

CRIMINAL REVISION CASE No.1591 OF 2015

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ORDER:

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Petitioner-accused preferred the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Criminal Procedure Code being aggrieved over the judgment dated 25.06.2015 rendered in Criminal Appeal No.6 of 2014 by the XVI Additional District & Sessions Judge, Nandigama.

While dismissing the said appeal, the learned Appellate Judge confirmed the conviction and sentence imposed by the trial Court. Aggrieved over the same, the present revision has been preferred.

Allegations against the accused are that on 11-10-2013 at 10 PM the accused was noticed by veerulapadu Police i.e., Police Constable Pullaiah, A.S.I., D.Ramesh and S.I. of Police M.Narasimha Rao, while he was driving a car bearing No.AP 16 BK 0396 indiscriminately as he likes at Alluru Village centre. Then they stopped the car, examined the accused with breath analyser, which revealed that the accused is having alcohol contents and drove the car in a drunken state. Therefore, charge-sheet was filed against the accused for the offence under Section 185 of Motor Vehicles Act in Petty Case No.245 of 2013 of Veerulapadu Police Station. Hence, the case.

After arguing for sometime, the learned counsel for the petitioner by not pressing for the main prayer confined his arguments only to the extent of imposition of sentence and requested the Court to show some indulgence on the petitioner.

In view of the submissions of the learned counsel for the petitioner, this Court is of the view that the merits of the prosecution case and impugned judgment need not be adjudicated in this revision.

Admittedly, the occurrence took place on 11-10-2013 and since then the petitioner has been suffering humiliation and also stigma in the society. Further, as submitted by the learned counsel for the petitioner, the petitioner herein has served substantial sentence of imprisonment. Considering the same, this Court is of the view that some lenient view can be taken towards the revision petitioner in imposition of sentence.

In the result, the conviction imposed on the petitioner by the trial Court as confirmed

by the lower appellate Court is hereby confirmed. However, the sentence of imprisonment is hereby modified to the one already undergone by the petitioner. The fine amount imposed on the petitioner is not interfered with. The petitioner shall be released forthwith, if not, required in any other crime.

Accordingly, the revision is allowed in part.

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

JUSTICE RAJA ELANGO

Date : 01.07.2015

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