

IN THE COURT OF THE IV METROPOLITAN MAGISTRATE: BHEEMUNIPATNAM

*Present: K. Murali Mohan,
IV Metropolitan Magistrate,
Bheemunipatnam.*

Tuesday, this the 10th day of April, 2018.

P.R.C.No. 01 /2018

Between:

The State of Andhra Pradesh, represented by the Inspector of police, Padmanabham Police station, Visakhapatnam City.

...Complainant

And :

1. Hamsa Raju, S/o Sunnybabu, aged 26 years, Caste by Nagavamsam, R/o Esukalapalem Village, Padmanabham Mandal, Visakhapatnam City.
2. Hamsa Surendera, S/o Sunnybabu, aged 24 years, Caste by Nagavamsam, R/o Esukalapalem Village, Padmanabham Mandal, Visakhapatnam City.

.....Accused 1 and 2

This case coming on this day for final hearing before me in the presence of Asst., Public Prosecutor for the State and of Sri E. Eswara Rao, Advocate for the accused No. 1 and 2 and the matter having been stood over for consideration till this day, this Court made the following:

COMMITTAL ORDER

The Inspector of police, Padmanabham Police Station, Visakhapatnam City filed a complaint against the accused No. 1 and 2 herein in Cr. No. 27/2017 for the offences punishable U/Secs. 417, 420, 376, 354 (C) and 509 of IPC.

2. *The case of the prosecution in brief is as follows:*

LW.1 Yenninti Aparna who is the daughter of LW.2 Yenninti Lakshmi and resident of Esukalapalem Village, fell in love with Accused No. 1 and the

accused and LW.1 Yenninti Aparna used to talk each other through phones. The Accused No. 1 made a false promise to LW.1 Yenninti Aparna that he would marry her. Believing the words of accused No.1, LW.1 Yenninti Aparna had sexual intercourse with the accused No. 1 and the same was got video graphed by the accused No.1 through his mobile and also took the photograph of LW.1 Yenninti Aparna in nude. When the parents of LW.1 Yenninti Aparna asked the Accused No. 1 to marry LW.1 Yenninti Aparna, accused No.1 denied to marry LW.1 Yenninti Aparna. Then the LW.1 Yenninti Aparna consumed poison and she was treated in MR Government Hospital, Vizianagaram. Then the matter was placed before the Village elders, then Accused No. 2 interfered and suspected the fidelity of LW.1 Yenninti Aparna. On the report given by LW.1 Yenninti Aparna on 11.03.2017, LW.17 Y. K. Kishore Kumar, Inspector of Police, Bheemunipatnam PS registered the same for the offence under Secs.417, 420, 376, 354 (C) and 509 of IPC against Accused No. 1 and 2 and investigated into.

During the course of investigation, LW.17 Y. K. Kishore Kumar, Inspector of Police, Bheemunipatnam PS visited the scene of offence, observed the same in the presence of mediators, prepared rough sketch of the scene of offence and photographed the same and sent the Accused No. 1 for potency test and also sent the LW.1 Yenninti Aparna to the hospital for medical examination, examined the witnesses, recorded their statements, seized the mobile and sent the same to FSL for examination and after receipt of medical reports and after completion of investigation, LW.17 Y. K. Kishore Kumar, Inspector of Police, Bheemunipatnam PS filed charge sheet against the Accused No. 1 for the offence under Secs. 417, 420, 375 and 354 (C) of IPC and under Sec. 509 of IPC against Accused No. 2.

3. The charge sheet was taken on file U/Secs. 417, 420, 375 and 354 (C) of IPC against Accused No. 1 and under Sec. 509 of IPC against Accused No. 2. On appearance of the accused No. 1 and 2, the copies of charge sheet and all relevant documents were furnished to the accused No. 1 and 2 as required U/Sec. 207 of Cr.P.C.
4. Heard the learned Asst., Public Prosecutor and the learned counsel for the accused No. 1 and 2.
5. Perused the material available on record. A perusal of the record show that the accused No. 1 made friendship with LW.1 Yenninti Aparna and had sexual intercourse with LW.1 Yenninti Aparna by saying deceitful words and got videographed the LW.1 Yenninti Aparna in nude and later Accused No. 1 denied to marry LW.1 Yenninti Aparna. On that LW.1 Yenninti Aparna consumed poison and was treated in M.R.Government Hospital, Vizianagaram. Later the matter was placed before village elders where the Accused No. 2 suspected the fidelity of LW.1 Yenninti Aparna. The above allegations against the accused No. 1 prima facie constitute the offence punishable U/Secs. 417, 420, 375 and 354 (C) of IPC and under Sec. 509 of IPC against Accused No.2. The offences U/Secs. 417, 420, 375, 354 © and 509 of IPC of IPC are exclusively triable by the Court of Sessions. Hence, this case is required to be committed to the Court of Sessions, Visakhapatnam as required U/Sec. 209 (a) of Cr.P.C. Accordingly, this case is committed to the Court of Sessions, Visakhapatnam as contemplated U/Sec. 209 (a) of Cr.P.C.

