

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.447 of 2016

ORDER :

Petitioner preferred the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved by the Judgment dated 07-01-2016 in Criminal Appeal No.90 of 2014 on the file of the IV Additional District & Sessions Judge, Nellore (Court of the Sessions, Nellore Division, Nellore) confirming the conviction and sentence passed in the judgment dated 25-04-2014 in C.C.No.766 of 2008 on the file of the Court of IV Additional Judicial Magistrate of First Class, Nellore, SPSR Nellore District.

Heard the learned counsel for petitioner and the learned Additional Public Prosecutor and perused the material available on record.

The learned IV Additional Judicial Magistrate of First Class, Nellore found the petitioner-accused not guilty for the offence punishable under Section 285 I.P.C. and found guilty for the Section 9(b),1(b) read with Section 5 of Explosives Act. Further, the learned Magistrate sentenced the accused to undergo simple imprisonment till the raising of the Court and to pay a fine of Rs.3,000/- and in default of payment of fine, the accused is directed to undergo simple imprisonment for a period of one month for the offence punishable under Section 9(b),1(b) read with Section 5 of Explosive Act. As the accused taken the subject matter property towards interim custody, as the accused executed bond for an amount of Rs.1,00,000/- and failed to deposit the bond amount, the accused is directed to deposit the bond amount of Rs.1,00,000/-.

On appeal, the learned IV Additional District & Sessions Judge, Nellore, dismissed the appeal by confirming the conviction and sentence imposed by the court below and further confirmed the direction to deposit of Rs.1,00,000/- towards the value of the property.

The petitioner-accused has paid fine amount of Rs.3,000/-.

The learned counsel for the petitioner confined his argument only to the quantum of deposit amount.

Considering the facts and circumstances of the case, the direction to deposit the amount towards the value of the property is reduced from Rs.1,00,000/- (Rupees One Lakh Only) to Rs.25,000/- (Rupees Twenty Five Thousand Only)

Accordingly, the Criminal Revision Case is disposed of.

Miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

08th February, 2016

skmr