

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

CRL.R.C.No.1550 of 2015

Between:

Tirumalasetti Jaya Gopal @ Ayyappa.

... Revision Petitioner/Accused

and

The State of Andhra Pradesh, rep. by its

Public Prosecutor, High Court at Hyderabad.

... Respondent

DATE OF JUDGMENT PRONOUNCED: 05-08-2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

- | | |
|--|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
Marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Lordship wish to see the
fair copy of the Judgments? | Yes/No |

HON'BLE SRI JUSTICE M.S.K. JAISWAL

-
CRL.R.C.No.1550 of 2015

ORDER:

This Criminal Revision Case is being disposed of at the stage of admission, since both the learned counsel for the revision petitioner-accused as well as the learned Public Prosecutor are ready to make their submissions and they have also filed the material evidence before the Court.

2. The Criminal Revision Case is directed against the judgment of the learned Additional District and Sessions Judge, Narsapur, West Godavari District (for short, 'lower appellate court') passed in CrI.A.No.107 of 2004, dated 03.06.2015 confirming the conviction and sentence of rigorous imprisonment for a period of Five Years and payment of fine of Rs.1,000/-, in default, to undergo simple imprisonment for a period of Six Months for the offence punishable under Section 354 of I.P.C. imposed against the revision petitioner-accused by the learned Assistant Sessions Judge, Narsapur (for short, 'trial court') in Sessions Case No.30 of 2012, dated 04.07.2012.

3. The allegations against the revision petitioner-accused, in brief, are as follows:

The de facto complainant is P.W.1. Her husband is the elder brother of the accused. She has been discarded by her husband. She is living separately along with her daughter-P.W.3. P.W.2 is the mother-in-law of P.W.1. Since P.W.2 was ailing, the de facto complainant-P.W.1 came to her house to see her. The revision petitioner-accused was staying with P.W.2 being her son. On 14.11.2011 at about 11-00 a.m., when the de facto complainant-P.W.1 was taking rest in the house of P.W.2 and when her daughter-P.W.3 and her mother-in-law (P.W.2) were outside the house portion, the revision petitioner-accused entered into the room, fell on her and tried to outrage her modesty, and when P.W.1 raised cries, P.Ws.2 and 3 came there, and on seeing P.Ws.2 and 3, the revision petitioner-accused ran away from there.

4. During the course of trial, the prosecution has examined P.Ws.1 to 7 and got marked Exs.P.1 to P.5 to prove the guilt of the revision petitioner-accused. The revision petitioner-accused denied the evidence on record and reported no defence evidence. On a perusal of the entire evidence, both oral and documentary, the trial

Court found the revision petitioner-accused guilty of the offence punishable under Section 354 of I.P.C., and accordingly, convicted and sentenced him as stated supra.

5. In an appeal preferred by the revision petitioner-petitioner against the said conviction and sentence, the lower appellate Court confirmed the conviction and sentence recorded by the trial Court. Aggrieved by the same, the revision petitioner-accused preferred this criminal revision case.

6. Heard both sides.

7. The contention of the learned counsel for the revision petitioner-accused is that the revision petitioner-accused has been falsely implicated in this case, since there are disputes with regard to the property.

8. The contention of the learned Public Prosecutor is that both the Courts below have properly appreciated the evidence on record and rightly convicted the revision petitioner-accused for the offence punishable under Section 354 of I.P.C. and that the same do not warrant any interference.

9. The relationship between the parties is not disputed. P.W.1 is the sister-in-law of the revision petitioner-accused. According to the evidence of de facto complainant-P.W.1, she came to the house of her mother-in-law-P.W.2 along with her daughter-P.W.3 and due to her loneliness in the room, the revision petitioner-accused committed the offence. Both P.Ws.2 and 3 have supported the evidence of P.W.1. P.W.2 is none other than the mother of the revision petitioner-accused and P.W.3 is the daughter of P.W.1. The learned counsel for the revision petitioner-accused has also not shown anything, which would discredit the evidence. Therefore, both the Courts below have rightly applied its mind and came to the conclusion that the revision

petitioner-accused was guilty of the offence punishable under Section 354 of I.P.C. Accordingly, the conviction and sentence passed by the trial Court as well as the lower appellate Court against the revision petitioner-accused is upheld. I see no merit in the revision.

10. As regards the sentence, it is submitted by the learned counsel for the revision petitioner-accused that the Courts below have imposed sentence of rigorous imprisonment for Five Years, which is disproportionate to the alleged offence. Taking into consideration the totality of circumstances, the nature of allegations and the relationship between the parties, this Court is of the view that it is suffice to reduce the sentence of rigorous imprisonment from Five Years to Three Years.

11. With the above modification in the sentence, the Criminal Revision Case is dismissed.

12. As a sequel, miscellaneous applications, if any pending, shall stand closed.

M.S.K. JAISWAL, J

Date: 05.08.2015

siva