

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

CRIMINAL REVISION CASE NO.1528 of 2006

JUDGMENT:

This revision is preferred against judgment in Criminal Appeal No. 103 of 2006, dated 04.09.2006, on the file of the Special Judge for Trial of Offences under SC/ST (POA) Act – cum – V Additional District & Sessions Judge, Medak at Sangareddy, whereunder the learned Sessions Judge confirmed the conviction and sentence imposed against the revision petitioner for an offence under Section 324 IPC in Sessions Case No. 241 of 2003, on the file of the Assistant Sessions Judge, Sangareddy.

2. Heard both sides.

3. Charge sheet is filed against the revision petitioner and two others for offence under Section 307 read with 34 IPC. But, on appreciation of evidence, the learned trial Judge found that the offence under Section 324 IPC is only made out and that prosecution could not prove the offence under Section 307 IPC.

4. Considering the evidence, the learned trial Judge convicted the revision petitioner herein and two others for the offence under Section 324 IPC and sentenced them to suffer rigorous imprisonment for one year each and to pay a fine of Rs.2,000/- each. A-3 preferred the appeal to the Appellate Court and the learned Sessions Judge confirmed the conviction of the trial Court and dismissed the appeal.

5. Now, it is represented that the revision petitioner was in

jail for about one month and he had paid fine amount also. It is represented that the injured persons are also butchers and they have side by side shops and the alleged incident took place in the year 2003. Both the Courts on evidence concurrently held that the revision petitioner has committed the offence under Section 324 IPC. This Court is not inclined to interfere with the findings of the Court below with regard to the conviction. But, with regard to the sentence, as the revision petitioner is convicted for the offence under Section 324 IPC only and due to passage of time of 10 years, I feel that the sentence already undergone by the revision petitioner with the fine already paid would meet the ends of justice.

6. Therefore, the sentence of imprisonment is modified to the period of imprisonment already undergone by the petitioner, confirming the fine imposed by the Courts below.

7. With the above modification of sentence the Criminal Revision Case is dismissed.

8. As a sequel, miscellaneous petitions, if any, filed in this revision, shall stand closed.

JUSTICE S. RAVI KUMAR

31-12-2013

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