

HIGH COURT OF ANDHRA PRADESH

**Bench: JUSTICE K.SURESH REDDY AND JUSTICE
B.V.L.N.CHAKRAVARTHI**

Date of Decision: 28th March 2024

CRIMINAL APPEAL NO: 529/2013 and 569/2013

Bada Padmasri @ Padma, & 3 Others ...APPELLANT(S)

Versus

**The State Of Andhra Pradesh, Rep. by its Public Prosecutor,
Hyderabad ...RESPONDENT**

Legislation:

Sections 372, 366-A, 343, 376(2)(g) of the Indian Penal Code, 1860

Sections 3, 4, 5, 6, 7(1)(A) of the Immoral Traffic (Prevention) Act, 1956

Subject: Criminal appeal against convictions under the IPC and the Immoral Traffic (Prevention) Act - Concerning the alleged management of a brothel, inducing minors into prostitution, unlawful restraint for prostitution purposes, and committing gang rape.

Headnotes:

Acquittal of Appellants – Insufficient and Contradictory Evidence – Appellants Bada Padmasri @ Padma, Tirumalasetti Chalama Reddy, Thoka Parvathi, Sampati Venkata Rama Krishna (A-1, A-5), Vangipuram Pitchi Raju @ Rajesh, Prathipati Srinivasa Rao (A-7, A-9) acquitted due to contradictions in witness testimonies (P.W-2, P.W-3, P.W-4) and lack of reliable evidence linking appellants to the commission of alleged crimes – Convictions under various sections of IPC and IT(P) Act set aside [Paras 18-30, 34-37, 40].

Prosecution Failures – Inability to Prove Key Aspects of Case – Prosecution unable to establish that A-1 managed a brothel, lived off prostitution earnings, or that appellants committed sexual assault as charged – No convincing evidence showing that places were used for prostitution or that minor girls were involved as defined under the IT(P) Act [Paras 31-37].

Age Determination and Medical Evidence – Discrepancies in Age Determination of Victims – Prosecution failed to present conclusive evidence on the minor status of the victims (P.W-2 to P.W-4) as per the IT(P) Act – Medical evidence (P.W-11) unable to confirm sexual assault [Paras 35-36].

Release and Refund – Appellants acquitted to be released forthwith and fine amount paid by appellants to be refunded [Paras 40-43].

Referred Cases:

- Batchu Ranga Rao and others Vs. State of A.P. [2016 (3) ALT (Crl.) 505 (DB) (AP)]

Representing Advocates:

For Appellants: Sri S. Sardar Saheb Akil, Smt. A. Gayathri Reddy, Sri C. Sharan Reddy

For Respondent: Additional Public Prosecutor (AP)

COMMON JUDGMENT:

(Per Hon'ble Sri Justice B.V.L.N.Chakravarthi)

COMMON JUDGMENT:

(Per Hon'ble Sri Justice B.V.L.N.Chakravarthi)

1. Heard Sri Sayed Sardar Saheb Akil, learned counsel for the appellant/A-1, Smt.A.Gayathri Reddy, learned counsel for the appellant/A-5 in Crl.A.No.529/2013, and Sri C.Sharan Reddy, learned counsel for appellants/A-7 and A-9 in Crl.A.No.569/2013 and Sri S.Dushyanth Reddy, learned Addl. Public Prosecutor for respondent/State.

2. The appeal vide CRL.A.No.529/2013 is filed for A-1, A-2, A-3 and A-5. The appeal vide CRL.A.No.569/2013 is filed for A-7 and A-9. Both the appeals arose from the judgment dated 26.06.2013 passed in S.C.No.420/2010 on the file of the learned

I Addl.District & Sessions Judge, Guntur (hereinafter referred to as 'trial Court').

3. The appellants/A-2 and A-3 died pending appeal. Therefore, case against A-2 and A-3 abated as per order of this Court.

