

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

FRIDAY ,THE TENTH DAY OF MAY
TWO THOUSAND AND TWENTY FOUR

PRESENT



HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

AND

HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

REFERRED TRIAL NO: 3 OF 2021 & CRIMINAL APPEAL

Nos.158,159,162,166,184,194,214,252,260 & 354 of 2021

REFERRED TRIAL NO: 3 OF 2021

Referred Trial Under Section 366 of Cr.P.C. for confirmation of the death sentence awarded against the Accused Nos.1 to 9 by the court of Judge, Family Court-cum-VIII Additional District and Sessions Judge, Ongole, Prakasam District, A.P.in S.C.No.91 of 2010 (PRC No.05/2009 of Judicial Magistrate of First Class, Ongole) connected to Crime No.140 of 2008 of Maddipadu P.S.

Judge, Family Court-cum-VIII Additional District and Sessions Judge, Ongole, Prakasam District

...Referring Officer

The State of Andhra Pradesh, rep. by its Public Prosecutor, High Court of Andhra Pradesh, Amaravati, through Inspector of Police, Ongole Rural Circle.

Complainant

AND

1. Mohammad Abdul Sammad @ Munna, S/o. Abdul Karim, Aged 40 years, Muslim, Native of Islampeta, 1st line, Ongole. (A-1)

2. Bathala Salmon, S/o. Ankamma, Aged 34 Years, Mala, R/o. Inamanamellur Village, Maddiapadu Mandal.(A-2)
3. Yepuri Chinna Veeraswamy, S/o. Pedda Chennaiah, Aged 35 years, Mala by caste, Native of Reddypalem Village, Nujendla Mandal, Guntur District, Now residing at Inamanamellur Village, Maddiapadu Mandal.(A-3)
4. Jamal of Bangalore, Jamal of Bangalore (A-4)
5. Shaik Dada Peer @ Gani, S/o. Mahaboob Saheb, Aged 25 years Muslim, Modern Colony, Hindupur, Ananthapur District. (A-5)
6. Rachamalla Sampath, S/o. Late Ramanaiah, Aged 21 years, Munnoor Kapu by caste, Kothasayampet, Hunter Road, Hanumakonda Mandal, Warangal District.(A-6)
7. Gundu Bhanu Prakash @ Bhanu @ Gajani, S/o. Rama Narayana Aged 25 years, Caste by Padmasali, Kothasayampet, Hunter Road, Hanumakonda Mandal, Warangal District.(A-7)
8. Shaik Riyaz, S/o. Rahamthulla, Aged 25 years, Muslim, Islampet, 2nd line, Ongole.(A-8)
9. Shaik Hafeez, S/o. Ghouse Mohiddin, Aged 32 years, Sanjay Gandhi Nagar, Near Jayaram Talkies, Ongole(A-9)

...Accused

On the refrence through the letter vide Dis. No.330/2021, dated 25.05.2021 of Judge, Family Court-cum-VIII Additional District and Sessions Judge, Ongole, Prakasam District, A.P., in S.C. No.91 of 2010 (PRC No.05/2009 on the file of Judicial Magistrate of First Class, Special Mobile Court, Ongole) connected to Crime No.140 of 2008 of Maddipadu P.S.

Counsel for the State : Sri Y Nagi Reddy, Public Prosecutor

**Counsel for the Respondent Nos.1 & 9 : Sri B.N.V Hanumantha Rao,
Senior Counsel representing for Smt Sridevi Jampani**

**Counsel for the Respondent No.3 : Sri Pappu Nageswar Rao, Senior
Counsel representing for Sri P.Bhaskar**

**Counsel for the Respondent No.5 : Sri B.N.V Hanumantha Rao, senior
Counsel representing Sri R Sameer Ahmed**

Counsel for the Respondent No.2 : Sri A. V Pardhasaradhi

CRIMINAL APPEAL NO: 158 OF 2021

Appeal under Section 374(2) of Cr.P.C, aggrieved by the judgment passed by the VIII Additional District and Sessions Judge, Ongole in S.C. No.91 of 2010 dated 18.05.2021 and acquit the Appellant/Accused No.7

