

THE HON'BLE SRI JUSTICE RAJA ELANGO

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CRIMINAL REVISION CASE No.30 OF 2014

ORDER:

The petitioner 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 03.01.2014, passed in Criminal Appeal No.293 of 2012 by the Court of the District and Sessions Judge, Chittoor, whereby the learned District Judge dismissed the appeal by confirming the order dated 06.11.2012, passed in C.C.No.5 of 2012 by the Judicial Magistrate of First Class, Pakala, whereby the learned Judge convicted the petitioner herein for the offence under Section 304-A IPC and sentenced him to undergo simple imprisonment for a period of one year and to pay a fine of Rs.2,000/- (Rupees two thousand only), in default of payment of fine, to undergo simple imprisonment for a further period of thirty days.

Heard and perused the material available on record.

After evaluating and examining the material available on record and considering the respective submissions of the learned counsel for both parties, this Court is of the view that there are no special or adequate reasons, warranting interference by this Court with the concurrent findings of the Courts below.

At this stage, the learned counsel for the petitioner confines his argument with regard to quantum of sentence, and submits that as the petitioner is having children and he is the only breadwinner in his family, a lenient view may be taken by this Court.

Considering the submissions made by the learned counsel for the petitioner and the nature of offence, this Court is inclined to take a lenient view.

In the result, the conviction recorded by the trial Court, which is confirmed by the lower appellate Court, against the petitioner herein for the offence Section 304-A IPC is hereby confirmed. However, this Court, taking a lenient view, reduces the

sentence of imprisonment to the period, which the petitioner has already undergone. However, the petitioner is directed to pay additional fine of Rs.8,000/- (Rupees eight thousand only) on or before 30.12.2015, in default of payment of the additional fine, the petitioner shall undergo simple imprisonment for a period of three months.

The Criminal Revision Case is accordingly disposed of. Consequently, the miscellaneous petitions, if any pending in this revision case, shall stand closed.

JUSTICE RAJA ELANGO

02.11.2015

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