THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Criminal Revision Case No.1363 of 2007

ORDER:

This Criminal Revision Case under Sections 397 and 401 of the Code of Criminal Procedure, 1973 ('the CrPC' for brevity) by the petitioner/sole accused is directed against the judgment dated 05.09.2007 in Crl.A.No.315 of 2006 passed by the learned Special Judge for trial of offences under SCs & STs (POA) Act-cum-VI Additional Metropolitan Sessions Judge, Secunderabad.

2. **(a)** By the judgment dated 11.09.2006 in C.C No.198 of 2004, the learned XI Additional Chief Metropolitan Magistrate, Secunderabad had found the accused guilty of the offence punishable under Section 420 of the Indian Penal Code ('the IPC' for brevity) and had sentenced him to undergo simple imprisonment for three years and pay a fine of Rs.5,000/- and suffer simple imprisonment for six months in default of payment of the said fine amount.

2. **(b)** By the judgement, which is impugned, the learned VI Additional Metropolitan Sessions Judge while dismissing the above mentioned appeal of the accused had confirmed the conviction for the said offence, but had modified the sentence of simple imprisonment of three years imposed by the trial Court and reduced the same to six months simple imprisonment while maintaining the sentence of fine as imposed by the trial Court.

3. I have heard the submissions of the learned counsel for the petitioner/accused and the learned Additional Public Prosecutor representing the respondent/State. I have carefully perused the material record.

4. Now the points for consideration are: -

1. **Whether the prosecution could bring home the guilt of the accused, beyond all reasonable doubt, for the offence punishable under Section 420 of IPC?**
2. **Whether the accused had made out valid and sufficient grounds for his acquittal? And, if so, whether the judgment of the court below is liable to be set aside?**

5. **<u>POINTS:</u>**

5. (a) The gravemen of the charge and the case of the prosecution, in brief, are as follows:

On 16.09.2003 at about 21.15 hours, Chief Manager, Vijaya Bank lodged a letter or report with the Station House Officer, Mahankali Police Station, Secunderabad alleging as follows:

> ***"A cheque of Rs.4,00,000/- was presented on 09.09.03 in the account of M/s.Mohan Steel Corporation Current Account 2320 with a request for issuing a Demand Draft for Rs.3,99,600/- in favour of G Gopal payable at Hyderabad. The Demand Draft was issued by debiting the party's account. Today it is informed by the account holder that he has not issued the cheque and reported that it is a forged one.***
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> ***The said Demand Draft was collected through ICICI Bank, Kharkhana Branch on 10.09.03 to the credit of G Gopal and an amount of Rs.3,99,000/- was withdrawn from that account on 13.09.03."***

In the said letter/ report a request was made to investigate into the matter and take necessary action. Basing on the said report, the subject crime was registered and investigated into and a charge sheet was laid against the accused opining that the accused is liable to be punished for the offence punishable under Section 420 of the IPC. A charge was framed under Section 420 of the IPC against the accused and on his pleading 'not guilty', he was tried for the said offence. During the course of trial, PWs1 to 9 were examined and Exs.P1 to P11 were exhibited. No evidence was adduced on the side of the defence.