6. The Office of this Court is directed to submit the entire case record with duly index to the Court of Sessions, Visakhapatnam along with the case property, if any, as required U/Sec. 209 (c) of Cr.P.C.

7. Notify the Public Prosecutor of the commitment of the case to the Court of Sessions, Visakhapatnam as required U/Sec. 209 (d) of Cr.P.C.

8. The accused No.1 was released on bail as per the Orders of Hon'ble Judge, Additional Family Court, Visakhapatnam (FAC) V Addl. District & Sessions Judge, Visakhapatnam in CrI.M.P. 278/2017 dt.11.05.2017 and Accused No. 2 was arrested by Padmanabham PS on 05.04.2017 and police released Accused No. 2 by serving notice under Sec. 41-A of Cr.P.C. The accused No. 1 is directed to execute bonds along with his respective sureties ensuring their appearance in the Court of Sessions as contemplated U/Sec. 209 (b) of Cr.P.C. The office is directed to bind over the accused No. 1 and his sureties accordingly.

9. The accused No. 1 and 2 stated that they have means to defend their case in the Court of Sessions.

Directly Typed to my dictation by the Stenographer - Gr.I, corrected and pronounced by me in the open Court, this the 10th day of April, 2018.

**IV METROPOLITAN MAGISTRATE,
BHEEMUNIPATNAM**

**DOCKET EXTRACT OF PRC.No.01/2018 ON THE FILE OF
IV Metropolitan Magistrate, Bheemunipatnam.**

Date	
24.03.2017	Accused No. 1 produced through PC 1475, PC 1119 and PC 1176 of Padmanabham and accused No. 1 was remanded to custody till 07.04.2017
07.04.2017	Accused No. 1 produced from Central Prison, Visakhapatnam. Charge Sheet not filed. On memo remand of accused extended till 21.04.2017
21.04.2017	Accused No. 1 produced from Central Prison, Visakhapatnam. Charge Sheet not filed. On memo remand of accused extended till 05.05.2017
05.05.2017	Accused No. 1 produced from Central Prison, Visakhapatnam. Charge Sheet not filed. On memo remand of accused extended till 19.05.2017
19.05.2017	<u>Accused No. 1 present. Charge sheet not filed. Accused No. 1 is directed to attend on receipt of summons after filing of charge sheet.</u> <u>Accused No. 1 was released on bail on 12.05.2017</u> as per the Orders of Hon'ble Judge, Additional Family Court, Visakhapatnam (FAC) V Addl. District & Sessions Judge, Visakhapatnam in CrI.M.P. 278/2017 dt.11.05.2017.
14.02.2018	Perused the record. Prima facie case is made out. Hence, this case is taken on file for the offence U/Secs. 417, 420, 375 and 354 (C) of IPC against Accused No. 1 and under Sec. 509 of IPC against Accused No. 2. Issue summons to Accused No. 1 and 2. Call on 13.03.2018
13.03.2018	Accused No. 1 and 2 called present. Copies furnished to accused as required U/Sec. 207 of Cr.P.C. For committal of the case adjourned to 04.04.2018
04.04.2018	Accused No. 1 and 2 called present. Sri E. Eswara Rao, filed memo of appearance for Accused No. 1 and 2. For committal of the case adjourned to 10.04.2018 for filing sureties call on 10.04.2018