Between:

Gundu Bhanu Prakash @ Bhanu @ Gajini, S/o Rama Narayana, Aged 25 years, Kothasayampet, Hunter Road, Hanumakonda Mandal, Warangal District

...Appellant/Accused No.7

AND

State of Andhra Pradesh, Rep. by Public Prosecutor, High Court of A.P.,
Amaravathi,

...Respondent/Complainant

Counsel for the Appellant : Sri. Abhinav Krishna Uppaluri

Counsel for the Respondent : Sri Y Nagi Reddy, Public Prosecutor

CRIMINAL APPEAL NO: 159 OF 2021

Appeal under Section 374(2) of Cr.P.C , against the judgment and sentence passed by the VIII Additional District and Sessions Judge ,Ongole in S.C.No.91 of 2010, dated 18-05-2021 for the offences under Sections 396 r/w 120-B & 400 of IPC

Between:

Gundeboina Sridhar, S/o Ilaiah, Hindu, aged about 38 years,
Kothasayampeta, Hanumakonda Mandalam, Warangal District

...Appellant No.11/Appellant

AND

The State of Andhra Pradesh, Rep by its Public Prosecutor, High Court of
Andhra Pradesh, Nelapadu, Amaravathi.

...Complainant/Respondent

**Counsel for the Appellant: Sri P Veera Reddy, Senior Counsel
representing Ms. Sodum Anvesha**

Counsel for the Respondent : Sri Y Nagi Reddy, Public Prosecutor

CRIMINAL APPEAL NO: 162 OF 2021

Appeal under Section 374(2) of Cr.P.C, aggrieved by the judgment
passed by the VIII Additional District and-Sessions Judge, Ongole in S.C.
No.91 of 2010 dated 18.05.2021.

Between:

Bathula Soloman, S/o. Pedda Chennaiah, aged about 45 years, Mala, r/o.
Inamamellur village, Maddipadu Mandal, Prakasam District.

...Appellant/Accused No.2

AND

The State of Andhra Pradesh, Rep. by it's Public Prosecutor, High Court of
Andhra Pradesh, Nelapadu, Amaravathi

...Respondent/Complainant

Counsel for the Appellant :Sri A V Pardha Saradhi

Counsel for the Respondent : Sri Y Nagi Reddy, Public Prosecutor

CRIMINAL APPEAL NO: 166 OF 2021

Appeal under Section 374(2) of Cr.P.C, aggrieved by the judgment passed by the VIII Additional District and Sessions Judge, Ongole, in S.C.No.91 of 2010 dated 18.05.2021.

Between:

1. Md.Abdul Sammad alias Munna, S/o Abdul Karim, aged 40 years, Muslim ,Native of Islampeta, 1st Line, Ongole.

...Appellant/Accused No.1

2. Shaik Hafeez, S/o Ghouse Mohiuddin, aged 32 years, Sanjay Gandhi Nagar, Near Jayaram Talkies, Ongole

...Appellant/Accused No.9

AND

State of Andhra Pradesh, ,rep by public Prosecutor, High Court of A.P
Amaravathi

...Respondent/Complainant

**Counsel for the Appellant : Sri B N V Hanumantha Rao, Senior Counsel
representing Smt.Sridevi Jampani**

Counsel for the Respondent: Sri Y Nagi Reddy, Public Prosecutor

CRIMINAL APPEAL NO: 184 OF 2021

Appeal under Section 374(2) of Cr.P.C , aggrieved by the judgment passed by the VIII Additional District and Sessions Judge, Ongole in S.C. No.91 of 2010 dated 18.05.2021.

