

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.437 of 2015

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ORDER :

The petitioner, who is the sole accused preferred this Criminal Revision Case under Sections 397 and 401 of the Code of Criminal Procedure (Cr.P.C.), aggrieved by the order dated 30.04.2014, passed in CrI.A.No.66 of 2013 wherein the Sessions Judge confirmed the Judgment of conviction and sentence, passed by the trial Court in S.C.No.155 of 2012, dated 30.01.2013, wherein the accused was sentenced to undergo rigorous imprisonment for a period of five years and to pay a fine of Rs.200/- in default of payment to suffer simple imprisonment for a period of two weeks.

The case of the prosecution is that the accused is married, drunkard and resident of Kotturu Village, Poosapatirega Mandal. Unable to bear the harassment of the petitioner, his wife gave him divorce about two years ago and went to her parents house, for which the accused is alleged to have harassed the parents of the divorcee for want of money. The accused is alleged to have took the coolie amount earned by the parents of his wife, spend the same for consumption of liquor and used to create nuisance in the village. While so, on 03.09.2012, the accused came to his house in a drunkard state and abused his parents for which LW1 went to sea shore and LW5 is alleged to have gone to her brother's house. At about 12.00 p.m., while returning to his house, LW1 heard a big noise from the house and PWs.1 to 3 were alleged to have informed that the house was set on fire and the accused is absconding. LW1 is also alleged to have witnessed the incident. LW7 tried to catch the accused, but in vain. Basing on the said allegations, a case in Crime No.144 of 2012 came to be registered for an offence punishable under Section 436 of IPC.

The prosecution examined LW1, PWs.1 to 4 and others and recorded their detailed statements. Police seized burnt ash, burnt small plastic tin and burnt clothes under the cover panchanama and arrested the accused on 06.09.2012. After completion of investigation, a charge sheet came to be filed.

The trial Court got examined PWs. 1 to 6, Exs.P1 to P4 and Mos.1 to 3 were marked. After considering the oral and documentary evidence and after hearing the arguments on both sides, the accused was convicted by the lower Court for the above said offence for which CrI.A.No.66 of 2013 was preferred by the accused. The appellate Court examined six witnesses and got marked Exs.P1 to P4, Ex.D1 and Mos.1 to 3. PWs.1 to 4 in one voice deposed about the entire incident making the accused responsible for the commission of the said offence. PWs.5 and 6 deposed about the material evidence gathered by them when they visited the scene of offence. The evidence of PWs.5 and 6 corroborates with each other and also with the evidence of PWs.1 to 4. Though the defence counsel cross-examined PWs.1 to 6 nothing useful was elicited to discredit their testimony. Accordingly, the appellate Court confirmed the conviction and sentence imposed on the accused by the lower Court and dismissed the CrI.A.No.66 of 2013, aggrieved by which the present revision came to be filed.

Since both the Courts have concurrently held against the accused with regard to the commission of offence and this being a factual aspect, I see no reason to interfere with the findings of the facts arrived at by the Courts below in this Criminal Revision. In fact the counsel for the petitioner pleaded about reduction of quantum of sentence.

Having regard to the fact that the petitioner is in jail since last two and a half years and taking into consideration that the incident is of the year 2012, the sentence of imprisonment is reduced from 5 years to three years.

Accordingly, the revision is disposed of with the above modification.

As a sequel, Miscellaneous Petitions, if any, pending in this revision shall stand closed.

JUSTICE C. PRAVEEN KUMAR

15.04.2015.

vhb