

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.80 OF 2006

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 24.01.2008, passed in Criminal Appeal No.138 of 2006 by the Court of the II Additional Sessions Judge, Kurnool, at Adoni, whereby the learned Sessions Judge dismissed the Criminal Appeal by confirming the order dated 01.11.2006, passed in S.C.No.311 of 2004 by the Court of the Assistant Sessions Judge, Adoni, whereby the learned Judge convicted the petitioner herein for the offence under Section 354 IPC and sentenced him to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.1,000/- (Rupees one thousand only), in default of payment of fine, to undergo simple imprisonment for a period of six 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 and also taking into consideration the lapse of time, 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 354 IPC is hereby confirmed. However, this Court, taking a lenient view, modifies the sentence of rigorous imprisonment for a period of two years, instead of three years. The petitioner is directed to

surrender before the Magistrate concerned on or before 30.09.2016 to serve the remaining sentence, failing which necessary action may be initiated against the petitioner. The sentence of imprisonment suffered by the petitioner shall be given set off. The fine amount is not interfered with by this Court.

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

09.08.2016
pln