4. The accused No.1 was tried and convicted by the trial Court for the offence U/s.372, 366-A, 343 of Indian Penal Code, 1860 (for brevity 'I.P.C.'). A-1 was also tried and convicted for the offence U/s.3, 4, 5, 6 and 7 (1) (A) of Immoral Traffic (Prevention) Act, 1956 (for brevity IT(P) Act, 1956) and sentenced to suffer rigorous imprisonment for 10 years and to pay fine of Rs.25,000/- (Rupees Twenty Five Thousand only), in default, to suffer simple imprisonment for six months for the offence U/s.372 IPC; suffer rigorous imprisonment for 10 years and to pay fine of Rs.25,000/- (Rupees Twenty Five Thousand only), in default, to suffer simple imprisonment for six months for the offence U/s.366-A IPC; to suffer rigorous

imprisonment for two years and to pay fine of Rs.5,000/- (Rupees Five Thousand only), in default, to suffer simple imprisonment for two months for the offence U/s.343 IPC; to suffer rigorous imprisonment for one year and to pay fine of Rs.2,000/- (Rupees Two Thousand only), in default, to suffer simple imprisonment for one month for the offence U/s.3 of Immoral Traffic (Prevention) Act, 1956; to suffer rigorous imprisonment for seven years and to pay fine of Rs.2,000/- (Rupees Two Thousand only), in default, to suffer simple imprisonment for one month for the offence U/s.4 of Immoral Traffic (Prevention) Act, 1956; to suffer rigorous imprisonment for 14 years and to pay fine of Rs.2,000/- (Rupees Two Thousand only), in default, to suffer simple imprisonment for one month for the offence U/s.5 (1) (a to d) proviso (ii) of Immoral Traffic (Prevention) Act, 1956; to suffer rigorous imprisonment for seven years and to pay fine of Rs.2,000/- (Rupees Two Thousand only), in default, to suffer simple imprisonment for one month for the offence U/s.6 of Immoral Traffic (Prevention) Act, 1956; to suffer rigorous imprisonment for seven years and to pay fine of Rs.10,000/- (Rupees Ten Thousand only), in default, to suffer simple imprisonment for

three months for the offence U/s.7(1)(A) of Immoral Traffic (Prevention) Act, 1956.

(a) A-5 was sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.2,000/- (Rupees Two Thousand only), in default, to suffer simple imprisonment for one month for the offence U/s.3 of Immoral Traffic(Prevention) Act, 1956; to suffer rigorous imprisonment for seven years and to pay fine of Rs.2,000/- (Rupees Two Thousand only), in default, to suffer simple imprisonment for one month for the offence U/s.4 of Immoral Traffic (Prevention) Act, 1956; to suffer rigorous imprisonment for 14 years and to pay fine of Rs.2,000/- (Rupees Two Thousand only), in default, to suffer simple imprisonment for one month for the offence U/s.5 (1) (a to d); proviso (ii) Immoral Traffic (Prevention) Act, 1956; to suffer rigorous imprisonment for seven years and to pay fine of Rs.2,000/- (Rupees Two Thousand only), in default, to suffer simple imprisonment for onemonth for the offence U/s.6 of Immoral Traffic (Prevention) Act, 1956; to suffer rigorous imprisonment for seven years and to pay fine of Rs.10,000/- (Rupees Ten Thousand only), in default, to suffer simple imprisonment for three months

for the offence U/s.7 (1) (A) of Immoral Traffic (Prevention) Act, 1956.

(b) A-7 was sentenced to suffer life imprisonment and to pay fine of Rs.5,000/- (Rupees Five Thousand only), in default, to suffer simple imprisonment for two months for the offence U/s.376 (2) (g) I.P.C.

(c) A-9 was sentenced to suffer life imprisonment and to pay fine of Rs.5,000/- (Rupees Five Thousand only), in default, to suffer simple imprisonment for two months for the offence U/s.376 (2) (g) I.P.C.