5. **(b)** Now it is to be examined as to whether the evidence brought on record by the prosecution is sufficient to hold that the charge levelled against the accused is established as required under law. **PW1** is the Chief Manager of the Vijaya Bank on whose report under exhibit P1, the subject crime was registered. In his evidence he had stated that on 09.09.2003 a cheque for Rs.4,00,000/- was presented on the current account bearing No.2320 of M/s. Mohan Steel Corporation with a request to issue a demand draft for Rs.3,99,600/- in favour of G.Gopal payable at Hyderabad and that accordingly, a DD was issued by debiting the said amount to the account of the said Corporation and that later, the said Corporation had informed the bank that they have not issued any cheque and, that the said cheque was forged; and, that the said DD was collected through ICICI Bank, Kharkhana Branch on 10.09.2003 and that on their enquiries, they had learnt that the accused had withdrawn the amount through the account of one G.Gopal on 13.09.2003 and that after such enquiries, he had lodged exhibit P1 report by enclosing a copy of the letter given by the said Corporation to the bank. The letter of the Corporation given to the Bank of PW1 was exhibited as exhibit P2. The copy of cheque for Rs.4 lakhs and the copy of the DD application were exhibited as exhibits P3 and P4. He had testified that according to his enquiries exhibits P2 to P4 were prepared by the accused. In his cross examination, it was suggested that the accused was not responsible and was not involved in any crime and that the accused was falsely implicated. But, he denied the said suggestions as 'not true'. **PW-2**—Vikky, is the Son of the PW3-Gopal, through whose account the DD was encashed and the amount was withdrawn. PW.2 had deposed to the following effect: 'He is a resident of Khalasiguda. In the month of October, 2003 he had approached the Mohan Steel Corporation, Secunderabad for a job. But they did not give him any job. But, at the time of interview, the accused asked him to give his account number. He had told the accused that he was not having an account and that his father is having an account in ICICI Bank, Vasavinagar, Kharkana, Secunderabad with cheque book. On 13.09.2003 the accused came to his house and had told him that the Corporation had offered a job to him and had deposited Rs.4,00,000/- in the account of his father and had asked him (PW2) to take him to the place of his father. Believing the words of the accused, he had taken him to his father. The accused had asked for a cheque to be given. His father had signed a cheque and gave it to the accused. On enquiries, he and his father had come to know that the accused had withdrawn Rs.3,99,000/-. Subsequently, the police had recorded his statement and that the Police had asked him to give remaining amount of Rs.600/- and that the said amount was given to police by withdrawing from his father's account. Exhibit P3, the cheque, which was given to the accused by the father of PW2 was exhibited in his evidence. In the cross examination, PW2 had stated that he gave his bio-data to Mohan Steel Corporation in the year 2002 and that he had not stated before the Police about the Bio-data for the Office Boy Job and that he does not remember the date on which the accused had approached him and that his father gave a blank cheque to the accused with his signature. He had also stated in his evidence that the interview was held on the same day when he had given the Bio-data and that his friend had informed him about the vacancy in the Mohan Steel Corporation. He had denied the suggestion that his father did not give a blank cheque to the accused. **PW3** is the father of PW2. He had testified that on 13.09.2003 the accused came to his office, MCMM Army at Lalbazar and had requested him to give a cheque having promised him and his son that he will appoint his son in a private sector and that, therefore, he had given a blank cheque on his account in ICICI Bank to the accused and that on 19.09.2003, the accused had withdrawn Rs.4

