

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1884 OF 2008

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ORDER:

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This Criminal Revision Case is filed by the accused challenging the judgment of the II Additional District & Sessions Judge, East Godavari at Amalapuram dated 3.12.2008 whereby and whereunder the learned Judge confirmed the conviction and sentence imposed on the petitioner-accused by Additional Judicial First Class Magistrate, Kothapeta in C.C.No.160 of 2004 dated 24.9.2007 convicting the accused for the offence under Section 338 IPC and sentencing him to undergo R.I. for a period of six months.

After arguing for some time, since this Court is not inclined to interfere with the concurrent findings of the Courts below, learned counsel for the petitioner confined his arguments only to the extent of quantum of sentence and prayed this Court to reduce the sentence in the circumstances of the case.

No grounds are made out to interfere with the conviction imposed by the trial Court as confirmed by the lower appellate Court and the concurrent findings are based on appreciation of evidence in proper perspective. Hence, this Court is not inclined to interfere with the conviction imposed by the trial Court, but considering the nature of offence, this Court is inclined to reduce the sentence of imprisonment.

In the result, the conviction recorded against the petitioner by the Additional Judicial First Class Magistrate, Kothapeta dated 24.9.2007 in C.C.No.160 of 2004 under Section 338 of IPC as confirmed by the II Additional District & Sessions Judge, East Godavari at Amalapuram dated 3.12.2008 in CrI.A.No.284 of

2007 is hereby confirmed, but the sentence of R.I. for six months imposed on the petitioner is hereby modified to the period already undergone by him and further he is sentenced to pay a fine of Rs.1,000/- under the said count, in default, to undergo S.I. for three months.

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

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

JUSTICE RAJA ELANGO

18.07.2016

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