5. The case of the prosecution is that the victim girls (P.W-2 and P.W-3) are friends; P.W-1 is father of P.W-2; on 28.06.2009 P.W-3 lived in the house of P.W-2; on the next day morning P.W-1 noticed P.Ws-2 and 3 missing from the house; He searched for girls, but in-vain; He presented Ex.P-1 report to the police; Sub Inspector of Police (P.W-13) received report on 10.07.2009, registered a case in Cr.No.112/2009 for girl missing and submitted FIR (Ex.P-20) to all concerned, recorded statement of P.W-1, visited the house of P.W-1, examined some more witnesses; collected photographs of the

missing girls and taken steps to publish photographs in bus stand and railway station located at Guntur.

(i) On 12.07.2009 SI of Police received information about the missing girls that they are in the house of A-3 at Angalakuduru village; immediately surprised the house of A-3; found the victim girls in the house; recorded statement of P.W-2; A-3 was not found in the house; on the strength of statement of P.W-2, registered a case for the offence U/s.372, 376 (2) (g) IPC and submitted FIR (Ex.P-21) to the Judicial Magistrate and copies to all the concerned.

(ii) The missing girls i.e., P.Ws-2 and 3 on 29.06.2009 left home and went to Nallapadu Railway Station at 05.00 a.m. Boarded train to go to Secunderabad; they reached Secunderabad Railway Station; P.W-3 made attempt to contact A-1; an unknown person requested the missing girls to go back to their parents' house, and he purchased tickets and made them to board a train to go to their parents' house; the victim girls due to apprehension of their parents, got down at Vijayawada; P.W-3 made a phone call to A-1, and

on the advice of A-1, they went to the house of A-1 in Vundavalli center but A-1 is not found in the house.

(iii) On 01.07.2009 A-1 took the victim girls (P.Ws-2 and 3) to Tummalapalem village; P.W-4 present there; A-1 left them in a house at Tummalapalem village; In the evening A-1 came to Tummalapalem village and asked the girls to engage in prostitution; The girls refused the request of A-1; on the next day, A-1 brought P.W-2 and P.W-4 to Vundavalli center; they went to Saibaba Temple; A-2 was present there; A-1 and A-2 had discussion; A-2 left the temple; then A-1 directed P.W-4 to go to NRI Hospital; A-9 and another person came on motor cycle; they tried to shift the girls; Then girls raised cries; A-9 and another person made a telephone call to A-1; they made the girls to board a bus and sent back them to Vundavalli center; On the next day, A-1 informed the girls that she will sent money to their parents; later left the girls at Tummalapalem village; A-1 induced P.W-2 to have sex with A-9 and another person; A-9 and another person spent time with P.W-4 and then A-9 and another person had sex with P.W-2; The incident was taken place at Supreme Lodge, Guntur; A-1 came to lodge and shifted the girls to Undavalli,

Later to Angalakuduru village and went away; Another woman shifted them to Tenali; A-1 came to Tenali; A-2 informed the girls to do prostitution; A-1 left Tenali with P.W-4; A-2 shifted P.Ws- 2 and 3 to Angalakuduru village; They tried to shift the girls to Bangalore; The girls did not accept the same; The Junior Paternal Uncle of P.W-2 and others came in a car and intercepted them at Tenali; Meanwhile police came from Tenali, and shifted the girls to police station.

(iv) Inspector of Police, conducted further investigation in the case examined and recorded statements of the victim girls; Also recorded statement of P.W-1; Examined P.W-5 and others and recorded their statements; Visited Angalakuduru village, visited the house of A-3 but she was not available; He secured witnesses, examined them and recorded their statements; on 16.07.2009 he visited house of A-1 but she was not available; he recorded statement of P.W-6 and others; on 28.07.2009 on credible information, he secured mediators i.e., P.Ws-7 and 8 and visited house of A-1 and arrested her; during investigation, also arrested A-2, A-6, A-7, A-8 and A-9, and A-10.