Between:

1. Yepuri Chinna Veeraswamy, S/o.Pedda Chennaiah, Aged about 35 years, Mala by Caste, Native of Reddypalem Village, Nuzendla Mandal, Guntur District, Now residing at Inamana Nellore Village, Maddipadu Mandal

...Appellant/Accused No.3

2. Jamaluddin, S/o Md Fazlullah, aged 45 years, Arabic college, Abdul Kalam Road, Bangalore

...Appellant/Accused No.4

3. Shaik Dada Peer alias Gani, S/o. Mahaboob Sahab, Aged about 25 years, Muslim, R/o. Modern Colony, Hindupur, Anantpur District

...Appellant/Accused No.5

4. Yepuri Pedda Veeraswamy, S/o.Pedda Chennaiah, Aged about 47years, Mala by Caste, Native of Reddypalem Village, Nuzendla Mandal, Guntur District, Now residing at Paata Malapalli, Karamchedu Village and Mandal, Prakasam District

...Appellant/Accused No.10

AND

State of Andhra Pradesh, Rep. by Public Prosecutor, High Court of A.P., Amaravathi,

...Respondent/Complainant

Counsel for the Appellant Nos. 1 & 4: Sri Pappu Nageswara Rao representing Sri. P Bhaskar

Counsel for the Appellant No. 2 : Sri P.Veera Reddy, Senior Counsel representing Ms. Sodum Anvesha

Counsel for the Appellant No.3 : Sri B.N.V Hanumantha Rao, senior Counsel representing Sri R Sameer Ahmed

Counsel for the Respondent : Sri Y Nagi Reddy, Public Prosecutor

CRIMINAL APPEAL NO: 194 OF 2021

Appeal under Section 374(2) of Cr.P.C, aggrieved by the Judgment of Conviction and Sentence passed on 18.05.2021 in S.C. No. 91/2010 on the file of the Court of the VIII Addl. District and Sessions Judge, Ongole.

Between:

1. Shaik Riyaz, S/o Rahamthulla, aged about 25 years, R/o 2nd Line, Islampeta, Ongole.
2. Shaik rahamthulla, S/o Madarsa, aged about 52 years, R/o 2nd Line, Islampeta, Ongole.

...Appellants/Accused Nos. 8 & 13

AND

1. State of AP, Rep. by the Inspector of Poflice, Ongole Rural Circle, Rep. by the Public Prosecutor, High court of Andhra Pradesh, Amaravathi.

...Respondent/Complainant

**Counsel for the Appellant : Sri. P Veera Reddy, Senior Counsel
representing Ms. Sodum Anvesha**

Counsel for the Respondents: Sri Y Nagi Reddy, Public Prosecutor

CRIMINAL APPEAL NO: 214 OF 2021

Appeal under Section 374(2) of Cr.P.C, aggrieved by the Judgment dt. 18.05.2021 passed in S.C.No. 91 of 2010 on the file of the VIII Additional District and Sessions Judge, Ongole.

Between:

Shaik Kamal Saheb @ Kamal @ Kamaluddin, S/o. Kalesha, aged 56 years, R/o.SRK Complex, Opp. Tulasiram Theater, Ongole, Prakasam District.

...Appellant/Accused no.15

AND

State of AP, Rep. by Public Prosecutor, High Court, Of Andhra Pradesh at Amaravathi.

...Respondent/Complainant

**Counsel for the Appellant : Sri Posani Venkateswarlu, Senior Counsel
representing Sri Venkateswarlu Sanisetty**

Counsel for the Respondent: Sri Y Nagi Reddy, Public Prosecutor

CRIMINAL APPEAL NO: 252 OF 2021

Appeal under Section 374(2) of Cr.P.C, against the judgment passed in S.C.No. 91/2010 on the file of the Court of Session, Prakasam Division, Ongole (Before the Hon'ble VIII Addl. District and Sessions Judge, Ongole) dated 18.05.2021

Between:

Rachamalla Sampath, S/o. Late Ramanaiah, aged about 21 years, R/o. Kothasayampet, Hunter Road, Hanumakonda Mandal, Warangal District.

...Appellant/Accused No.6

AND

The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court of Andhra Pradesh, Amaravati.

