

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

-
CRIMINAL REVISION CASE No.1125 OF 2016
-

ORDER:

Heard the learned counsel the petitioner and the learned Public Prosecutor. With the consent of both the counsel, the present Criminal Revision Case is disposed of at the stage of admission, since the petitioner is only questioning the quantum of sentence imposed.

2. The petitioner herein was tried in Calendar Case No.320 of 2011 on the file of the Judicial Magistrate of First Class at Bhainsa for an offence punishable under Section 338 IPC. By its judgment dated 09.04.2016, the Court of the Judicial Magistrate of First Class convicted the petitioner for the said offence and sentenced him to undergo Simple Imprisonment for a period of two months and to pay a fine of Rs.500/-. Challenging the same, Criminal Appeal No.69 of 2015 came to be filed, which was dismissed on 07.04.2016 confirming the conviction and sentence imposed by the trial Court. Aggrieved by the same, the present Criminal Revision Case is filed.

3. The case of the prosecution is that on 08.11.2011 at 2:00 P.M., the informant Kadam Nago Rao lodged a report stating that one Shaik Ismail telephoned and informed him that his father Ganapathi Rao, while proceeding from Umri-K Village to Tanoor in an auto bearing No.AP 01 X 5537, another auto trolley bearing No.AP 01 X 0799 coming in opposite direction i.e., from Tanoor side towards Beltharoda driven by its driver in a rash and negligent manner and dashed against the auto in which his father was travelling, due to which, right leg of his father was fractured.

4. During the course of trial, the prosecution examined PW.1 to 8 and got marked Exs.P.1 to P.4. No oral or documentary evidence was adduced on behalf of the defence.

5. Though various grounds are raised, learned counsel for the petitioner restricts his prayer seeking reduction of the sentence imposed as the petitioner is sole bread winner of his family and that he has been put to lot of mental suffering since 2011.

6. A perusal of the material on record show that incident in question took place on 08.11.2011 at 2:00 P.M., when the petitioner was driving his auto trolley in a rash and negligent manner and dashed against another auto which was coming in opposite direction, due to which, right leg of the father of the informant was fractured. Taking into consideration the nature of offence and the period for which he was detained, more-so, having regard to the fact that the petitioner is facing the Court proceedings since 2011, it will be just and proper if the sentence of imprisonment is set off to the period already undergone by him, while confirming the fine imposed by the trial Court.

7. Accordingly, the Criminal Revision Case is disposed of with the above modification in sentence. Miscellaneous Petitions, if any, pending in this revision shall stand closed.

-

JUSTICE C. PRAVEEN KUMAR

Date:20.04.2016

INL