

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.468 OF 2008

ORDER:

The petitioner has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.,) being aggrieved by the order, dated 13.03.2008, passed in Criminal Appeal No.114 of 2006 by the Court of the II Additional Sessions Judge (Fast Track Court), at Parvatipuram, whereby the learned Sessions Judge dismissed the Criminal Appeal by confirming the order dated 07.09.2006, passed in S.C.No.102 of 2005 by the Court of Sessions, Sessions Division, Vizianagaram, whereby the learned Judge convicted the petitioner herein for the offence under Section 417 IPC and sentenced him to undergo simple imprisonment for a period of one year and to pay a fine of Rs.500/- (Rupees five hundred only), in default of payment of fine, to undergo simple imprisonment for a period of two months.

Heard and perused the material available on record.

After arguing for sometime, learned counsel for the petitioner confines his argument with regard to quantum of sentence. He further submits that the petitioner has to look after his old aged parents and he is the only breadwinner in his family, and as such, a lenient view may be taken by this Court.

Considering the submissions made by the learned counsel for the petitioner and the nature of offence, this Court is inclined to take a lenient view.

In the result, the conviction recorded by the trial Court, which is confirmed by the lower appellate Court, against the petitioner herein for the offence Section 417 IPC is hereby confirmed. However, this Court, taking a lenient view, modifies the sentence of imprisonment to the period,

which the petitioner has already undergone. This Court is not inclined to interfere with the fine and default clause imposed as against the petitioner herein.

The Criminal Revision Case is accordingly disposed of. Consequently, the miscellaneous petitions, if any pending in this revision case, shall stand closed.

JUSTICE RAJA ELANGO

02.08.2016
pln

