

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.2046 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 30.11.2005, in Criminal Appeal No.8 of 2000 on the file of the III Additional District and Sessions Judge (Fast Track Court), Gadwal whereunder and whereby, the learned Sessions Judge dismissed the appeal filed by the petitioner against the judgment, dated 24.12.1999, in C.C.No.14 of 1999 on the file of the Judicial Magistrate of First Class, Atmakur.

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

The Sub-Inspector of Police, Chinnachintakunta Police Station filed a charge sheet against the accused under Sections 304-A and 337 I.P.C. on the following grounds:

On 6.3.1999, at 1130 hours, the complainant lodged the complaint stating that on the same day morning at 1030 hours, his elder brother Pandurangaiah was proceeding from Ammapur to Perur to hospital in a Auto bearing No.AP/22-T-7550. When it reached 23 K.M. stone, in between Thirmalapur and Gudur Village, the driver of the auto drove in a rash and negligent manner with heavy passengers as a result, the auto turned turtle and his brother Pandu Rangaiah died on the spot and remaining occupants (9) persons received bleeding injuries. On that, police registered a case in Crime No.13 of 1999 under Sections 304-A and 337 I.P.C. and took up the investigation. During the course of investigation, L.W.18 examined L.Ws.1 and 2 and recorded their statements and he visited the scene, conducted the inquest over the dead body of the deceased in the presence of L.Ws.13 and 14, and he proceeded to the hospital. He examined and

recorded the statements of L.Ws.3 to 11. L.W.19 verified the investigation done by L.W.18 and he arrested the accused on 23.3.1999 and he gave the requisition to the M.V.I. and he produced the accused before the trial Court for judicial remand and filed the charge sheet.

3. When the accused appeared before the trial Court, copies of the documents were supplied to him and he was examined under Section 251 Cr.P.C. for which, he pleaded not guilty and claimed to be tried. So, the accused was placed for trial.

4. The prosecution examined P.Ws.1 to 14 and got marked Exs.P-1 to P-13. On behalf of the accused, none was examined and no documents were got marked.

5. After considering both oral and documentary evidence, the trial Court found the accused guilty for the offences punishable under Sections 304-A and 337 I.P.C. and accordingly, convicted and sentenced him to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/- and in default, to undergo rigorous imprisonment for six months; and sentenced to undergo rigorous imprisonment for six months and to pay a fine of Rs.500/-, in default, to undergo rigorous imprisonment for a period of three months. The trial Court directed that both the sentences shall run concurrently. Aggrieved thereby, the petitioner preferred the aforementioned appeal and the same was dismissed by the learned Sessions 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.

6. Heard and perused the material available on record.

7. 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 accused committed the offences punishable under Sections 304-A and 337 I.P.C. and accordingly, convicted him as stated supra. Hence, this Court is not inclined to interfere with the concurrent findings of the Courts below.

8. Learned counsel for the petitioner submitted that the petitioner has wife and children and he is the sole breadwinner of his family, and hence, prayed to reduce the sentence of imprisonment.

9. 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.

10. In the result, the conviction imposed against the petitioner/appellant/accused in the judgment, dated 30.11.2005, in Criminal Appeal No.8 of 2000 on the file of the III Additional District and Sessions Judge (Fast Track Court), Gadwal for the offences punishable under Sections 304-A and 337 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 offences is reduced to the period which the accused has already undergone. The fine amount of Rs.1,000/- for the offence under Section 304-A I.P.C. is enhanced to Rs.5,000/- (Rupees five thousand only). The fine amount of Rs.500/- for the offence under Section 337 I.P.C. shall remain unaltered.

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

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

JUSTICE RAJA ELANGO

4.8.2016

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