(v) On 29.07.2009 deputed Police Constable to Bangalore and he arrested A-11; Sent material objects to FSL, Hyderabad; The girls were examined by the doctor regarding sexual assault and age determination; A-7 to A-10 were examined by the doctor regarding their potency; Judicial Magistrate conducted test identification proceedings for identification of the accused; after completion of investigation, Inspector of Police filed police report (charge sheet) against the accused for the offence U/s.372, 366-A, 343 and 376(2)(g)

I.P.C. and section 3 to 7 of Immoral Traffic (Prevention) Act, 1956.

6. During trial, 15 witnesses were examined on behalf of the prosecution as P.Ws-1 to 1 respectively, 23 documents were marked as Exs.P-1 to P-20 respectively. Exs.D-1 and D-2 i.e., portion of 161 Cr.P.C. statement of P.W-2 and P.W-3 were marked for the defence.

7. The accused were examined U/s.313 Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.P.C. 1973) regarding the incriminating evidence appearing against them from the evidence for the prosecution. The accused No.1 to 11

denied the same, but did not choose to examine any witnesses for defence.

8. The learned trial Court after hearing the prosecution and defence, found the accused A-1, A-2, A-3, A-5, A-7 and A-9 guilty for the offence under various sections of I.P.C, and also of I.T.P Act, convicted them and sentenced them as stated supra.

9. Learned counsel for the appellant/A-1 submitted that the evidence of P.W2 to P.W4 contained several improvements and embellishments; their evidence runs contrary to the case of prosecution; Except identification of A-1, nothing is made out establishing that she induced P.Ws-2 to 4 for prostitution; There is no evidence that she maintained a brothel at her house or in Supreme Lodge, Guntur; There is no evidence to show that she lived on the earnings of the prostitution; There is no tangible evidence to show that the victim girls are minors at the time of offence. He further submitted that the trial Court erroneously convicted her even though there is no evidence to connect A-1 with any of the charges; therefore, the judgment is not sustainable either in law or on facts.

10. Learned counsel for A-5 would submit that the evidence on record did not make out anything against A5 to prove the offence U/s.3, 4, 5, 6 and 7 of Immoral Traffic (Prevention) Act, 1956, Therefore, trial Court erroneously convicted A-5 for the said offence.

11. Learned counsel for A-7 and A-9 would submit that the evidence of P.Ws-2 and 3 deposed different versions contradicting each other; Their evidence would show that their testimony is an outcome of tutoring of some other persons, and identification of A-7 and A-9 is also doubtful as their evidence would show that their photographs were shown to them at police station prior to test identification parade; The prosecution failed to prove the age of the victim girls as minors; Further, the evidence of P.Ws-2 to 4 does not establish that A-7 or A-9 committed rape much less gang rape as alleged by the prosecution. But the trial Court though there is no evidence to establish the offence U/s.376(2)(g) IPC, erroneously convicted the A-7 and A-9.

12. Sri S.Dushyanth Reddy, learned Addl. Public Prosecutor submitted that the evidence of P.Ws-2 to 4 would establish that A-1 was managing brothel in her house, and Supreme

Lodge, Guntur; She induced girls for the sake of prostitution and lived on the earnings of the prostitution; she forced P.Ws-2 to 4 to do prostitution; unlawfully restrained them for the purpose of prostitution; Accused No.7 to 10 sexually assaulted the victim girls, and therefore, the prosecution proved its case.

13. In the light of above rival contentions, the point that would arise for determination in both appeals is as under:-

“Whether the prosecution proved the guilt of A-1, A-5, A-7 and A-9 beyond all reasonable doubt?”

14. POINT:

In the light of charges stated above, the prosecution shall establish that A-1 managed her house, and Supreme Lodge, Guntur, as brothel. The prosecution shall prove that A-1 knowingly lived on the earnings of the prostitution. The prosecution shall also establish that A-1 induced the minor girls in the case for prostitution. Further, the prosecution shall establish that A-1 detained the minor girls in any brothel with an intention that minor girl may have sexual intercourse. The prosecution shall also establish that A-1

carried the prostitution any premises situated near public places notified in this behalf by the Commissioner of Police or District Magistrate of the concerned area.