lakhs from his account. In the cross examination, the following points were elicited: 'He knows the accused through his son and that he had issued a cheque in question in September, 2003 i.e., either on 13th or 14th and that the accused had promised him to provide employment to his son in any factory and that he is only the signatory of the cheque and that he had given a blank signed cheque to the accused'. He had further testified that the officer of the Vijaya Bank had approached him and enquired about the cheque. When it was suggested to him that he had presented the cheque in question and had withdrawn the amount, he had denied the said suggestion as 'not true'. When it was suggested to him that he cannot identify the accused and that he is deposing falsehood, he had also denied the said suggestion as 'not true'. **PW4** was the then cashier in ICICI Bank, Kharkana Branch, Secunderabad. He had testified that on 13.09.2003, one person presented a cheque for Rs.3,99,000/- which was signed by G.Gopal, who is the customer and that he had carefully verified the signature of the customer and that he does not remember the person who had presented the cheque on that day and that exhibit P5 is the cheque of ICICI Bank and exhibit P6 is the copy of bank statement of the account holder G.Gopal. In his cross examination, the following points were elicited: 'He is working in ICICI Bank since 10.02.2003. He does not know as to who had actually presented the cheque i.e., exhibit P5. He had paid the amount to the person whose name was there in the cheque. But he cannot identify him now'. When it was suggested to him that the cheque was not presented and that he did not pay the cash, he had denied the said suggestions as 'not true'. **PW5**—N.Narsing Rao, is a panch witness, who was said to have been present at the time when the accused had made a confession and the recovery of cash was made, from a plastic bag which was kept in the Almirah in the house of the accused, under the cover of a seizure report and the panchamana. He had testified as follows: 'On 19.09.2003 at about 8.00 or 9.00 pm, Mahankali Police had called him. The accused was in their custody. Having made a confession, the accused had led them to his house at Panbazar. The police had recovered Rs.3,99,000/- from a plastic bag, which was kept in the Almirah, under the cover of a seizure report.' The confessional statement and the seizure report were exhibited as exhibits P7 and P8. In his cross examination the following points were elicited: 'I am having a tea cart. There is no licence for the said push-cart. It is true that I am deposing in this case as I am having a push-cart near the Police Station and as I have signed the paper as asked by the police. I do not know reading English. I had signed without reading the paper. I do not know even reading Telugu properly. I was in the police station for nearly two hours. The entire panchanama was written in the police station. I do not know what is that panchanama. Three/four signatures were taken.' When it was suggested to him that he does not know the panchanama and that simply he is deposing falsely at the behest of the police and that there is no recovery in this case, he had denied the said suggestions. **PW6** is the key Account Manager in ICICI Bank, at Regional Office, Begumpet. Previously he had worked as Branch Manager at Kharkhana Branch at ICICI Bank. He had testified that on 13.09.2003, the accused had presented the cheque for Rs.4 lakhs issued by one G.Gopal and that the said cheque was verified by a Senior Manager, Satya Sarvani, and that as the signature had tallied, the amount was paid to the accused and that subsequently, he came to know that the accused had withdrawn the amount by playing fraud. This witness had identified exhibit P5 cheque. In his cross examination the following points were elicited: 'He has not disbursed the cash under exhibit P5. Approximately within a week the bank had got information that the person who had presented the cheque is not entitled to the amount. No subsequent verification or identification of the person to whom the amount was disbursed was made. He did not hand over original of exhibit P5 to the Investigating Officer and he did not call for any expert's opinion'. He had denied the suggestion that he is deposing falsehood. **PW7** is the head constable of Mahankali Police Station at the relevant time. He had testified that on 19.09.2003, he had accompanied the SI of police along with other PCs to the house of the accused at Panbazar, Secunderabad and that the SI of police had seized cash of Rs.3,99,000/- from the possession of the accused under a panchanama. In his cross examination, he had stated that he does not know the door number of the house of the accused and that no panchanama was prepared in his presence by the SI of police and that the cash was seized from the almirah in the house of the accused. When it was suggested to him that he is deposing falsehood at the instance of the police and that he had not witnessed the seizure of the cash from the possession of the accused, he had denied the said suggestions as 'untrue'. **PW8** is a business man and a proprietor of Mohan Steel Corporation. He had testified that he came to know from his banker i.e., Vijaya Bank, S.D Road, that an amount of Rs.4 lakhs was paid from his Corporation's account against the cheque, though no cheque was issued and that he had informed to the bank authorities that during the year 2001 itself the cheque in question was cancelled by them and that the series of the current cheque book is not at all tallying with the cheque in question and that he had written a letter-exhibit P2 to the bank accordingly. He had testified that exhibit P3 cheque was cancelled during 2001 itself by Mohan Steel Corporation. In his cross-examination, he had stated that he does not know who had withdrawn the amount from his bank under exhibit P3. He had also stated that he came to know about the withdrawal from the bank, when he had issued a cheque to the bank. When it was suggested to him that Mohan Steel Corporation had withdrawn the amount under exhibit P3 and he is deposing falsehood at the instance of police, he had denied the said suggestion. **PW9** is the SI of Police of Mahankali Police Station at the relevant time. He is the officer, who had received exhibit P1 report from PW1 and had registered the subject crime and had investigated into it. He had testified that during the course of investigation he had arrested the accused at panbazar and that on enquiry, the accused had confessed the offence and that he had summoned PW5 and a police constable and that he had interrogated the accused and had recorded the confessional statement of the accused and that pursuant to the disclosure statement of the accused, a sum of Rs.3,99,000/- was recovered from a plastic bag kept in the Almirah of the house of the accused under the cover of a confessional-cum-seizure panchanama in the presence of the mediators and that at the same time Rs.600/- was also recovered from PW3—G.Gopal. He had stated that PW3 was also present at that time. In his cross examination, it was elicited that he cannot say the exact period during which the accused worked with M/s. Mohan Steel Corporation and that he had not collected any documents and that prior to exhibit P1 there is no report from Mohan Steel Corporation about the missing of the cheque.

