

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.R.C.Nos.2974, 2975 and 2976 of 2015

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COMMON ORDER

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Since the common point is involved in all these revisions and the parties are also one and the same, they are being taken up together for disposal by this common order.

2. These revisions are directed against the judgments dated 25.11.2014 passed in Crl.A.Nos.72,73 and 74 of 2014 by the learned Judge, Family Court-cum-VIII Additional Sessions Judge, Mahabubnagar, wherein the conviction and sentence recorded by the trial Court in C.C.Nos.450, 488 and 489 of 2009 were modified.

3. In all these three cases, the case of the prosecution is that on different dates, some unknown offenders broke open the lock of the doors of the respective de facto complainants and committed theft of cash, gold and certain household articles. During the course of investigation, some stolen cash and properties were recovered from the possession of the accused. After completion of investigation, charge sheet was laid against the accused for the offences punishable under Sections 457 and 380 IPC.

4. The trial Court after considering the entire evidence and the material on record found the accused guilty for the offences punishable under Sections 457 and 380 IPC in all the three cases and sentenced him to undergo simple imprisonment for a period of two years for each offence in C.C.No.450 of 2009; sentenced to undergo simple imprisonment for a period of two years for each offence in C.C.No.488 of 2009 and also sentenced to undergo simple imprisonment for a period of one year for each offence in C.C.No.489 of 2009

and directed that both the sentences shall run concurrently. Aggrieved by the same, the accused preferred Crl.A.Nos.72, 73 and 74 of 2014. The lower appellate Court after re-appreciation of the entire evidence on record modified the sentence of imprisonment from 2 years to 1½ years for each offence in all the three appeals and directed that the sentences shall run concurrently. Aggrieved by the same, the present criminal revision cases are filed.

5. Learned Counsel for the petitioner/accused fairly conceded that this is not a fit case for interference, but having regard to the fact that the petitioner has undergone imprisonment for more than 530 days, a lenient view may be taken insofar as the sentence of imprisonment is concerned.

6. From the record, it appears that the petitioner was in jail for a substantial period. In the facts and circumstances of the case and in view of the concurrent findings of both the Courts below, this Court is not inclined to interfere with the conviction recorded by the Courts below. But however, in view of the submission of the learned counsel for the petitioner that the petitioner/accused had already undergone imprisonment for a considerable period and also considering the value of the property and also the evidence adduced by the prosecution, the sentence of one and half year simple imprisonment imposed by the lower appellate Court in all these cases for the offences under Sections 457 and 380 IPC is modified to that of one year simple imprisonment.

7. In the result, the conviction rendered by both the Courts below against the petitioner-accused for the offences under Sections 457 and 380 IPC in the above three cases, is confirmed. However, the sentence of one and half year simple imprisonment imposed by the lower appellate Court for the said offences in the above three cases is modified to that of one year simple imprisonment.

All the sentences imposed by this Court in these three cases shall run concurrently.

Since it is represented that the petitioner-accused has already undergone

more than 530 days, he shall be released forthwith if he is not required in any other case.

With the above modification, the Criminal Revision Cases are disposed of. Consequently, Miscellaneous Petitions, if any, pending in these revisions shall stand closed.

JUSTICE RAJA ELANGO

12th October, 2015

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