

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL APPEAL No.223 OF 2006

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JUDGMENT:

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This Criminal Appeal is preferred by A.1 challenging the judgment of IX Additional District & Sessions Judge, Guntur dated 29.11.2005 in S.C.No.6 of 2005 whereby the learned Additional Sessions Judge convicted the appellant for the offence under Sections 326 and 393 IPC and sentenced him to undergo R.I. for three years and to pay a fine of Rs.500/-, in default, to suffer S.I. for 15 days for the offence under Section 326 IPC. He was sentenced to suffer R.I. for three years and to pay a fine of Rs.500/-, in default, to suffer S.I. for 15 days for the offence under Section 393 IPC. Both the sentences were directed to run concurrently. However, the appellant was acquitted of the charges for the offence under Sections 302, 307 and 398 IPC.

After arguing for some time, learned counsel for the appellant confined his arguments only to the extent of quantum of sentence imposed on the appellant and prayed this Court to reduce the sentence of imprisonment in the circumstances of the case.

No grounds are made out to interfere with the conviction imposed by the trial Court since the findings are based on appreciation of evidence in proper perspective. Hence, this Court is not inclined to interfere with the conviction imposed by the trial Court. However, in the circumstances of the case, this Court is inclined to reduce the sentence of imprisonment.

In the result, the conviction recorded against the appellant-A.1 by the IX Additional District & Sessions Judge, Guntur in S.C.No.6 of 2005 dated 29.11.2005 for the offence under

Sections 326 and 393 IPC is hereby confirmed, but the sentence of R.I. for three years under each count, imposed on the appellant is hereby modified to the period already undergone by the appellant. The sentence of fine is not interfered with. The appellant-A.1 shall be released forthwith if not required in any other crime.

The Criminal Appeal is partly allowed as indicated above.

Miscellaneous petitions, if any, filed in this appeal shall stand closed.

JUSTICE RAJA ELANGO

07.12.2015

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