5. **(c)** I have thus carefully gone through the entire evidence on record. The learned counsel for the petitioner/ accused contended as follows: 'Both the Courts below did not advert to the various factual and legal submissions made on behalf of the petitioner/accused and that the judgments of the Courts below are manifestly erroneous and unjust. Convictions were recorded by the Courts below without any legal basis but, merely on surmises and assumptions. Even though the prosecution failed to prove the ingredients of the charge by adducing legal and cogent evidence, the Courts below had mechanically convicted the accused. The prosecution had let in, in its evidence, two inconsistent versions. The contents of exhibits P1 and P2 are contradictory to each other. Therefore, and in the absence of clear cut evidence, the accused is entitled to a reasonable benefit of doubt. The Courts below ought to have discarded the case of the prosecution, more particularly, when the prosecution had failed to bring on record the necessary evidence as to whether exhibit P3 was either cancelled or forged. The Courts below ought to have seen that PW8 did not depose anything against the accused and that he did not identify the accused or state that the accused was an employee of his Corporation to show that the accused has an opportunity to commit the offence. The Courts below ought to have seen that there is no element of inducement in the alleged crime.

The Courts below ought to have seen that the prosecution had failed to let in evidence either about the presentation of instrument exhibit P3 by the petitioner/accused or about the writing and the signature on exhibit P3 to establish the complicity of the accused and his role in the preparation and presentation of exhibit P3. The Courts below ought not to have erroneously relied upon the evidence of the panch witness and the testimonies of PWs 2 and 3 without there being any corroboration.

The Courts below had erroneously relied upon the evidence of panch witness-PW5, though he had resiled from his earlier version during his cross examination. The trial Court ought to have held against the prosecution for marking exhibit P9, which is a bond executed by PW1 while receiving the cash for interim custody, as the said procedure caused prejudice to the accused and the accused was denied an opportunity of inspecting the cash and cross-examining PW5 on the aspect as to whether the cash alleged to have been recovered from the accused is from the ICICI bank or not. Had the cash been marked, it would have been clear as to whether the cash bundles had tags and seals of the ICICI Bank. Both the Courts below had recorded convictions concurrently against the accused even though there is no reliable, credible and legal evidence adduced by the prosecution showing the complicity of the accused for the offence punishable under Section 420 of the IPC.

5. **(d)** On the other hand, the learned Public Prosecutor having read the portions of the evidence and the findings in the judgments of the courts below had contended that the evidence adduced was sufficient to base a conviction and that the courts below after recording valid reasons found the accused guilty and that the concurrent findings in the well considered judgments of the courts below are sustainable and that there is no merit in the revision and that therefore, the revision is liable to be dismissed. The learned Public prosecutor further forcibly contended that the prosecution had adduced necessary evidence to prove the complicity of the accused and that the prosecution had also established that a sum of Rs.3,99,000/-, which is a huge amount, was recovered at the instance of the accused from a plastic bag, which was kept in the Almirah in his house to prove its case.

5. **(e)** Keeping in view the rival submissions, it is to be first noted that PW8 had stated that the accused had earlier worked in his Corporation. It was elicited in his cross examination that he cannot say the exact period during which the accused worked with M/s.Mohan Steel Corporation. Further, PW2 had testified that he had approached M/s. Mohan Steel Corporation, Secunderabad for a job in October, 2003 but, no job was provided to him and that at the time of the interview, the accused had asked him to give his account number and that he had stated to the accused that he is not having an account, but, his father is having an account in ICICI Bank, Vasavinagar, Kharkana Branch, Secunderabad with a cheque book. Thus, this part of the evidence proves that the accused had worked at the relevant time in Mohan Steel Corporation. The evidence of PW1 would show that on 09.09.2003, the cheque for Rs.4 lakhs was presented on the current account number 2320 of Mohan Steel Corporation with a request to issue DD for Rs.3,99,600/- in favour of G.Gopal payable at Hyderabad and that accordingly after honouring the said cheque and debiting the said amount to the account of M/s. Mohan Steel Corporation, one demand draft was issued in favour of G.Gopal and that later, he came to know through

