

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.12 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 03.10.2013, passed in Criminal Appeal No.4 of 2010 by the Court of the IX Additional District and Sessions Judge (FTC), Ranga Reddy District at L.B.Nagar, whereby the learned Judge dismissed the appeal by confirming the order dated 17.12.2009, passed in S.C.No.495 of 2007 by the Principal Assistant Sessions Judge, Ranga Reddy District, whereby the learned Judge convicted the petitioner herein for the offence under Section 366A IPC and sentenced him to undergo rigorous imprisonment for a period of three years and pay fine of Rs.1,000/- (Rupees one thousand only), in default of payment of fine, to undergo simple imprisonment for a further period of six months.

The case of the prosecution is that the accused at the midnight of 04.09.2015 kidnapped the victim girl and took her to Hanamkonda and kept her in his friend's aunt house with an intention to marry her and at that time, the age of the victim was 13 years as per ration card of their family.

Heard and perused the material available on record.

On perusing the entire material, including the evidence of P.W.3, the victim girl, this Court is of the view that even admitting the entire allegations to be true, it does not attract an offence under Section 366A IPC. To attract an offence under Section 366A IPC, the accused should have procured a minor girl for the purpose of having sexual intercourse with another person. It is not the case of the prosecution that the accused herein had any sexual intercourse with the victim girl or forced or seduced the victim girl to have illicit

intercourse with another person.

The victim girl P.W.3 did not state that the accused had sexual intercourse with her. Further, she stated that the accused took her on motor cycle to Hanamkonda and they stayed there in the house of the accused friend's mother-in-law. She further stated that one week prior to that also, the accused took her to Shettipally, Medak, to the house of his friends stating that he would show Hi-Tech city and after two days, they came to Hyderabad. She further stated in her cross-examination that 'the relations of the accused friends did not made any inconvenience to me. They fed me and they looked after me well'. Viewed from any angle, it cannot be said the accused has committed the offence under Section 366A IPC and as the accused kidnapped the victim girl, the offence committed is converted to that of 363 IPC, instead of 366A IPC.

In view of the above discussion, the conviction recorded by the trial Court for the offence under Section 366A IPC, which is modified to that of Section 363 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. The fine amount is not interfered with by this Court.

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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