

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.3159 of 2015

ORDER:

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1. This Criminal Revision Case is filed by the petitioner-accused against the judgment dated 22.9.2015 passed by the I Additional Sessions Judge, Warangal in Criminal Appeal No.132 of 2013.

2. Brief facts of the case are as follows:

On the night of 18.10.2012, the de facto complainant parked his auto in front of his house and during the same night at about 1 a.m., he woke up and found the auto missing. He searched for it and lodged a complaint. During the course of investigation, the Sub-Inspector of police, P.S. Mills Colony, found the accused proceeding by stolen auto and apprehended him and secured the presence of P.W.2 and another mediator and recorded the confessional statement of the accused. The accused also failed to produce the documents of the vehicle and the accused confessed to have committed theft of the auto bearing No.AP 36 U-2557 and seized the same under the cover of mediators' report. After completion of the investigation, charge sheet was filed before the I Additional Judicial First Class Magistrate, Warangal, against the petitioner-accused for the offence under Section 379 IPC. The learned Magistrate took cognizance of the same and registered as C.C.No.504 of 2012.

3. During the course of trial, P.Ws.1 to 3 were examined and Exs.P1 to P4 and M.O.1 were marked on behalf of the prosecution. No oral or documentary evidence was adduced on behalf of the accused.

4. On appreciation of oral or documentary evidence, the trial Court convicted and sentenced him to suffer rigorous imprisonment for a period of six months. Aggrieved by the same, the petitioner-accused filed the above appeal viz., Criminal Appeal No.132 of 2013 before the I Additional Sessions Judge, Warangal. The learned I Additional Sessions Judge dismissed the appeal confirming the judgment of the

trial Court. Aggrieved by the same, the petitioner-accused filed the present appeal.

5. Heard and perused the material available on record.

6. The learned Counsel for the petitioner submitted that the sentence of imprisonment is for a period of six months and the petitioner-accused has suffered in jail for a substantial period and that there are no previous cases against him. While submitting so, the learned Counsel for the petitioner has prayed for reducing the sentence of imprisonment imposed by the Courts below.

7. In view of the concurrent findings of both the Courts below coupled with the evidence on record, this Court is not inclined to interfere with the conviction recorded by the Courts below against the petitioner-accused for the offence under Section 379 IPC. However, considering the submission made by the learned Counsel for the petitioner, this Court is inclined to reduce the sentence.

8. In the result, the conviction imposed by the trial Court and confirmed by the lower appellate Court against the petitioner-accused for the offence under Section 379 IPC is confirmed. However, the sentence of six months rigorous imprisonment imposed for the said offence is modified to the period, which the petitioner has already undergone.

9. The petitioner shall be released forthwith, if he is not required in any other crime.

10. With the above modifications, the Criminal Revision Case is dismissed.

JUSTICE RAJA ELANGO

Dated: 17th December, 2015

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THE HONOURABLE SRI JUSTICE RAJA ELANGO

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CRIMINAL PETITION No.3159 of 2015

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17.12.2015

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