

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.674 OF 2006

ORDER:

This Criminal Revision Case is filed by the petitioner/appellant/accused under Sections 397 and 401 Cr.P.C. challenging the judgment, dated 04.04.2005, in Criminal Appeal No.49 of 2005 on the file of the Special Judge for Trial of Offences under Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act-cum-V Additional District & Sessions Judge, Medak at Sangareddy, whereunder and whereby, the learned Special Judge dismissed the appeal confirming the judgment, dated 01.03.2005, in C.C.No.70 of 2002 on the file of Judicial Magistrate of First Class, Andole at Jogipet.

2. Case of the prosecution, in brief, is as follows:

On 19.02.2002 at 2:00 PM, the *de facto* complainant lodged a complaint stating that on 01.11.2001 at about 9:30 AM, he came to know that Neerudi Sathaiah and Neerudi Siddiah were beating his father at Panchayat office, upon which he rushed there and questioned as to why they are beating, in the meanwhile, the accused intervened, threatened and beat him with hands and thereafter, brought an axe to kill him. On the next day i.e., on 02.11.2001 at about 9:00 AM, while the complainant was going to Medak to attend duty, the accused armed with stick way-laid and tried to attack him and when he ran into the house of one Hatkari Narsing Rao, the accused chased him and threatened the said person and tried to beat him, the complainant tried to prevent the accused from beating the said person, the complainant sustained

injury on his hand and thereafter, the accused beat him with stick mercilessly. Basing on the same, Sub-Inspector of Police, Papannapet Police Station registered a case against the accused in Crime No.06 of 2002 for the offence punishable under Section 326 I.P.C. After completion of investigation, police laid charge sheet.

3. After considering both oral and documentary evidence, the trial Court found the accused guilty of the offence punishable under Section 326 I.P.C. and accordingly, convicted and sentenced him to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.500/-, in default to undergo simple imprisonment for one month. Aggrieved thereby, the petitioner preferred the aforementioned appeal and the same was dismissed by the learned Special Judge confirming the judgment of the trial Court on the ground that the trial Court has not committed any error. Challenging the said judgment, the petitioner filed this Revision Case.

4. Heard and perused the material available on record.

5. Considering all the facts and circumstances of the case and from the material available on record, both the Courts below have rightly come to the conclusion that the petitioner committed an offence punishable under Section 326 I.P.C. and accordingly, convicted him as stated supra. Hence, this Court is not inclined to interfere with the conviction imposed by the Courts below.

6. Learned counsel for the petitioner submitted that the petitioner has come from poor family and he is the only earning

member in the family and hence, prayed to reduce the sentence of imprisonment.

7. Considering the facts and circumstances of the case and the submission of the learned counsel for the petitioner, this Court is inclined to reduce the sentence of imprisonment.

8. In the result, the conviction imposed against the petitioner/appellant/accused in the judgment, dated 04.04.2006, in Criminal Appeal No.49 of 2005 on the file of the Special Judge for Trial of Offences under Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act-cum-V Additional District & Sessions Judge, Medak at Sangareddy District, for the offence punishable under Section 326 I.P.C. is confirmed. However, the sentence of imprisonment imposed by the trial Court, which was confirmed by the first appellate Court, for the said offence is reduced to the period which the accused has already undergone, while maintaining the sentence of fine.

9. Accordingly, this Criminal Revision Case is partly allowed.

10. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

JUSTICE RAJA ELANGO

13.10.2016
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