

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2525 OF 2014

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ORDER:

This Criminal Revision Case is filed against the Judgment, dated 08.07.2013, passed in Crl.A. No.30 of 2013 passed by the Judge, Family Court-cum-Additional District and Sessions Judge, Mahabubnagar, whereby the learned Sessions Judge confirmed the conviction and sentence passed by the Assistant Sessions Judge, Mahabubnagar in S.C. No.384 of 2010 vide judgment, dated 12.12.2011.

The brief facts of the case are that on 11.08.2005 the petitioner-accused No.2 along with others went to a Petrol Filling Station at Shadnagar and assaulted the workers therein and caused simple and grievous injuries to them, broke open the almarah and committed theft of Rs.9,300/- On the report given by PW.6, a crime was registered and investigated into. The Judicial Magistrate of First Class, Shadnagar took cognizance of the case and committed the case to the Session Court and the same was numbered as S.C. No.384 of 2010. After elaborate consideration of the evidence and basing on the material available on record, the learned Assistant Sessions Judge, found the petitioner – A-2 guilty of the offence under Section 397 IPC and sentenced him to undergo rigorous imprisonment for a period of 7 years. Against the said conviction order, the petitioner preferred Crl.A. No.30 of 2013 on the file of the Family Court-cum-Additional District and Sessions Judge, Mahabubnagar.

The learned Additional District and Sessions Judge dismissed the appeal by confirming the conviction recorded by the trial Court and reducing the sentence of imprisonment to 6 years from 7 years. Aggrieved over the same, the present revision is filed.

Learned counsel for the petitioner submitted that the petitioner has been implicated in the above case basing on the confession made by A-1 and except that confession no other incriminating material was found to connect the petitioner with the present case. He further submitted that the petitioner is in jail since 01.11.2009 and he has suffered more than 5 years of imprisonment and therefore, he may be released by modifying the conviction order by taking a lenient view.

A perusal of the record discloses that the petitioner – A-2 is in jail since

01.11.2009. He has already suffered the sentence of more than 5 years. Therefore, taking into consideration the facts and circumstances of the case and also the submission of the learned counsel for the petitioner, this Court is of the view that the sentence of imprisonment imposed on the petitioner can be modified.

Accordingly, the conviction recorded against the petitioner-accused No.2 by the Assistant Sessions Judge, Mahabubnagar, in S.C.No.384 of 2010 for the offence under section 397 IPC vide judgment, dated 12.12.2011, as confirmed by the Family Court-cum-Additional District and Sessions Judge, Mahabubnagar, in CrI.A.No.30 of 2013 vide judgment, dated 08.07.2013, is hereby confirmed. However, the sentence of imprisonment of six years imposed by the lower appellate Court is hereby modified and reduced to that of the period, which the petitioner-accused No.2 has already undergone.

The petitioner-accused No.2 shall be released from the prison if he is not required in any other crime.

With the above modification, the Criminal Revision Case is partly allowed. Consequently, Miscellaneous Petitions pending, if any, stand dismissed.

RAJA ELANGO, J

June 04, 2015.

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