

Bail Slip: The Petitioner/Accused was directed to be released on bail by the Order of the High Court dated 01-12-2009 in CrI.M.P.No. 2752 Of 2009 in CrI.A.No. 1699 of 2009 .

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

**FRIDAY ,THE TWENTY NINTH DAY OF JULY  
TWO THOUSAND AND TWENTY TWO**

**PRESENT**

**THE HONOURABLE SRI JUSTICE K.SURENDER**

**CRIMINAL APPEAL NO: 1699 OF 2009**

Appeal under Section 374 (2) Cr.P.C aggrieved by the Judgment dated. 03-11- 2009 passed in S.C. No. 82 of 2007 on the file of the Court of the Special Judge for SC/ST (P.O.A.) Cases at Warangal .

**Between:**

1. Bandakindi Shigaraiah, S/o. Swamy Sarpanch, aged about 42 years, Occ: Sarpanch, R/o. Salwapur Village, Bachannapet Mandal, Warangal District.
2. Bandakindi Thirupati, S/o. Lachaiah, aged about 72 years, Occ: Agriculturist R/o. Salwapur Village, Bachannapet Mandal, Warangal District.
3. Middela Ram Narsaiah, S/o. Yadagiri, aged about 57 years, Occ: Carpenter R/o. Salwapur Village, Bachannapet Mandal, Warangal District.
4. Bandakindi Ramesh, S/o. Tirupati , aged about 30 years, Occ: Tailor R/o. Salwapur Village, Bachannapet Mandal, Warangal District.

**...APPELLANTS/ACCUSED**

**AND**

The State Of A.P., Rep. by its Public Prosecutor Through P.S., Bachannapet, Warangal District.

**...RESPONENT/COMPLAINANT**

**Counsel for the Appellants :SRI. J KANAKAIAH**

**Counsel for the Respondent : PUBLIC PROSECUTOR (TG)**

**The Court made the following: ORDER**

**HON'BLE SRI JUSTICE K.SURENDER**

**CRIMINAL APPEAL No.1699 OF 2009**

**JUDGMENT:**

1. The appellants 1 to 4 are convicted and sentenced to undergo rigorous imprisonment for six months and to pay fine of Rs.500/- each, in default, to suffer simple imprisonment for 15 days for the offence under Section 3(1)(x) SC/ST (POA) Act, 1989 vide judgment in S.C.No.82 of 2007 dated 03.11.2009. Aggrieved by the same, present appeal is filed.

2. The case of the prosecution is that A1 and P.W.1 are having adjacent lands. While digging bore-well, A1 complained, as such, MRO advised PW1 not to dig bore-well without any permission. Thereafter a borewell was dug with permission. P.W.1 went to his fields and found that the appellants 1 to 4 were present there and damaged their bore-well. When questioned, they abused P.W.1 in the name of his caste. Due to fear, P.w.1 ran from the field. On the next day morning, when P.W.1 went to field, he observed that the accused/appellants filled up the bore-well with stones and appellants also abused his son. The elders of the village tried

to intervene in the dispute, however the appellants did not listen to them as such after two days, P.W.1 went to the Police Station and filed complaint.

3. Learned Special Judge having examined P.Ws.1 to 11 and marking Exs.P1 to P7 found that the appellants herein are responsible for abusing P.W.1 and his son in the name of their caste and accordingly convicted them.

4. Learned counsel for the appellants submits that the land which was claimed by P.W.1 in fact belongs to A1 and his brother, who was examined as P.W.9. As seen from the evidence of P.W.9, though it was the joint family property, without informing A1, the said land was sold to P.W.1, for the said reason, there were disputes regarding sale of land.

5. The learned Public Prosecutor submits that the evidence of P.Ws.1, 2 and 4 is consistent to speak about the accused entering into the land of P.W.1 and abusing P.W.1 and his son, P.W.1 in the name of caste.

6. As seen from the record, the land claimed by P.W.1 was purchased from P.W.9, who is the brother of A1. Even according to P.W.9, he has sold the said land without the consent of A1. P.W.1, purchased the said land, which is joint family property, without the consent of A1, though he knew that it was joint family property. A1 was trying to protect his land and P.W.1 having purchased the same from P.W.9 was also trying to protect his property. In the said circumstances, to keep A1 away from his land, false implication by P.W.1 cannot be ruled out. Even according to P.W.1, except the accused and himself, no one were present when they were allegedly abused in the name of their caste in the field. Further on the next day, when P.W.2 went to the fields, he was also abused by the accused. The only corroborating evidence is that of P.W.3, who is an interested witness.

7. In the said circumstances false implication for the reason of property being claimed by P.W.1 of A1 cannot be ruled out. As such, the benefit of doubt is extended to the appellants and the conviction recorded under Section 3(1)(x) of the SC/ST

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(POA )Act vide impugned judgment dated 03.11.2009 is set aside and the appellants are acquitted. Since the accused/appellants are on bail, their bail bonds stand cancelled.

8. Accordingly, the Criminal Appeal is allowed. As a sequel thereto, miscellaneous petitions, if any, pending, shall stands closed.

//TRUE COPY//

SD/-K.SRINIVASA RAO  
JOINT REGISTRAR  
SECTION OFFICER

To,

1. The Special Judge for SC/ST (P.O.A.) Cases at Warangal.
2. The Station House Officer , Bachannapet Police Station , Warangal District .
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad.(OUT)
4. One CC to SRI. J KANAKAIAH Advocate [OPUC]
5. Two CD Copies
6. One Spare Copy

CDL



HIGH COURT

DATED:29/07/2022

ORDER

CRLA.No.1399 of 2009



ALLOWING THE CRIMINAL APPEAL.

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