15. The prosecution shall also prove that A-1 kidnapped the minor girls with an intent that they may be compelled or in order that they may be forced or seduced to illicit intercourse with another person. The prosecution shall also prove that A-1 hired the minor girls with an intention that they may be used for the purpose of prostitution or illicit intercourse with any person.

16. The prosecution shall prove that A-5 assisted in keeping or management of a brothel by A-1, he lived on the earnings of prostitution, he induced the minors for the sake of prostitution; He detained the minors in any brothel where prostitution is carried on and that he also carried the prostitution in notified areas.

17. Prosecution shall establish that A-7 and A-9, committed sexual assault on minor girls, constituting as a group in furtherance of common intention.

18. P.W-1 is the complainant in the case. His evidence would show that his daughter (P.W-2) and another girl i.e., P.W3 left home for the reasons best known to them, on 28.06.2009 without intimating their parents. The evidence of P.W-1 would further show that immediately he searched for the girls, but in-vain, and presented a report to police vide Ex.P-1; after two days, police informed him that his daughter is in Tenali Police Station; he went to Police Station at Tenali and brought back his daughter to Guntur, and produced her before Pattabhipuram Police Station. Whereas, P.W-13 SI of Police, Pattabhipuram P.S. deposed that on 10.07.2009 P.W-1 came to police station and presented Ex.P-1 report; Thereafter he registered a case vide Ex.P-20 FIR and recorded statement of P.W-1, visited house of P.W-1. On 12.07.2009 P.W-13 received information about the missing girl that she is in the house of A-3 at Angalakuduru village; Immediately he surprised the house of A-3 at Angalakuduru and found P.Ws- 2 to 4 in the house of A-3 and recorded statement of P.W-2 and altered FIR for the offence U/s.372, 376 (2)(g) IPC vide Ex.P-21.

19. Therefore, the evidence of P.W-1 runs contrary to the evidence of P.W-13. P.W-1 deposed that two days after presentation of report, Tenali Police informed him that his daughter is present at Tenali Police Station and then he went to Tenali Police Station, brought her back and produced her before Pattabhipuram Police Station. Surprisingly, P.W-13 deposed that on 12.07.2009, he received credible information about missing girls and then surprised the house of A-3 and found P.Ws-2 to 4 in the house of A-3. In that view of the matter, the case of the prosecution that on 12.07.2009 P.W-13 received information and surprised the house of A-3 and found P.Ws-2 to 4 in the house of A-3 is doubtful and cannot be relied on.

20. The evidence of P.W-2 and P.W-3 would show that they voluntarily left their home and came to Vijayawada, contacted A-1 over telephone from railway station. It is not known how P.W-3 got acquaintance with A-1. It appears that P.W-3 had prior acquaintance with A-1. They deposed that they stayed in the house of A-1 on that as well as on the next day on their volition. Later, they went to Tummalapalem village and met P.W-4.

21. P.W-2 deposed that A-1 left Tummalapalem village. Later, she came brought P.Ws-2 and 4 to Vundavalli center. Subsequently, two persons tried to shift them on motor cycle, but the girls resisted them. Thereafter, they boarded a bus and came to Vundavalli center. Next day morning, A-1 and P.W-4 went to Tummalapalem village. A-9 and another person came to there and A-9 and another person sexually assaulted at Supreme Lodge, Guntur.

22. P.W-2 further deposed that they all again went to Tummalapalem village, and later, came to Angalakuduru village, meanwhile uncle of P.W-2 and others came in a car, intercepted them at Tenali. Police came from Tenali shifted them to Police Station at Tenali.

23. P.W-2 in the cross-examination deposed that she developed friendship with P.W-4, and herself and P.W-4 alone came to Supreme Lodge, Guntur; A-1 did not come there. This is against to her statement in the chief-examination that A-1 forcibly taken P.W-2 and P.W-4 to Supreme Lodge at Guntur. She also deposed that she knows A-2 even prior to police took her to Tenali Police Station. It is pertinent to note down that the learned trial Judge acquitted A-2 basing on the

same evidence. P.W-2 in the cross-examination of A-3 deposed that A-3 is no way concerned with the incident and she did not play anything and that at the instance of A-1, she disclosed the name of A-3 to police..

