

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL APPEAL No.1002 OF 2015

JUDGMENT:

The Criminal Appeal is preferred by the appellant/accused challenging the Judgment, dated 09.07.2015, passed in S.C. No.170 of 2014 by the Court of the Mahila Sessions Judge, Vijayawada, whereby the learned Sessions Judge found the appellant/accused guilty for the offence under Sections 324 and 506 IPC and accordingly convicted and sentenced him to undergo imprisonment for a period of three years and to pay a fine of Rs.500/- (Rupees five hundred only), in default, to suffer imprisonment for a period of two months for the offence under Section 324 IPC; and to undergo imprisonment for a period of two years and to pay a fine of Rs.500/- (Rupees five hundred only), in default, to suffer imprisonment for a period of two months for the offence under Section 506 IPC.

Heard and perused the material available on record.

After evaluating and examining the material available on record and considering the submissions of the learned counsel, this Court is of the view that there are no special or adequate reasons, warranting interference by this Court with the Judgment passed by the trial Court.

At this stage, the learned counsel for the appellant/accused confines his argument with regard to quantum of sentence, and submits that as the appellant/accused has to look after his old aged parents and he is the only breadwinner in his family, lenient view may be taken by this Court while imposing sentence of imprisonment.

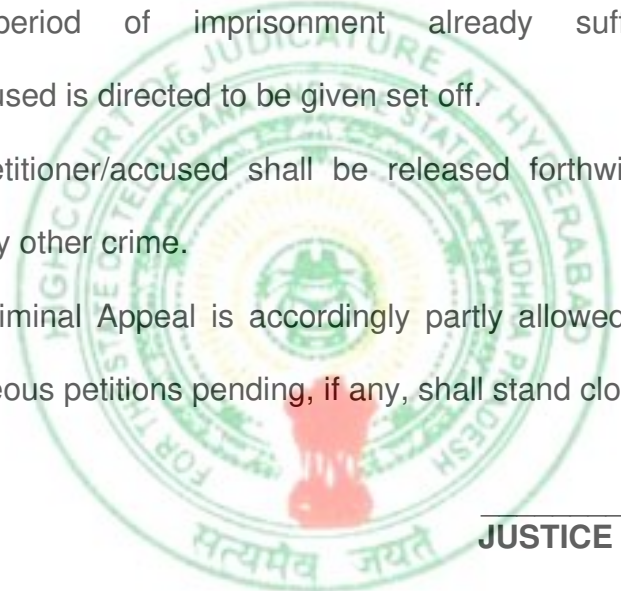
Considering the submissions made by the learned counsel for the appellant/accused and the nature of offence, and also in view of long lapse of time, this Court is inclined to take a lenient view.

In the result, the conviction imposed against the appellant/accused by the Court of the Mahila Sessions Judge, Vijayawada, in S.C.No.170 of 2014, for the offence under Sections 324 and 506 IPC, is hereby confirmed. However, the sentence of imprisonment for a period of three years for the offence under Section 324 IPC is hereby modified to that of two years imprisonment and the sentence of imprisonment of two years for the offence under Section 506 IPC is hereby confirmed. The amount of fine and default condition, imposed by the Court below is not interfered with. The bail bonds shall stand cancelled and the sureties stand discharged.

The period of imprisonment already suffered by the appellant/accused is directed to be given set off.

The petitioner/accused shall be released forthwith, if he is not required in any other crime.

The Criminal Appeal is accordingly partly allowed. Consequently, the miscellaneous petitions pending, if any, shall stand closed.



JUSTICE RAJA ELANGO

06.11.2015
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