

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.534 of 2005

JUDGMENT:

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This Criminal Revision Case is preferred by the petitioner against the Judgment, dated 21.03.2005, passed in CrI.A.No.130 of 2003 by the Metropolitan Sessions Judge, Vijayawada, whereby the learned Sessions Judge confirmed the conviction and sentence imposed by the VI Metropolitan Magistrate, Vijayawada, in CC No.232 of 2002, vide Judgment, dated 07.04.2003.

The case of the prosecution is as follows:

On information the Sub-Inspector of Police, Kankipadu Police Station, along with his staff, rushed to the shop of A1 i.e. Anjana Furniture and Electronics and found A1 in the shop and on seeing the police, A1 tried to escape with a CD. Then, the police caught hold him and on interrogation, he stated that he is giving obscene CDs and movie CDs on rent to his customers without any copyright, and that A3 was supplying the CDs. The police seized the obscene CDs, Movie CDs and cassettes and arrested A1 and seized the shop of A1. Thereafter, on confession of A1, police rushed to the shop of A2, situated at Poranki, and noticed that A2 and A3 were copying the obscene CDs from the Master piece and seized the CDs and arrested A2 and A3 and also A4 and seized the shop of A2. A case in CrimeNo.345 of 2001 was registered against the accused. Thereafter, the accused were produced before the Court concerned, and were sent to judicial custody.

The case was taken on file for the offences punishable under Sections 292 and 293 IPC and 63 and 64 of the Copy Right Act

against the accused. On appearance of the accused, the charges were read over and explained to them in Telugu, for which they pleaded not guilty and claimed to be tried. During the course of trial, the prosecution examined PWs.1 to 3 and marked Exs.P.1 to P.10 besides MOs.1 to 105. No oral or documentary evidence was adduced on behalf of the accused.

On appreciation of the oral and documentary evidence, the trial Court found the accused guilty of the offence under Section 292 IPC, and accordingly convicted and sentenced them to suffer simple imprisonment for three months each and to pay fine of Rs.1,000/- each, in default to suffer simple imprisonment for 15 days each, for the offence punishable under Section 292 IPC. Aggrieved by the same, the accused Nos.1 and 4 filed Crl.A. No.119 of 2003 and accused Nos.2 and 3 filed Crl.A. No.130 of 2003 before the Metropolitan Sessions Judge, Vijayawada. The learned Sessions Judge, after re-appreciation of the evidence, partly allowed both the appeals, modifying the sentence of imprisonment from three months simple imprisonment to one month simple imprisonment, while confirming the conviction. Challenging the said judgment, the present revision is preferred by the petitioner – A3, who is appellant No.2 in Crl.A. No.130 of 2003.

Heard and perused the entire material available on record.

After evaluating the evidence and after considering the material available on record, this Court of the view that there are no valid reasons to interfere with the Judgments of the Courts below in convicting the petitioner – A3 for the offence punishable under Section 292 IPC.

When this Court pointed out that there are no merits in the

appeal, learned counsel for the petitioner – A3 restricted his arguments to the quantum of sentence and prayed this Court to take a lenient view while imposing sentence on the petitioner.

Considering the facts and circumstances of the case and the time elapsed, this Court is inclined to reduce the sentence of imprisonment imposed by the trial Court against the petitioner for the above offence, to that of the period, which the petitioner has already undergone.

In the result, the conviction recorded by the VI Metropolitan Magistrate, Vijayawada, vide judgment, dated 07.04.2003, in CC No.232 of 2002, against the petitioner – A3, as confirmed by the Metropolitan Sessions Judge, Vijayawada, vide judgment, dated 21.03.2005, in CrI.A. No.130 of 2003, for the offence under Section 292 IPC, is hereby confirmed. However, the sentence of imprisonment imposed by the trial Court, against the petitioner, as confirmed by the appellate Court, under the above head is reduced to that of the period, which the petitioner has already undergone. The fine amount is not interfered with.

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

RAJA ELANGO, J

August 01, 2016.
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