

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1365 OF 2015

ORDER:

The petitioner/accused has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.,) being aggrieved by the order, dated 04.12.2014, passed in Criminal Appeal No.200 of 2012 by the I Additional Sessions Judge, Chittoor, whereby the learned Sessions Judge dismissed the Criminal Appeal by confirming the order of conviction and sentence, dated 16.08.2012, passed in C.C.No.686 of 2010 by the IV Additional Judicial Magistrate of First Class, Chittoor, whereby the learned trial Judge convicted the petitioner/accused for the offence under Section 304-A IPC and Section 134(b) of the Motor Vehicle Act and accordingly sentenced him to suffer rigorous imprisonment for a period of one year for the offence under Section 304-A IPC and sentenced to pay a fine of Rs.500/- (Rupees five hundred only), in default to suffer simple imprisonment for a period of fifteen days, for the offence under Section 134(b) read with Section 187 of the Motor Vehicle Act.

Heard and perused the material available on record.

When the case is taken up for hearing, learned counsel for the petitioner submits that the petitioner has suffered in prison more than ten months and that he is sentenced to suffer rigorous imprisonment for a period of one year. He further submits that the petitioner got married recently two years back and as he has served more than ten months in prison, a lenient view may be taken while imposing sentence of imprisonment.

Being it is a concurrent finding by the trial Court as well as the lower appellate Court, this Court is not inclined to interfere with the order of conviction. However, considering the submission of the learned counsel

for the petitioner and the nature of offence, this Court is inclined to take a lenient view.

The conviction recorded against the petitioner/accused by the IV Additional Judicial Magistrate of First Class, Chittoor in C.C.No.686 of 2010, dated 16.08.2012 for the offence under Section 304-A IPC and Section 134(b) r/w 187 of Motor Vehicle Act as confirmed by I Additional Sessions Judge, Chittoor, in CrI.A.No.200 of 2012, dated 04.12.2014, is hereby confirmed. However, the sentence of imprisonment imposed by the Courts below is modified to that of the petitioner, already undergone by the petitioner.

The Criminal Revision Case is accordingly disposed of. Consequently, Miscellaneous Petitions pending, if any, stand dismissed.

21.07.2015
pln



JUSTICE RAJA ELANGO