Mohan Steel Corporation that the said cheque, dated 09.09.2003 under the original of exhibit P3 was never issued by the said Corporation and that the said cheque was a forged one. On a perusal, the said cheque leaf would show that it was a copy of the cheque leaf pertaining to account 2320 of M/s.Mohan Steel Corporation in Vijaya Bank and the said cheque was drawn in favour of G.Gopal for Rs.4 lakhs. The evidence of PW1 also would show that the said cheque for Rs.4,00,000/- was presented along with exhibit P4, the application for issuance of a demand draft for Rs.3,99,600/- in favour of G.Gopal payable at Hyderabad and that accordingly, the demand draft was issued for the said sum. It is also borne out by the evidence on record that the accused had approached PW2 on 13.09.2003 and told him that the Company had offered a job to him and that the Company had deposited Rs.4 lakhs in his father's account and that the accused had asked him to take him (the accused) to the place of the father of PW2 and that on that PW2 believing his words had taken him to his father (PW3) and that at that time the accused had asked PW3 to give a signed cheque. PW3, the father of PW2, had also stated that on 13.09.2003, the accused had come to his office and had requested him to give a cheque by promising that he will appoint his son in private sector and that on that, he gave a blank cheque on his account in ICICI Bank to the accused and that on 19.09.2003, the accused had withdrawn Rs.4 lakhs from his account. Exhibit P5 is the copy of the said cheque signed by G.Gopal (PW3) drawn on his account in ICICI Bank. The said cheque leaf on a perusal would show that it was drawn in favour of P.Rajesh for Rs.3,99,000/- only. PW3 had categorically stated that he had given a blank cheque signed by him to the accused. But, however, the evidence brought on record would show the said cheque was presented and an amount of Rs.3,99,000/- was collected from the account of PW3. The evidence of PW1 would show that DD for Rs.3,99,600/- which was issued in favour of G.Gopal and which is payable at Hyderabad was collected through

ICICI Bank, Kharkahana Branch on 10.09.2003, i.e., through the account of PW3. Exhibit P6 is the copy of the bank statement of the account of PW3. The same on a perusal would show that on 10.09.2003 after the encashment of the Vijaya Bank draft, a sum of Rs.3,99,600/- was credited to the said account and that the original of exhibit P5 cheque, which was said to have been signed and issued by PW3 to the accused was encashed on 13.09.2003 and that a sum of Rs.3,99,000/- was withdrawn from his said account. Thus, the evidence of PWs 2 and 3 would show that the cheque under the original of exhibit P5 signed by PW3 was issued to the accused and to no other person. Therefore, when the said cheque was encashed by showing the recipient of the contents of the said cheque as Rajesh, it is for the accused to explain the said circumstance, more particularly, when the prosecution is able to establish by necessary evidence that the accused worked in Mohan Steel Corporation for some time at the relevant time and had developed acquaintance with PW2 and his father and he had promised that he will provide employment to PW2 and had obtained the original of exhibit P5-cheque from PW3. Further, as rightly contended by the learned Public Prosecutor, PWs 2 and 3 are neither interested in the conviction of the accused nor having any motive to falsely implicate him in a Criminal case. The evidence of PWs 2 and 3 thus, clinchingly proves that accused had obtained singed blank cheque under the original of exhibit P5 from PW3 and that later the said cheque was encashed and Rs.3,99,000/- was withdrawn from the account of PW3 in the ICICI Bank. To restate, the evidence on record would show that before the said cheque was encashed, the DD for Rs.3,99,600/- was obtained from Vijaya Bank by making use of the original of exhibit P3 cheque leaf of Mohan Steel Corporation of which PW8 is the proprietor. On finding that his account was debited on encashment of the original of exhibit P3 cheque he had complained to his banker, i.e., Vijaya Bank stating that he had never issued the said cheque and that the number of the said cheque does not match with the series of cheque numbers currently in use. On that PW1, the Chief Manager, Vijaya Bank had lodged exhibit P1-report with the police stating that the DD was obtained for Rs.3,99,600/- in favour of one G.Gopal payable at Hyderabad by presenting the original of exhibit P3 cheque for Rs.4 lakhs on 09.09.2003 and that the bank was informed by the account holder that the cheque under the original of exhibit P3 was not issued and it is forged.

5. **(f)** Be that as it may, the further case of the prosecution is that on the arrest of the accused, he had made a confession and that pursuant to his said confession the cash of Rs.3,99,000/- was recovered from a plastic bag kept in the Almirah in the house of the accused. In this regard, PW5 in his examination in chief had testified that at the request of police, he went to Mahankali Police Station at about 9 pm or 10 pm on 19.09.2003 and that by that time, the accused was in the police custody and that on his confession, the police had raided the house at pan bazar and had recovered, under the cover of a seizure report, Rs.3,99,000/- from a plastic bag which was kept in the Almirah in the house of the accused. But he had resiled partly from the said version in his cross examination by stating that he has a push cart near the police station and that he had signed the papers being asked by the police. Though he had stated in his cross examination that he does not know English and that he does not know even reading Telugu properly and that the entire panchanama was prepared in the police station, he did not resile from the statement that he went to the house of accused pursuant to the confession made by the accused and that cash of Rs.3,99,000/- was seized from a plastic bag which was kept in the Almirah of the house of the accused. Therefore, his evidence, which is consistent on the point of recovery cannot be brushed aside by ignoring his statements in that regard and by giving weight to his cross examination that Panchanama was prepared in the police station. Further, the

