

THE HON'BLE SMT. JUSTICE ANIS
CRIMINAL REVISION CASE No.201 OF 2008

ORDER:

This revision is filed under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') against the Judgment dated 09.02.2007 passed in Criminal Appeal No.72 of 2006 by the III Additional Metropolitan Sessions Judge, at Hyderabad, whereby and whereunder the learned Sessions Judge confirmed the Judgment, dated 10.08.2006, passed in C.C. No.715 of 2001 by the IX Additional Chief Metropolitan Magistrate, Hyderabad, wherein the learned Magistrate found the accused guilty for the offence under Sections 386 and 506 of Indian Penal Code, 1860 (for short, 'I.P.C.'), convicted and sentenced to undergo Simple Imprisonment for 30 months for the offence under Section 386 I.P.C. and to pay fine of Rs.500/- in default of payment of fine he shall undergo Simple Imprisonment for one month; also sentenced to undergo Simple Imprisonment for 6 months for the offence under Section 506 I.P.C. The sentence of imprisonment imposed against the accused for the offences under Sections 386 and 506 I.P.C. shall run concurrently.

02. The petitioner herein is the accused and the respondent herein is the State in C.C. No.715 of 2001.

03. The brief facts of the prosecution case are that on 06.06.2000 the complainant lodged a complaint before the Additional Deputy Commissioner of Police, Task Force alleging that in the last week of November or in the first week of December 1999 he received one under stamp envelop, but the same was returned as it does not contain his correct name; later his wife received a phone call from a person claiming himself as Veeranna Annaloo from Karimnagar, threatening that he will amputate a hand and leg of the complainant, if she fails to pay Rs.5,00,000/-; on the repeated telephone calls, he paid Rs.5,00,000/- at Siddipet Bus stand on 11.01.2000; again on 01.04.2000 the same person claiming himself as Veeranna of Karimnagar P.W.G, started threatening him over telephone and threatened to pay another Rs.5,00,000/- else he will eliminate the complainant. In spite of repeated requests, accused did not heed and continued to threaten. Hence, he presented a complaint. Basing on the complaint, a case in Crime No.174 of 2000 was registered and investigated into, while investigation is in progress, the complainant informed that again he received threatening call demanding to pay Rs.5,00,000/- between 15.30 to 16.00 hours. Immediately K.Basaveshwar Rao with the assistance of K. Srinivasa Rao and Harish Kowshik and staff along with two mediators T.V. Murali Mohan and D. Srinivas drafted search proceedings and laid a trap at 13.00 hours and

handed over a bag to the complainant filled up with old news papers to make believe that it contains amount with a request to give the same to the accused as bait and give signal. The trap was laid in front of the exit gate of Raja Deluxe theater. At about 15.45 hours the accused came on Yamaha Motor Cycle bearing No.AP 28 L 5558, approached the complainant and took handbag from him, therefrom he was surrounded by the police and accused was caught hold in the presence of Panch witnesses, a panchanama was conducted and confession of the accused was recorded, the motor cycle and the blue colour handbag was seized from the possession of the accused under confessional cum seizure panchanama. Thereafter the accused took the police persons to his house and there one cell phone, one plastic strips hand bag, one dark brown colour dairy and pay order of Rs.2,000/- were recovered from the house of the accused. After completion of investigation, the investigation officer filed charge sheet in the Court.

04. The learned Magistrate framed the charges under Sections 386 and 506 I.P.C. against the accused, read over and explained to him in Telugu, but he pleaded not guilty.

05. During the course of trial, on behalf of the prosecution, P.Ws.1 to 7 were examined and Exs.P.1 to P.12 and M.Os. 1 to 9 were marked. On behalf of the

accused, no defence evidence was adduced.

06. After considering the evidence on record, the trial court convicted and sentenced the accused to undergo Simple Imprisonment for a period of 30 months and to pay fine of Rs.500/-, in default of payment of fine, he shall undergo Simple Imprisonment for a period of one month for the offence punishable under Section 386 I.P.C.; and also sentenced to undergo Simple Imprisonment for a period of 6 months for the offence under Section 506 I.P.C. The sentence of imprisonment imposed against the accused for the offences under Sections 386 and 506 I.P.C. shall run concurrently.

07. Aggrieved thereby, the accused preferred Criminal Appeal No.299 of 2006, thereon the learned IX Additional Metropolitan Sessions Judge, Hyderabad, dismissed the appeal confirming the Judgment of the trial court. Aggrieved by the judgment of the trial court as well as the appellate court, the accused preferred the present revision.

08. Heard learned counsel for the petitioner and learned Public Prosecutor for the State of Telangana.

09. Learned counsel for the petitioner submits that the petitioner had already undergone the imprisonment for 32 months, whereas convicted for about 30 months for the

offences punishable under Sections 386 and 506 I.P.C., therefore he prayed to set off the sentence of imprisonment already undergone by the petitioner.

10. As seen from the record, it is evident that both the Courts below gave concurrent finding and that finding needs no interference of this Court. Taking into consideration of the submission made by the learned counsel for the petitioner that the petitioner had already undergone imprisonment for about 32 months, the period already undergone by him shall be given set off from the term of imprisonment. Accordingly, the revision is liable to be disposed of.

11. Accordingly, the criminal revision is disposed of.

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

ANIS, J

26-02-2015
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