

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL APPEAL No.1077 OF 2015

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JUDGMENT:

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This Criminal Appeal under Section 374 (2) of the Code of Criminal Procedure (in short 'Cr.P.C.') is filed by appellants/accused/P.Ws.1 & 2 challenging the order, dated 09-11-2015, rendered in CrI.M.P.No.1740 A/2014 in Sessions Case No.10 of 2013 wherein and whereby the learned Special Judge for trial of cases under S.Cs. and S.Ts. (PoA) Act-cum-Additional Metropolitan Sessions Judge at Vijayawada, convicted the appellants herein under Section 344(1) Cr.P.C. and sentenced them to undergo simple imprisonment for a period of one month each and to pay a fine of Rs.500/-.

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

In view of the said submission, this Court is of the view that merits of the Prosecution case and impugned judgment need not be adjudicated in this appeal.

Having heard the learned counsel for appellants/accused/P.Ws.1 and 2 and the learned Additional Public Prosecutor and having perused the material available on record, this Court is of the view that a lenient view can be taken towards the appellants in imposition of sentence.

Therefore, while confirming the conviction and the fine amount imposed on the appellants by the trial Court, the sentence of imprisonment imposed on them is hereby set aside.

With above modification, the Criminal Appeal is allowed in part.

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

JUSTICE RAJA ELANGO

Date : 24.11.2015

skmr