Investigating Officer had also stated that on the confession of the accused in the presence of PW5, the cash was recovered from the plastic bag, which was kept in the Almirah in the house of the accused. Though the confession of the accused in its entirety is inadmissible in evidence but, in case, where the accused had made a disclosure statement and a recovery was made in consequence of the said disclosure statement, the said evidence is admissible, in view of the provision of Section 27 of the Indian Evidence Act. Therefore, there is sufficient evidence on record to accept that a sum of Rs.3,99,000/- was recovered from the plastic bag kept in an Almirah in the house of the accused in consequence of the disclosure statement of the accused. When the recovery of a huge sum of cash was made from the Almirah in the house of the accused in consequence of his disclosure statement and when there are no circumstances to doubt the evidence brought on record in regard to the fact of discovery which is admissible in evidence, in view of the provision of Section 27 of Indian Evidence Act, it can safely be taken as a circumstance showing the complicity of the accused. Though it is the case of the accused that no cash was seized from his house, in a case of this nature the said defence cannot be believed for a moment, as the cash, which is a substantial sum of money was recovered from the house of the accused on 19.09.2003 within a short time after the incident has come to light. Further, it is hard to believe that the police officer had planted a huge sum of Rs.3,99,000/- to falsely implicate the accused. Therefore, the evidence brought on record and the chain of circumstances are sufficient to hold that the accused is guilty of the offence with which he is charged.

5. **(g)** Thus, on an overall consideration of the evidence on record, particularly the evidence of PWs 2, 3 and 5 coupled with the evidence of the police officers PWs 7 and 9, it is clinchingly proved that the original of exhibit P5 cheque signed by PW3 was given to the accused alone and that just before the said cheque was encashed a DD was obtained on the account of M/s.Mohan Steel Corporation for Rs.3,99,600/- and that the proceeds of the said DD were credited to the account of PW3 and that later the original of exhibit P5 cheque, which was given by PW3 to the accused, was pressed into service and was encashed and an amount of Rs.3,99,000/- was withdrawn from the account of PW3 and that the said sum of Rs.3,99,000/- was recovered, at the instance of accused pursuant to his disclosure statement within a short time of the incident of cheating has come to light. In the light of the aforementioned evidence brought on record, the contentions of the accused that the prosecution had failed to adduce reliable, credible and legal evidence to show the complicity of the accused cannot be countenanced. Therefore, none of the contentions raised by the accused before this Court are tenable. Therefore, it can safely be held that the prosecution had proved its case as required under law and beyond reasonable doubt.

5. **(h)** Viewed thus, this Court finds that there is no infirmity, illegality or impropriety in the judgments of the Courts below calling for interference. The points are accordingly answered in favour of the prosecution and against the accused.

6. Coming to the quantum of sentence, the learned counsel for the accused had alternately contended that the accused is of 45 years of age and that he is having wife and children and that he is the sole bread winner of the family and if he is sentenced to undergo a long term of imprisonment not only his life but also the lives of his family members would be ruined and that therefore, a lenient view may be taken and the sentence may be reduced to one already undergone. However, having regard to the nature of the offence, this Court is not inclined to accept the submissions that the sentence already undergone would be commensurate to the gravity of offence committed by the accused.

However, taking into consideration the mitigating and the extenuating circumstances and also the explanatory statement offered on behalf of the accused, this court is of the view that the sentence can be reduced to three months while maintaining the sentence of fine imposed by the Courts below.

7. In the result, the Criminal Revision Case is dismissed. However, the substantive sentence of imprisonment is modified and is reduced from six months to three months while maintaining the sentence of fine. The accused shall be entitled to the benefit of set off. It is represented that the accused is at large being on bail. Therefore, he is directed to surrender before the trial Court within two weeks from the date of the receipt of a copy of this order. On failure of the accused to do so, the trial Court shall take necessary steps to secure the presence of the accused and send him to prison for serving the remaining period of sentence.

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

M.SEETHARAMA MURTI, J

19th January, 2015
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