...Respondent

Counsel for the Appellant : Sri. Srinivasa Rao Narra

Counsel for the Respondent: Sri Y Nagi Reddy, Public Prosecutor

CRIMINAL APPEAL NO: 260 OF 2021

Appeal under Section 374(2) of Cr.P.C, against the Judgment passed in SC No. 91/2010, on the file of Court of Session, Prakasam Division, Ongole (Before the VIII Additional District and Sessions Judge, Ongole) dated 18-05-2021

Between:

Syed Hidayatulla @ Babu, S/o Abdul Hafeez, aged about 27 years,
Muslim, VV Puram, Donakonda, Prakasam District.

...Appellant/Accused No.12

AND

State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court of
Andhra Pradesh, Amaravathi, Guntur District.

...Respondent/Complainant

Counsel for the Appellant : Sri. Jada Sravan Kumar

Counsel for the Respondent : Sri Y Nagi Reddy, Public Prosecutor

CRIMINAL APPEAL NO: 354 OF 2021

Appeal under Section 374(2) of Cr.P.C, aggrieved by the judgment and
sentence dt. 18-05-2021 passed by the learned VIII Additional district and
Sessions Judge, Ongole in SC 91 of 2010.

Between:

Arla Gangadhara rao alias Gangadhar, S/o. Gangaiah, aged 61 years, occ.
retire employee. H.No. 8-21-98A, prashanth nagar, giddalur, prakasam
district (presently lodged in Nellore Central Prison), represented by
younger son A.Kiran Kumar, S/o. Arla Gangadhara Rao

...Appellant/A-14

AND

State of Andhra Pradesh, through Inspector of police, ongole town circle,
rep. by public prosecutor, High Court of Andhra Pradesh, at amaravathi

...Respondent

Counsel for the Appellant : Sri. Thandava Yogesh

Counsel for the Respondents: Sri Y Nagi Reddy, Public Prosecutor

These cases coming on for hearing , upon perusing the reference letter, the memorandum of grounds raised in the appeals filed by the Accused/Appellants, the record of evidence and proceedings of the Court of the Sessions, and upon hearing the arguments of counsel, stated above in the cause title, for the defence and the Public Prosecutor on behalf of the State and having stood over for consideration till this day , it is ORDERED as under:

24. "Accordingly, the Referred Trial and concerned Criminal Appeals are decided as follows:

R.T.No.3/2021:

The death sentence awarded on two counts to accused 1 to 9 in S.C.No.91/2010 by the VIII Additional District & Sessions Judge, Ongole and referred in this R.T.No.3/2021 is answered to the effect that the conviction and sentence recorded for all the charges against A5-Shaik Dada Peer @ Gani is set aside and he is acquitted and whereas A1 to A4, A6 to A9 are concerned, the death sentence is commuted to the sentence of imprisonment for a total period of 45 years without remission on two counts which shall run concurrently.

2) Crl.A.No.158/2021 (filed by A7):

Criminal Appeal filed by Appellant/A7 is concerned, the death sentence imposed for the offence under Section 396 IPC is commuted to imprisonment for a period of 45 years without remission and sentence imposed for other charges is confirmed.

3) Crl.A.No.159/2021 (filed by A11):

Criminal Appeal filed by Appellant/A11-Gundeboina Sridhar is allowed and conviction and sentence passed against him is set aside and he is acquitted of all charges.

4) Crl.A.No.162/2021 (filed by A2):

Criminal Appeal filed by Appellant/A2 is concerned, the death sentence imposed for the offence under Section 396 IPC is commuted to imprisonment for a period of 45 years without remission and sentence imposed for other charges is confirmed.

5) Crl.A.No.166/2021 (filed by A1 & A9):

Criminal Appeal filed by Appellants/A1 & A9 is concerned, the death sentence imposed for the offence under Section 396 IPC is commuted to imprisonment for a period of 45 years without remission and sentence imposed for other charges is confirmed.

