfully bring home charge against present petitioner. The injured himself deposed as PW.1. PWs.2 and 3, who are present at the incident also deposed as eye-witness. Doctor was examined as PW.6. Motive has been properly proved by the evidence of PW.4, who is daughter of PW.1 and wife of petitioner. Material object (offending weapon) was properly recovered from the possession of the petitioner through the seizure witness(PW.5). Material object was forwarded for the analysis, forensic laboratory has sent their opinion and report regarding iron rod, which is marked as M.O.4. He further submits that

there may be some discrepancies in the prosecution case, for which, the entire prosecution cannot be said to be failed.

6. Heard learned counsel for the parties. Perused the observations of the learned trial Court as well as the learned appellate Court.

7. **Observation of the Court:-**

To understand the entire gamut of this matter, the prosecution case has to be analyzed categorically. PW.1 is father-in-law of petitioner/accused. There is matrimonial dispute between petitioner and PW.4 (daughter of PW.1). One criminal case and one maintenance case are pending. PW.1 is Government employee of S.V.Polytechnic College, Tirupati. On 01.12.2005 when he went out of the college for taking tiffin on foot path, accused came with iron rod and hit him from behind. To save himself while PW.1 ran towards college, accused chased him and beat him in front of college gate. As PWs.2, 3 and other persons gathered there, accused ran away by throwing the rod. Incident happened at about 9 a.m. to 9.30 a.m. Petitioner was primarily shifted to SVRR GG Hospital, Tirupati for treatment on 9.40 a.m. by one P.Bhaskar. PW.6 is medical officer attached to said Hospital examined PW.1 and found following injuries:

1. *A 9 cm X 1 cm laceration on right parietal area. Bone visible.*
2. *A 6 cm X 1 cm laceration over right parietal area nearer to midline muscle deep.*
3. *A 4 cm X ½ cm laceration over left frontal area. Muscle visible.*

4. A 5 cm X 1 cm laceration bone deep over occipital area

5. A swelling and tenderness of right index finger

8. Doctor issued wound certificate Ex.P.4 and opined that injuries 1 to 4 are simple in nature, injury No.5 is grievous in nature. PW.2 is a person, who selling tiffin near S.V.Polytechnic College and PW.1 was taking tiffin from his centre at that point of time. PW.3 is a colleague of PW.1 and he was also taking tiffin with PW.1 at the time of occurrence. After receiving intimation from Hospital, PW.7, Inspector of Police, went to the Hospital and recorded statement of PW.1, on the basis of which, case was started. At about 6 p.m., on the same day, police arrested petitioner and recovered one knife from his possession and one iron rod was seized by leading statement of petitioner in presence of witnesses.

9. It is the argument of the learned counsel for the petitioner that the evidence of prosecution witnesses not at all believable. Through cross-examination, it has been placed on record that the area where the alleged incident was happened is surrounded by compound wall of the said polytechnic college. According to the version of PWs.1 to 3, incident took place opposite to the main gate of S.V.Polytechnic College, Tirupati. There is no inconsistency in between evidence of PWs.1 to 3 regarding place of occurrence.

10. It is further submitted by the learned counsel for the petitioner that the person, P.Bhaskar, who admitted PW.1 in the Hospital, was not examined

though he is a basic witness. The evidentiary value of PWs.1, 2 and 3 being eye-witness cannot be brush aside. Incident happened in their presence in open bright day light. Though there may be several other persons, it is not necessary for prosecution to bring all the persons, who are present at the time of the alleged offence. Thereby, non-examination of P.Bhaskar, who brought to the Hospital, is not fatal to the prosecution case. During evidence of PW.1, he stated somebody took me to the Hospital but not stated the name of P.Bhaskar but he has specifically stated the names of PWs.2 and 3 to be witnessed the said incident. There are exaggeration in the submission of PW.1 by stating that at the time of alleged incident PW.2, PW.3 and other students of college are rescued him from the hands of the accused which he do not said before the police. In Ex.P1/complaint also he has not stated to the police that after he ran towards the main gate of his college, accused chased him and petitioner again beat PW.1. During the deposition, PWs.2 and 3 also stated that some students were also gathered there at the time of incident. But no student was examined in this case. In a criminal trial, no particular number of witnesses is required to prove a fact under the provisions of Section 134 of the Indian Evidence Act. Thus, the evidence of PWs.2 and 3 being eye-witness of the incident is sufficient to prove the fact.

11. In this particular case, it has been alleged by the prosecution that petitioner has attacked PW.1 by an iron rod whereby he sustained injury as noted by PW.6 i.e., injury Nos.1 to 5, during investigation, police has seized one knife marked as M.O.3, which has no connection with the alleged

offence, moreover, injury No.5 is grievance in nature which has also no connection with the alleged offence. Prosecution is silent how PW.1 sustained injury No.5, which is a grievous in nature.

12. In **Vadivelu Thevar v. State of Madras** reported in **(1957) 1 SCC 700**, wherein the Apex Court dealt with nature and types of witnesses in criminal cases and has guided that -

“18. Generally speaking, oral testimony in this context may be classified into three categories, namely:

(1) Wholly reliable.

(2) Wholly unreliable.

(3) Neither wholly reliable nor wholly unreliable.

In the first category of proof, the court should have no difficulty in coming to its conclusion either way-it may convict or may acquit on the testimony of a single witness, if it is found to be above reproach or suspicion of interestedness, incompetence or subornation. In the second category, the court equally has no difficulty in coming to its conclusion. It is in the third category of cases, that the court has to be circumspect and has to look for corroboration in material particulars by reliable testimony, direct or circumstantial.