10.04.2018	Accused No.1 and 2 are present. They produced their respective sureties and they are accepted. Heard the learned Asst., Public Prosecutor and the learned counsel for the accused. Committal orders pronounced. (Vide separate committal order). Since the offences punishable U/Sec.417, 420, 375 and 354 (C) and 509 of IPC are exclusively triable by the Court of Sessions, this case is committed to the Hon'ble Court of Sessions, Visakhapatnam as contemplated U/Sec.209 (a) of Cr.P.C. The Office of this Court is directed to submit the entire case record with duly index to the Hon'ble Court of Sessions, Visakhapatnam along with the case property, if any, as required U/Sec.209 (c) of Cr.P.C. Notify the Public Prosecutor of the commitment of the case to the Court of Sessions Visakhapatnam as required U/Sec.209 (d) of Cr.P.C. The accused No.1 was released on bail as per the Orders of Hon'ble Judge, Additional Family Court, Visakhapatnam (FAC) V Addl. District & Sessions Judge, Visakhapatnam in CrI.M.P. 278/2017 dt.11.05.2017 and Accused No. 2 was arrested by Padmanabham PS on 05.04.2017 and police released Accused No. 2 by serving notice under Sec. 41-A of Cr.P.C. The accused No. 1 is directed to execute bonds along with his respective sureties ensuring their appearance in the Court of Sessions as contemplated U/Sec. 209 (b) of Cr.P.C. The office is directed to bind over the accused No. 1 and his sureties accordingly. The accused No.1 and 2 stated that they have means to defend their case in the Hon'ble Court of Sessions, Visakhapatnam.
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**IV METROPOLITAN MAGISTRATE,
BHEEMUNIPATNAM**

**Preliminary Register Extract in P.R.C. 01/2018 on the file of
IV Metropolitan Magistrate's Court, Bheemunipatnam.**

01	Number of the case	PRC. 01/2018
02	Name and Address of the Accused :	
	1. Hamsa Raju, S/o Sunnybabu, aged 26 years, Caste by Nagavamsam, R/o Esukalapalem Village, Padmanabham Mandal, Visakhapatnam City. 2. Hamsa Surendera, S/o Sunnybabu, aged 24 years, Caste by Nagavamsam, R/o Esukalapalem Village, Padmanabham Mandal, Visakhapatnam City.	
03	Substance of the case : The case of the prosecution is that the accused No. 1 made friendship with LW.1 Yenninti Aparna and had sexual intercourse with LW.1 Yenninti Aparna by saying deceitful words and got videographed the LW.1 Yenninti Aparna in nude and later Accused No. 1 denied to marry LW.1 Yenninti Aparna. On that LW.1 Yenninti Aparna consumed poison and was treated in M.R.Government Hospital, Vizianagaram. Later the matter was placed before village elders where the Accused No. 2 suspected the fidelity of LW.1 Yenninti Aparna. The above allegations against the accused No. 1 prima facie constitute the offence punishable U/Secs. 417, 420, 375 and 354 (C) of IPC and under Sec. 509 of IPC against Accused No.2. On the report given by LW.1 Yenninti Aparna on 11.03.2017, LW.17 Y. K. Kishore Kumar, Inspector of Police, Bheemunipatnam PS registered the same for the offence under Secs.417, 420, 376, 354 (C) and 509 of IPC against Accused No. 1 and 2 and investigated into. Hence, the charge	
04.	Name of the Complainant : The State represented by the Inspector of Police, Padmanabham Police Station, Visakhapatnam City.	
05.	Names of Witnesses for prosecution : 1. Yenninti Aparna, 2. Yenninti Laxmi, 3. Yenninti Yesudas, 4. Chelluri Ramanamma, 5. Kalla Ramanjali 6. Kalla Satyanarayana, 7. Kanakala Appalaswami, 8. Ramasingi Sanyasirao, 9. Ramasingi Satyanarayana, 10. Gangiredla Padmanabha Swamy, 11. Thalada Srinu, 12. D. Aruna Kumari, Head Constable, WHC 2722, Padmanabham PS, Visakhapatnam City 13. Dr. K. V. A. Subramanyam, HOD of Endocrinology Department, KGH, Visakhapatnam, 14. Dr. Sujatha, Assistant Professor, OBSST & Gynaec, KGH, Visakhapatnam, 15. Dr. P. K. Viswanadhamm, M.R.	

	Government Head Quarter Hospital, Vizianagaram District, 16. Satya Devi, Addl. Snior Civil Judge-cum-VIII Addl. Chief Metropolitan Magistrate, Gajuwaka and 17. Y. K. Kishore Kumar, Inspector of Police, Padmanabham PS, Visakhapatnam City.	
06.	Result of Enquiry :	This case is committed to the Court of Sessions, Visakhapatnam under Sec. 209 (a) of Cr.P.C.
07.	Date of Offence :	Prior to 11.03.2017 at Gidijala Village of Anandapuram Mandal and Esukalapalem Village of Padmanabham Mandal.
08.	Date of Appearance of the accused :	13.03.2018
09.	Date of Closing enquiry :	10.04.2018
10.	Explanations for Delay :	No Delay. Accused No. 1 & are on bail.

**IV METROPOLITAN MAGISTRATE,
BHEEMUNIPATNAM**

