

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.13 OF 2014

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ORDER:

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This Criminal Revision Case is filed by the sole accused challenging the judgment of the Principal Sessions Judge at Khammam dated 31.12.2013 whereby the learned Sessions Judge dismissed CrI.A.No.55 of 2011 and while confirming the conviction imposed on the accused by the Assistant Sessions Judge, Khammam dated 25.3.2011 in S.C.No.695 of 2010 for the offence under Section 306 IPC, modified the sentence of rigorous imprisonment from five years to three years.

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

The learned counsel for the petitioner, across the bar, produced several letters alleged to be written by the deceased to the accused and submitted that after the death of deceased, the accused attempted to commit suicide and he was also admitted and treated in the hospital for several days. Even though the same cannot be taken into account as evidence, to arrive at a just decision of the case, this Court perused the record with the help of learned Additional Public Prosecutor. It is also not disputed that the said letters were written by the deceased to the accused. In each of the letter, the deceased expressed that she wanted to die. These circumstances cannot be looked into at this stage without there being the same termed as evidence before the Court.

In view of the above, this Court is not inclined to interfere with the conviction imposed by the trial Court as confirmed by the

lower appellate Court, but considering the circumstances of the case and submissions made by the learned counsel for the petitioner, this Court is inclined to reduce the sentence of imprisonment.

In the result, the conviction recorded against the petitioner-accused by the trial Court as confirmed by the lower appellate Court for the offence under Section 306 IPC is hereby confirmed, but the sentence of imprisonment imposed on the petitioner is hereby modified to the period already undergone by him. The sentence of fine is not interfered with. The petitioner shall be released forthwith if not required in any other crime.

With the above modification, the Criminal Revision Case is partly allowed.

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

JUSTICE RAJA ELANGO

07.12.2015

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