APHC010327422008

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3560]
(Special Original Jurisdiction)

WEDNESDAY, THE 9th DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 1508/2008

Between:

1. SABBELLA AMMIREDDY & THE STATE OF A.P., S/O SATTI REDDY, LORRY DRIVER R/O TAPESWARAM, MANDAPETA MANDAL, E.G.DIST.

...PETITIONER

AND

1. THE STATE OF A P, Rep. by the Public Prosecutor, High Court of A.P., Hyderabad.

...RESPONDENT

Revision filed under Section 397/401 of Cr.P.C. praying that in the circumstances stated in the affidavit filed in support of the CriminalRevisionCase, the High Court may be pleased toto present this memorandum of Crl.R.C., before this Hon'ble Court against the Judgment made in the Court of the VI Addl. Session Judge (FTC), E.G.Dist., Rajahmundry in Crl.A.No.59 of 2008, dated 14.10.08 preferred against the Judgment made in C.C.No.413 of 2003, dated 22.02.08 on the file of the Court of the Judl. First Class Magistrate, Alamuru, E.G.Dist.

IA NO: 1 OF 2008(CRLRCMP 2062 OF 2008

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the Judgment made in Crl.A.No.59 of 2008, dated 14.10.08 on the file of the Court of the VI Addl. Session Judge (FTC), E.G.Dist., Rajahmundry preferred against the Judgment made in C.C.No.413 of 2003, dated 22.02.08 on the file of the Court of the Judl. First Class

Magistrate, Alamuru, E.G.Dist., and enlarge the petitioner on bail, pending disposal of the Crl.R.C.

Counsel for the Petitioner:

1. Sri M. Siva Ram
   Ld. Counsel representing Sri N.Siva Reddy
   Ld. counsel for the petitioner

Counsel for the Respondent:

1. Sri Panini Somayaji,
   Ld. Assistant Public Prosecutor

The Court made the following order:

1. This instant criminal revision case has been preferred against the Judgment, dated 14.10.2008, in Criminal Appeal No.59 of 2008, passed by learned VI Additional Sessions Judge, Fast Track Court, East Godavari District, Rajahmundry, wherein and whereunder, learned appellate court has confirmed the order of conviction and sentence of petitioner under Section 304 of Indian Penal Code, 1860 (for short, '**I.P.C.**') recorded in C.C.No.413 of 2003 dated 22.02.2008.
2. Brief facts of the prosecution case are that, on 02.01.2003, while deceased was proceeding to her house and reached near Mandapeta Bus Stand side from Gowthami Convent, along with PWs.2 & 3 on their cycles, at about 12.45 p.m., when they reached in front of Sri Satya Automobile and Electrical Store, Mandapeta, the petitioner/accused, who drove a lorry bearing No.AP 22U 459, was proceeding towards Mandapeta Bridge side with rice load in a rash and negligent manner, dashed the deceased from her back side. As a result, she was fallen

from the cycle, thereafter, front side wheel and back wheels of lorry ran over the waist and buttocks of the deceased, as a result, she died on spot.

3. P.W.1, who is the eyewitness, has lodged a report before the police, on the basis of which, the police conducted investigation and filed charge sheet under Section 304-A of I.P.C. Learned Magistrate has taken on file the charge sheet and numbered it as C.C.No.413 of 2003. During trial, prosecution has examined as many as ten witnesses including more than one eye witness. Some documents were also marked as Exs.P.1 to P.14.

4. Learned trial court, after scanning the evidences on record, both oral and documentary, has recorded order of conviction against petitioner under Section 304-A of I.P.C. and directed him to suffer simple imprisonment for a period of one year with a fine of Rs.1,000/- in default of payment of fine to suffer simple imprisonment for three months. Such order of conviction was under challenge before learned appellate court, wherein, learned appellate court finds no reason to interfere with the order of conviction, but considering the family status of petitioner has reduced the punishment from one year to six months. Hence, this instant criminal revision case is filed.

5. Heard Sri M.Siva Ram, learned counsel representing Sri N.Siva Reddy, learned counsel for the petitioner and Sri Panini Somayaji, learned Assistant Public Prosecutor appearing for the State.

6. Learned counsel for the petitioner fairly submits that there are no merits in instant criminal revision, but the present petitioner is a very poor person and currently suffering from different old age ailments. In support of his contention, he placed a Memo annexing the photo copy of medical records of petitioner. It appears from the medical records that the present petitioner is aged about 57 years and also suffering from Kidney ailments including some old age ailments. The medical record further shows that the petitioner requires multiple visits to the hospital for treatment.

7. The punishment prescribed under Section 304-A IPC need not invariably be imposed in every case resulting in conviction. In **Surendran Vs. Sub Inspector of Police**[1], the Hon'ble Supreme Court has held that a lenient approach may be adopted in the matter of sentence where an accused has suffered the ordeal of prolonged litigation.

8. Following the principle laid down by the Hon'ble Supreme Court, having regard to the present medical condition of the petitioner and considering the mental agony undergone by the petitioner in dealing with the instant criminal proceedings since 2008, this Court is of the view that it is a fit case to take a lenient view in favour of the petitioner. The order of conviction recorded by learned trial court and confirmed by learned appellate Court though appears to justified, however substantive

[1] 2021 Supreme(SC) 298

sentence of imprisonment imposed upon the petitioner is modified to a fine of Rs.10,000/-.

9. The petitioner is directed to pay the fine amount of Rs.10,000/- (Rupees ten thousand only) before learned trial court within six weeks from the date of passing of this order. Failing such payment, the sentence imposed by learned trial court and confirmed by learned appellate court shall continue in accordance with law.

10. Under the above observation, the sentence imposed upon the petitioner is hereby modified. Accordingly, the criminal revision case is ***dismissed and disposed of***.

11. The petitioner shall to file a memo in the registry showing the payment of fine amount within six weeks from the date of passing of the order.

12. Miscellaneous petitions, if any, pending in this revision case shall stand closed.

JUSTICE SUBHENDU SAMANTA

Dated: 09.09.2026
CVD/ASN