24. P.W2 did not depose anything against A-5. On the other hand, she deposed that police from Tenali came to house at Angalakuduru village, and shifted P.W-2, P.W-3 and A-1 to Police Station along with Junior Paternal Uncle of P.W-2.; A-5 also came to Police Station. A-1 instructed P.W-2 and P.W-3 to inform police that A-5 brought them to Angalakuduru village. In the cross-examination of A-5, she admitted that she disclosed the name of A-5 to police as he came to lodge for P.W-4.

25. P.W-2 in the chief-examination stated that A-1 asked her to have sex with A-9 and another person and this was happened in Supreme Lodge at Guntur; A-9 sexually assaulted her in the lodge. She made a different version in the cross-examination stating that she along with P.W-4 alone came to Supreme Lodge, Guntur, and A-1 did not come to there. This statement creating a doubt about the credibility and trust-worthiness of her evidence before the Court.

26. P.W-3 evidence also would establish that they were taken to Tenali Police Station and her statement was recorded, and later, she was shifted to Guntur. Hence, it is established that initially, P.W-2 and P.W-3 were shifted to Tenali Police Station, where their statements were recorded. The said statements were suppressed by the police at Pattabhirampuram. They came with a new story that P.W-13 surprised the house of A-3 and found P.Ws-2 to 4 in the house of A-3.

27 P.W-4 evidence would show that she left her parents' house two years ago, and residing at Vijayawada. She went to A-3 daughter's house, in July, 2009. A Police Constable came to there and paid money and had sexual intercourse with P.W-4. It is pertinent to note down that the trial Court acquitted the A-10 who is a Police Constable. No appeal was filed by the State.

28. She further deposed that they shifted P.Ws-2 and 4 to Guntur and kept in a lodge near railway station. It is pertinent to note down that P.W-2 deposed that herself and P.W-4 voluntarily went to Supreme Lodge at Guntur.

29. P.W-4 further deposed that A-1 handed over a mobile phone to P.W-4 and later, she received a call from A-1 instructing her to come to Vundavalli leaving P.W-2 and A-7. It is pertinent to note down that P.W-2's version is that she stayed with A-9 and another in the lodge. P.W-4 further deposed that when she was proceeding to Vundavalli, she received a call from A-7 intimating that P.W-2 is weeping and then she returned to lodge; Then A-1 came to there; A-1 returned the money to A-7; Thereafter A-1 shifted P.W-2 and P.W-4 to Vundavalli. Therefore, P.W-4 evidence did not corroborate P.W-2 on material fact that A-9 and another person came to lodge, and A-9 sexually assaulted her. P.W-4 evidence does not disclose that A-7 and A-9 sexually assaulted P.W-2 or P.W-4 in Supreme Lodge at Guntur.

30. Therefore, on consideration of the above evidence, we are of the opinion that evidence of P.Ws-2 to 4 contains contradictions, and run contrary to each other. Their evidence appears to be made on tutoring. Therefore, we do not feel safe to rely on their evidence to believe the case of the prosecution to convict the accused A-1, A-5, A-7, and A-9 also.

31. P.W-5, P.W-7 and P.W-8 did not support the case of the prosecution. P.W-6 evidence do not make out any tangible case against A-1, A-5, A-7 and A-9. No material is forthcoming to establish that A-1 was kept brothel. No evidence also forthcoming to establish that A-1 or A-5 were carried on prostitution in any public places notified by the Government.

32. P.W-10 is a doctor, who conducted potency test to A-7 to A-10. In the absence of evidence that they committed sexual assault on P.Ws-2 to 4, the evidence of P.W-10 will not help the case of the prosecution.

33. P.W-11 is another doctor, The evidence of P.W-11 did not disclose commission of any sexual assault on P.Ws-2 to 4, soon before their medical examination.