19. There is another danger in insisting on plurality of witnesses. Irrespective of the quality of the oral evidence of a single witness, if courts were to insist on plurality of witnesses in proof of any fact, they will be indirectly encouraging subornation of witnesses. Situations may arise and do arise where only a single person is available to give evidence in support of a disputed fact. The court naturally has to weigh carefully such a testimony and if it is satisfied that the evidence is reliable and free from all taints which tend to render oral testimony open to suspicion, it becomes its duty

to act upon such testimony. The law reports contain many precedents where the court had to depend and act upon the testimony of a single witness in support of the prosecution. There are exceptions to this rule, for example, in cases of sexual offences or of the testimony of an approver; both these are cases in which the oral testimony is, by its very nature, suspect, being that of a participator in crime. But, where there are no such exceptional reasons operating, it becomes the duty of the court to convict, if it is satisfied that the testimony of a single witness is entirely reliable. We have therefore, no reasons to refuse to act upon the testimony of the first witness, which is the only reliable evidence in support of the prosecution.”

13. In ***Indira Devi and others vs. State of Himachal Pradesh*** reported in **(2016) 12 SCC 770**, the Hon'ble Supreme Court has also extracted to scrutinize testimony of injured witness and how far the same testimony is reliable.

“7. The proposition of law that an injured witness is generally reliable is no doubt correct but even an injured witness must be subjected to careful scrutiny if circumstances and materials available on record suggest that he may have falsely implicated some innocent persons also as an afterthought on account of enmity and vendetta. The trial court erred in not keeping this in mind.”

“10. We have given anxious consideration to the allegations against the appellants in the FIR as well as in the evidence that has come during trial. In view of discussions made earlier, we are of the view that the courts below should not have believed the exaggerated and contradictory

deposition of the victim qua the appellants in view of the fact that the parties were having land dispute from before and even then in the FIR no specific role was assigned to the appellants while specific role was assigned to two co-accused. The medical evidence also does not corroborate the subsequent allegations made by the victim against the appellants. The broad features of the case also reveal that the two male accused were allegedly having a gun and an axe in their hand and they used these weapons only to cause injuries which did not pose any danger to the life of the victim. In such circumstances the women accused could have hardly any reason to unnecessarily get involved into the assault so as to cause simple injuries by fists and kicks. For all the aforesaid reasons we find merit in the submission advanced on behalf of the appellants and do not agree with the learned counsel for the State who has sought to support the impugned judgment and order.”

14. Following the principle laid above by Hon'ble Apex Court, in this particular case it appears that the learned appellate Court has recorded conviction under Section 324 IPC. There is no connection of injury No.5 with the alleged assault by the petitioner to PW.1. Neither injured witness i.e., PW.1 nor ocular witnesses i.e., PWs.2 and 3 stated how PW.1 sustained injury No.5, which is only grievance in nature. Injury Nos.1 to 4 are simple in nature. Doctor opined the laceration over the head and frontal area of head may be caused by hitting of iron rod. But prosecution has seized M.O.3 i.e., knife with 8" blade. M.O.4 is a 15" iron rod. M.O.3 has no connection with

the alleged injuries there is no explanation from the prosecution in respect of seizure of M.O.3 as well as injury No.5.

15. Considering the entire aspect it appears to me that the evidence of PW.1 being injured witness cannot be said to be wholly reliable but may come under the category of neither wholly reliable nor wholly unreliable.

16. In scrutinizing the entire evidences on record and circumstances of the entire case, it appears that petitioner has attacked PW.1 at about 9.30 a.m., soon after the incident he was shifted to the Hospital at about 9.40 a.m. Police registered the case on the same day within two hours after receiving the Hospital intimation and accused was arrested at about 6 p.m. on the same day. The exaggeration and contradiction in the evidences may happened due to grudge of PW.1 against petitioner that he wanted petitioner to be punished; but after thorough scanning it appears that the injuries sustained by PW.1 by attack of petitioner through iron rod can be possible that are located as injury Nos.1 to 4. Injury Nos.1 to 4 are simple in nature. There is no connection of injury No.5 in the alleged assault by petitioner to PW.1. Thereby, the appellate Court has erroneously convicted the petitioner for the offence under Section 324 IPC, since petitioner not inflicted any grievous injury to the person of PW.1. On that particular score, the evidence of PW.1 is only reliable.

17. In view of the above, in my view, the observation of the learned appellate Court finding petitioner to be guilty for offence under Section 324

IPC is erroneous. Though, it is sufficiently proved that the petitioner has attacked PW.1 in day light in presence of PWs.2 and 3 and inflicted injury through iron rod, but injuries noted by PW.6 as injury Nos.1 to 4 are simple nature. Thus, petitioner has committed an offence punishable under Section 323 IPC. Hence, conviction of the petitioner is altered under Section 323 IPC instead of Section 324 IPC. In considering entire aspect of the particular case, it appears that the incident happened in the year 2005, already two decades has elapsed, the petitioner was in custody for some period during enquiry, investigation, trial and appeal period, thus, hereby substantive sentence of petitioner is also modified to the period already undergone by him during entire criminal litigation without altering the fine amount, which has already been paid.

18. Under the above observation, the Criminal Revision Case is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this criminal revision case shall stand closed.

JUSTICE SUBHENDU SAMANTA

Date : 25.09.2026

SPP

Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 507 of 2009

Dated 25.09.2026

SPP