

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.2838 OF 2015

ORDER:

The petitioners, who are A.1, A.6 & A.8 were found guilty for the offence punishable under Section 447 IPC and were sentenced to pay a fine of Rs.500/-, each, in default, to undergo S.I. for seven days by the Judicial First Class Magistrate, Yellamanchilli, vide judgment dated 27.09.2011 in C.C.No.685 of 2001. However, they were acquitted of the charges under Sections 427, 323 and 506 IPC. Being aggrieved by the acquittal of the said charges, the de facto complainant preferred appeal in CrI.A.No.5 of 2012. Whereas, the petitioners herein also preferred an appeal in CrI.A.No.41 of 2012 against the conviction and sentence imposed for the offence under Section 447 IPC. The Judge, Mahila Court-cum-VI Additional District and Sessions Judge, Visakhapatnam dismissed CrI.A.No.41 of 2012 preferred by the petitioners herein and partly allowed CrI.A.No.5 of 2012 preferred by the complainant on 5.11.2015, whereby the conviction imposed by the trial Court for the offence under Section 447 IPC was confirmed and they were also convicted for the offence under Section 427 IPC. Since the petitioners were not present on the date when the judgment was pronounced, the lower appellate Court issued NBWs against the petitioners herein to hear them on quantum of sentence.

Considering the facts and circumstances of the case, without going into merits of the case, the revision is disposed of with the following directions:

The NBWs issued against the petitioners by the lower appellate Court are hereby suspended till 21.12.2015. The petitioners herein are directed to appear before the lower

appellate Court on 21.12.2015 to answer the question regarding the quantum of sentence and after considering such answers, the lower appellate Court can pass sentence on the petitioners herein and shall suspend the same to enable the petitioners herein to prefer a revision against the same on each of them executing a personal bond for a sum of Rs.1,000/-.

Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

02.12.2015

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