

**IN THE COURT OF JUDICIAL MAGISTRATE OF I CLASS
FOR RAILWAYS, GUNTUR.**

**Present: Sri. M. Kasi Viswanadha Achary.
Judicial Magistrate of I Class for Railways, Guntur.**

Tuesday, this the 13th day of August, 2019

Preliminary Register Case No.01 /2019

Between:

The state represented by the
Inspector of Police,
Govt. Railway Police Station,
Guntur.

. . . Complainant.

And:

Name of Accused on whom the prima facie was made out.

Annapureddy Venkata Reddy S/o Gangadhara Reddy, age 25 years,
C/Reddy, Reddipalem Village, Guntur Rural and Mandal.

... Accused

Names of Alleged accused on whom the prima facie was not made out

1. Pasupati Naga Sai Krishna S/o Subramanya Prasad, age 23 years, C/Viswa Brahmin, R/o D. No.4/15133-1, Koritrpadu, Guntur town.
2. Vallepu Vamsi Krishna S/o Koteswara Rao, age 23 years, C/yerukala, R/o. D.No.11-415/1, Nagaralu, Amaravathi Road, Guntur Rural and Mandal.

This case is coming on this day 13.08.2019 for final hearing before me the presence of learned Assistant Public Prosecutor for complainant-State and the accused and after hearing the learned counsel on both sides, this case having stood over for consideration till this day, this court doth hereby make the following:

ORDER

1. The Inspector of Police, Government Railway Police Station filed charge sheet against the accused in crime no. 206/2017 under section 353, 325, 333 of Indian Penal Code.

2. The brief facts of the case:

On 29.12.2017 at about 11.45 hrs., LW.1-Nallagorla Venkata Ramanaiah closed the Railway Gate No 3, Gaddipadu Railway Gate, Guntur for passing of Goods train, at that Juncture, A.1 came on Scooti along with A.2 and A.3 and trying to go out side through the LC gate, A2 is lifting the gate and A.3 is trying for crossing the Track with the Scooty. LW.1-Nallagorla Venkata Ramanaiah noting down Scooti Number, A.1 came to LW.1-Nallagorla Venkata Ramanaiah picked up quarrel against LW.1-Nallagorla Venkata Ramanaiah, abusing in filthy language, caught hold the shirt and fisted on LW.1-Nallagorla Venkata Ramanaiah mouth with his hand, as a result of which one tooth was removed and falled down with bleeding injury severely while LW.1-Nallagorla Venkata Ramanaiah is discharging his legitimate duty as gate man at LC Gate No. 3. The incident witnessed by Lws.2 to 4 [Kaparthi Hussain, Kakarla Venkateswarlu and Pittu Koti Reddy] and separated LW.1-Nallagorla Venkata Ramanaiah from clutches of A.1.

3. On receipt of the Hospital Admission Intimation, LW.8-N.Prakasa Rao, Sub-Inspector of Police, Govt. Railway Police Station, Guntur, recorded the statement of LW.1-Nallagorla Venkata Ramanaiah on 29.12.2017 in between 17.30 hrs., and 18.00 hrs., and registered a case in Crime No. 206 of 2017 for the offence under sections 353, 325, 333 r/w. 34 of IPC of Govt. Railway Police Station, Guntur, inspected the scene of offence, prepared rough sketch and further recorded the statements of LWs.1 to 4 [Nallagorla Venkata Ramaiah, Kaparthi Hussain, Kakarla Venkateswarlu and Pittu Koti Reddy].

4. On examination Lws.2 to 4 [Kaparthi Hussain, Kakarla Venkateswarlu and Pittu Koti Reddy] they stated that A.2 and A.3 have not caught hold LW.1-Nallagorla Venkata Ramanaiah and kept silent without doing any act against LW.1-Nallagorla

Venkata Ramanaiah and stood at the Scooty near by. A.2 and A.3 are not at all responsible for this offence and they assisted to bring the Scooty of A.1. In view of that LW.1-Nallagorla Venkata Ramanaiah thinks that A.2 and A.3 also instigated A.1 but it is not correct as LW.1-Nallagorla Venkata Ramanaiah gave statement exaggerated against A.2 and A.3 with mollified intention to involve in Criminal Case along with A.1.

5. During the course of investigation, LW.8-N.Prakasa Rao, Sub-Inspector of Police, Govt. Railway Police Station, Guntur, arrested A.1 on 02.01.2018 at about 11.00 hours., and on 5-1-18 at 5 pm LW.8-N.Prakasa Rao, Sub-Inspector of Police, Govt. Railway Police Station, Guntur seized the Scooty bearing No.AP 07 CG 6726 (Ash colour Honda Scooter) in the presence of mediators and drafted seizure report.

6. LW.7-Dr. Shukur, Duty Medical Officer, Ramesh Hospital, Guntur who examined LW.1-Nallagorla Venkata Ramanaiah opined that the injury is Grievous in nature and issued wound certificate and on completion of investigation LW.9-G.Gangadhara Rao, Inspector of Police, Govt. Railway Police Station, Guntur, filed charge sheet against the accused.

7. Cognizance for the offence taken for the offence punishable under section 353, 325 & 333 of Indian Penal Code against the accused, after production of the accused [A.1] before this court, copies of case record was furnished to him as required under section 207 of the Criminal Procedure Code.

8. Heard the Learned Assistant Prosecutor, perused the record, it reveals that the offence under section 333 of Indian Penal Code is exclusively triable by Hon'ble Court of Session. Hence the case against the accused(A1) committed to Hon'ble Court of Sessions, Guntur Division under section 209(a) of Cr.P.C.

9. A1 is directed to continue on bail during and until conclusion of trial at Sessions Court, Guntur under section 209(b) Cr.P.C.

10. The Office is hereby directed to submit the case records along with case property to the Hon'ble Session Court, Guntur under section 209(c) Cr.P.C.

11. Notify the Learned Public Prosecutor as the committal of the case under section 209(d) Cr.P.C.

12. When questioned A1, he stated that he got means to engage defence counsel on his behalf.

Dictated to the Stenographer, transcribed by him, corrected and pronounced by me in the open court, this the 13th day of August, 2019.

**Judl. Magistrate of Ist Class
for Railways, Guntur.**

APPENDIX OF EVIDENCE

For Prosecution:

For Defence:

No oral or documentary evidence adduced on either side

**Judl. Magistrate of Ist Class
for Railways, Guntur.**