

HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2072 of 2015

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ORDER:

The present revision is preferred against the order dated 15.09.2015 passed by the VI Additional Sessions Judge, Kakinada, in Criminal Appeal No.499 of 2011.

The case of the prosecution is that on 26.06.2010, the de facto complainant (P.W.1) visited the house of her brother (P.W.2) and stayed in his house. On the same day, at about 10.30 p.m., when she came into the lane located in between the houses of P.W.2 and A.1, for attending the calls of nature, A.1, who hide in the lane, came to her, caught hold of her hand and misbehaved with her. When she raised cries, P.W.2 rushed there and rescued her from A.1. In the meantime, A.2, who is the father of A.1, came there and beat P.W.2 with a stick on his head and body and caused injuries. In the meantime, the neighbours rushed there and on seeing them, the accused went away. Then immediately P.Ws.1 and 2 proceeded to Government General Hospital, Kakinada, for treatment. On hospital information, the police recorded the statement of P.W.1, based on which a case in Crime No.113 of 2010 was registered for the offences under Sections 354 and 324 r/w 34 I.P.C. After completion of investigation, charge sheet was filed.

To prove its case, the prosecution examined P.Ws.1 to 9 and got marked Exs.P.1 to P.8 and exhibited M.Os.1 and 2. On behalf of the defence, though none was examined, Ex.D.1 was marked.

Upon hearing both sides and perusing the evidence on record, the learned Principal Assistant Sessions Judge, Kakinada, found A.1 guilty for the offence under Section 354 I.P.C and A.2 guilty for the offence under Section 324 I.P.C and accordingly convicted them and sentenced A.1 to suffer rigorous imprisonment for five years and to pay a fine of Rs.1,000/-, in default of payment of fine to suffer simple imprisonment for three months for the offence under Section 354 IPC; and sentenced A.2 to suffer rigorous imprisonment for one year for the offence under Section 324 IPC. Aggrieved by the same, the petitioner-A.2 filed Criminal Appeal No.499 of 2011. The learned VI Additional Sessions Judge, Kakinada, on re-

appreciation of the entire evidence available on record, dismissed the appeal confirming the judgment passed by the trial Court. Hence, the petitioner-A.2 filed this revision.

Heard and perused the material available on record.

In view of the concurrent findings recorded by both the Courts below, I am not inclined to interfere with the conviction recorded against the petitioner-A.2. However, taking into consideration the fact that the petitioner has suffered one month imprisonment, this Court is of the view that the sentence of imprisonment can be modified to that of the period he had already undergone.

In the result, the conviction imposed against the petitioner/A.2 by the Court of the Principal Assistant Sessions Judge, Kakinada, in S.C.No.235 of 2011, which is confirmed by the Court of the VI Additional Sessions Judge, Kakinada, in Criminal Appeal No.499 of 2011 for the offence under Section 324 I.P.C, is confirmed. However, the sentence of one year rigorous imprisonment imposed against the petitioner/A.2 is hereby modified to that of the period, which the petitioner/A.2 has already undergone. The petitioner/A.2 is directed to pay an amount of Rs.5,000/- (Rupees five thousand only) as fine.

The petitioner/A.2 shall be released forthwith, if he is not required in any other crime.

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

Justice Raja Elango

Dated: 21.09.2015

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