6) Crl.A.No.184/2021 (filed by A3, A4, A5 & A10):

Criminal Appeal filed by Appellants/A5-Shaik Dada Peer @ Gani and A10-Yepuri Pedda Veeraswamy is allowed and conviction and sentence passed against them is set aside and they are acquitted of all charges.

Criminal Appeal filed by Appellants/A3 & A4 is concerned, the death sentence imposed for the offence under Section 396 IPC is commuted to imprisonment for a period of 45 years without remission and sentence imposed for other charges is confirmed.

7) Crl.A.No.194/2021 (filed by A8 & A13):

Criminal Appeal filed by Appellant/A8 is concerned, the death sentence imposed for the offence under Section 396 IPC is commuted to imprisonment for a period of 45 years without remission and sentence imposed for other charges is confirmed.

Criminal Appeal filed by Appellant/A13 is dismissed by confirming the conviction and sentence passed against him for different charges.

8) Crl.A.No.214/2021 (filed by A15):

Criminal Appeal filed by Appellant/A15-Shaik Kamal Saheb is allowed and conviction and sentence passed against him is set aside and he is acquitted of all charges.

9) Crl.A.No.252/2021 (filed by A6):

Criminal Appeal filed by Appellant/A6 is concerned, the death sentence imposed for the offence under Section 396 IPC is commuted to imprisonment for a period of 45 years without remission and sentence imposed for other charges is confirmed.

10) Crl.A.No.260/2021 (filed by A12):

Criminal Appeal filed by Appellant/A12 is dismissed by confirming the conviction and sentence passed against him for different charges.

11) **Crl.A.No.354/2021 (filed by A14):**

Criminal Appeal filed by Appellant/A14 is dismissed by confirming the conviction and sentence passed against him for different charges.

All the sentences imposed against accused shall run concurrently.

(Judgment Follows)

Sd/- S.V.S.R.MURTHY

JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Registrar(Judicial), High Court of Andhra Pradesh at Amaravathi
2. The Family Court-cum-VIII Additional District and Sessions Judge, Ongole, Prakasam District **(By Speed Post/email/whatsapp)**
3. The Judicial Magistrate of First Class, Special Mobile Court, Ongole, Prakasam District
4. The Superintendent, Central Prison, Rajamahendravaram, East Godavari District **(By Speed Post/email/whatsapp)**
5. The Superintendent, Central Prison, Nellore, SPSR Nellore District **(By Speed Post/email/whatsapp)**
6. The Superintendent of Police, Prakasam District at Ongole
7. The District Collector, Prakasam District at Ongole
8. The Deputy Superintendent of Police, CID, RCIU, Guntur, Guntur District
9. The Inspector of Police, Ongole Town Circle, Prakasam District
10. The Inspector of Police, Ongole Rural Circle, Prakasam District
11. The Station House Officer, Ongole Taluk Police Station, Prakasam District
12. The Station House Officer, Maddipadu Police Station, Prakasam District
13. One CC to Sri AV Pardha Saradhi Advocate [OPUC]
14. One CC to Sri P Bhaskar Advocate [OPUC]
15. One CC to Smt Sridevi Jampani Advocate [OPUC]
16. One CC to Sri Jada Sravan Kumar Advocate [OPUC]

17. One CC to Sri N Ashwani Kumar Advocate [OPUC]
18. One CC to Sri Abhinav Krishna Uppaluri Advocate [OPUC]
19. One CC to Ms. Sodum Anvesha Advocate [OPUC]
20. One CC to Sri R. Sameer Ahmed Advocate [OPUC]
21. One CC to Sri Srinivasa Rao Narra Advocate [OPUC]
22. One CC to Sri Thandava Yogesh Advocate [OPUC]
23. One CC to Sri Venkateswarlu Sanisetty Advocate [OPUC]

24. Two CD Copies
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**HIGH COURT
UDPR,J
&
GRKP,J
DATED:10/05/2024**



ADVANCE ORDER

**RT.No.3 of 2021
& CRIMINAL APPEAL
Nos.158,159,162,166,184,194,214,252,260 & 354 of
2021**

REFERRED TRIAL IS ANSWERED