34. P.W-12 is the Judicial Magistrate, conducted Test Identification Parade for identification of the accused. P.W-2 in the cross-examination admitted that the photos of accused were published in newspapers after they were arrested. Further, as already discussed above, she deposed that she identified the accused at the instance of A-1.

35. It is the case of the prosecution that P.Ws-2 to 4 are minor children at the time of offence. As per the provisions of the Immoral Traffic (Prevention) Act, 1956, minor means a person who has completed the age of 16 years, but not completed the age of 18 years. It is the case of the prosecution that Assistant Professor, Department of Forensic Medicine, Guntur Medical College, examined P.Ws-2 to 4 regarding age, and issued Ex.P-22 certificates. P.W-14 is a Professor, working in Department of Forensic Medicine, Medical College, Guntur. As per his evidence, one Dr.C.G.V.Daniel, Assistant Professor issued Ex.P-22 certificates, and he is no more. P.W-14 did not about the contents of Ex.P-22 certificates, and tests conducted by the Assistant Professor to determine the age of the girls. The prosecution did not file any material relied on by the Assistant Professor to determine the age.

36. P.W-15 is Investigation Officer in the case. It is pertinent to note down that as per evidence of P.W-2, Tenali Police brought P.Ws-2 to 4 to Tenali Police Station. P.W-15 deposed about the arrest of A-1 and other accused in the case during investigation and giving a requisition to Judicial Magistrate for conducting Test Identification Parade and sending

material objects to FSL, and he receiving those reports and filing police report (charge sheet) against the accused.

37. In the cross-examination, he admitted that none of the witnesses disclosed descriptive particulars of the accused No.3 to 11, and they also did not state that they can identify the accused; and as per his investigation, P.Ws-2 to 4 were not sold for the purpose of prostitution.

38. In the light of above evidence discussed, we are of the considered opinion that the prosecution failed to establish the guilt of the accused A-1, A-5, A-7 & and A-9 for the charges framed against them.

39. Therefore, the conviction and sentence recorded by the learned I Addl.District & Sessions Judge, Guntur, vide judgment dated 26.06.2013 in S.C.420/2010 against A-1, A-5, A-7 and A-9 is liable to be set aside. Accordingly, the point is answered.

40. In the result, the Criminal Appeal No.529/2013 filed for A-1 and A-5 and Criminal Appeal No.569/2013 filed for A-7 and A-9 are allowed. The conviction and sentence imposed by the learned I Addl.District & Sessions Judge,

Guntur, vide judgment dated 26.06.2013 in S.C.420/2010 against the appellant/A-1 for the offence U/s.372, 366-A, 343 I.P.C. and U/s.3, 4, 5 (1) (a to d); proviso (ii), section 6 and 7

(1) (A) of Immoral Traffic (Prevention) Act 1956; against the appellant/A-5 for the offence U/s.3, 4, 5 (1) (a to d); proviso (ii), section 6 and 7 (1) (A) of Immoral Traffic (Prevention) Act 1956; against the appellant/A-7 for the offence U/s.376(2)(g) IPC; and against the appellant/A-9 for the offence U/s.376(2)(g) IPC is set aside. Hence, A-1, A-5, A-7 and A-9 are acquitted U/s.235(1) Cr.P.C. for the above said offence.

41. The appellant/A-1, who is undergoing imprisonment shall be released forthwith, if she is no longer requires to be detained in any other case or crime.

42. So far as the appellants/A-5, A-7 and A-9 are concerned, A-5 was granted bail by this Court on 04.12.2013, A-7 and A-9 were also granted bail by this Court on 17.07.2018. They are directed to appear before the Superintendent, Central Prison, Rajahmundry, for completing

the legal formalities in terms of the judgment rendered in

[Batchu Ranga Rao and others Vs. State of A.P.¹](#)

43. The fine amount, if any, paid by the appellants/A-1, A-5, A-7 and A-9 shall be refunded to them.

Miscellaneous petitions pending, if any, in both the Criminal Appeals shall stand closed.

*Disclaimer: Always compare with the original copy of judgment from the official website.