

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.2644 of 2014

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ORDER:

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The present revision is filed under Sections 397 (1) read with 401 Cr.P.C. questioning the judgment dated 21.10.2014 passed in Crl.A.No.172 of 2014 on the file of the Principal Sessions Judge, West Godavari at Eluru, confirming the judgment dated 12.04.2012 passed in S.C.No.110 of 2011 on the file of the Additional Assistant Sessions Judge, Eluru.

The facts in issue are as under:

The petitioner, who is the sole accused, was tried for an offence punishable under Section 354 IPC and he was convicted and sentenced to under go simple imprisonment for a period of five years and to pay fine of Rs.1,000/-, in default of payment of fine he was sentenced to undergo simple imprisonment for a period of three months. Challenging the same, the petitioner preferred Crl.A.No.172 of 2014 before the Principal Sessions Judge, West Godavari at Eluru, wherein the appellate Court confirmed the conviction and sentence. Challenging the same the present Revision is filed.

Though the appeal is filed challenging the conviction and sentence, the learned counsel for the petitioner submits that there are no merits in the revision but however confined his argument to the quantum of sentence and restricts his prayer seeking reduction of sentence. According to him, the petitioner is in jail since last 3 ½ years. The learned Public Prosecutor did not dispute the said fact.

The material on record discloses that wife, children and old aged parents of the petitioner are dependent on him. He submits that he is the sole bread-winner of the family and his detention in jail has thrown his family on to the streets.

Having regard to the facts and circumstances of the case and taking into consideration the fact that the petitioner is in jail since quite a long time, I deem it proper to take a lenient view by reducing the sentence of five years imprisonment imposed against the petitioner for an offence under Section 354 IPC to that of three and half years.

With the above modification, this Criminal Revision Case is disposed of.

Miscellaneous petitions, if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

27.01.2015

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