

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.944 OF 2008

JUDGMENT:

1. This revision is filed by the accused challenging the Judgment dated 30.6.2008 passed by the III Additional District & Sessions Judge (FTC), Medak, in CrI.A.No.68 of 2007.

2. The case of the prosecution is as follows:

On 7.10.2005 at about 5 p.m., P.W.1 lodged a complaint alleging that on the same day at about 3.37 p.m., the accused telephoned to P.W.1 and asked to pay due amount of labour, for which P.W.1 replied that there was no budget. Thereafter, the accused directly approached P.W.1's office and in the presence of staff viz., B. Rajender, B.L. Srinivas Rao, Yellaiah, Smt. Vijaya and Smt. Padma, the accused abused P.W.1 in filthy language and beat him on his cheeks and obstructed P.W.1 from discharging his duties. Basing on the said complaint, a case was registered. After completion of the investigation, charge sheet was filed against the accused. The learned Judicial Magistrate of First Class, Medak took the cognizance under C.C.No.311 of 2005.

3. The trial Court framed charges against the accused for the offence under Sections 332, 323 and 504 IPC, read over and explained to him, for which he pleaded not guilty and claimed to be tried.

4. During the course of trial, P.Ws.1 to 4 were examined and Exs.P1 and P2 were marked on behalf of the prosecution. No oral or documentary evidence was adduced on behalf of the accused.

5. On appreciation of oral and documentary evidence, the trial Court having found the petitioner-accused guilty for the offence under Sections 332 and 504 IPC, convicted and sentenced him as follows:

i) The petitioner was convicted and sentenced to undergo simple imprisonment for a period of six months and to pay a fine of Rs.1,000/- in default to suffer simple imprisonment for a period of three months for the offence under Section 332 IPC;

ii) The petitioner was also convicted and sentenced to pay a fine of Rs.1,000/- in default to suffer simple imprisonment for a period of three months for the offence under Section 504 IPC.

Aggrieved by the said judgment, the petitioner-accused filed appeal in Crl.A.No.68 of 2007 before the III Additional District & Sessions Judge (FTC), Medak. The learned Additional District & Sessions Judge disposed of the appeal with the following modifications:

i) The conviction and sentence imposed by the trial Court for the offence under Section 332 IPC are confirmed.

ii) The conviction and sentence imposed by the trial Court for the offence under Section 504 IPC are set aside.

Aggrieved by the conviction and sentence for the offence under Section 332 IPC, the petitioner-accused filed this appeal.

6. It is the case of the prosecution that the petitioner-accused abused P.W.1 and slapped him while he was discharging his duties. P.Ws.2 and 3 who are the witnesses to the incident, deposed in one voice that the petitioner-accused slapped P.W.1. The evidence of P.Ws.2 and 3 supports the case of the prosecution in that regard. Nothing was elicited from the cross-examination of P.Ws.1 to 3 to disprove their evidence. After

appreciation of the evidence, both the Courts below gave concurrent findings with regard to the offence under Section 332 IPC.

7. In view of the concurrent findings of both the Courts below with regard to the offence under Section 332 IPC, this Court is not inclined to interfere with the conviction recorded by the Courts below against the petitioner-accused for the offence under Section 332 IPC.

8. At this stage, the learned Counsel for the petitioner submitted that the petitioner was in prison for a considerable period and therefore, a lenient view may be taken.

9. Considering the facts and circumstances of the case and the submissions made by the learned Counsel for the petitioner, this Court is inclined to modify the sentence of imprisonment.

10. In the result, the conviction recorded by the learned III Additional District & Sessions Judge (FTC), Medak, against the petitioner-accused for the offence under Section 332 IPC in Crl.A.No.68 of 2007 is confirmed. However, the period of sentence of six months simple imprisonment imposed for the said offence is modified to the period, which the petitioner-accused has already undergone, while confirming the sentence of fine with default sentence.

11. Accordingly, the Criminal Revision Case is partly allowed. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 1.9.2016

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DATED 1.9.2016

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