

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.97 of 2010

ORDER:

The petitioner-Accused preferred the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved by the judgment, dated 19.01.2010, passed in CrI.A. No.191 of 2007 by the Additional Metropolitan Sessions Judge, Cyberabad, NTR Nagar, Hyderabad, whereby the learned Sessions Judge dismissed the appeal, confirming the Judgment, dated 30.11.2007, passed in CC No.284 of 2003 by the IV Metropolitan Magistrate, Cyberabad, Ibrahimpatnam, whereby the learned Magistrate found the accused guilty of the offence under Section 304-A IPC and accordingly, convicted and sentenced him to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.5,000 /- in default, to suffer simple imprisonment for a period of six months.

The case of the prosecution is that on 28.06.2003 at about 12.30 p.m., when the deceased, who is father of PWs.1 and 2, got down from Raipole bus at Ibrahimpatnam bus stand and coming out from the bus stand to go to his house, the accused drove the RTC Bus, while coming out from the bus stand, in a rash and negligent manner and hit the deceased causing serious injury to the head and also injuries to the left side of the body and on the information given by PWs.8 and 4, PWs.1 and 2 came to the spot and shifted their father to the Osmania Hospital, where the deceased died on the same day at 7.00 p.m., while undergoing treatment. Hence, a case was registered against the accused for the offence punishable under Section 304-A IPC.

The case was taken on file by the trial Court for the offence under Section 304-A IPC against the accused. On appearance of accused, the above said charge was read over and explained to him, for which, he pleaded not guilty and claimed to be tried.

To substantiate its case, the prosecution examined PWs.1 to 12 and got marked Exs.P-1 to P-9. No oral or documentary evidence was adduced on behalf of the accused.

The trial Court, after considering the evidence on record, found the accused guilty of the above charge, and accordingly, convicted and sentenced him as stated above. Challenging the same, the accused preferred appeal in CrI.A. No.191 of 2007 before the Additional Metropolitan Sessions Judge, Cyberabad, NTR Nagar, Hyderabad, and the learned Sessions Judge dismissed the appeal by confirming the judgment of the trial Court, vide judgement impugned. Challenging the same the present revision is filed.

Heard and perused the material available on record.

On perusing the judgments of both the Courts below, this Court is of the view that since the findings of both the Courts below are concurrent in nature, this Court is not inclined to interfere with the factual aspects of the case.

When this Court pointed out that there are no merits in the revision, learned counsel for the petitioner-accused restricted his arguments to the quantum of sentence by submitting that the petitioner had six children and he has to take care of his family, and prayed that leniency may be shown while imposing sentence.

Considering the facts and circumstances of the case and also considering that the case pertains to the year 2003, the sentence of imprisonment imposed by the trial Court, as confirmed by the lower appellate Court, can be set aside by imposing additional fine amount on the petitioner.

In the result, the conviction recorded against the petitioner by the IV Metropolitan Magistrate, Cyberabad at Ibrahimpatanm, in CC No.284 of 2003 vide judgment, dated 30.11.2007, as confirmed by the Additional Metropolitan Sessions Judge, Cyberabad, NTR Nagar, Hyderabad, in CrI.A. No.191 of 2007, vide judgment, dated 19.01.2010, for the offence under Section 304-A IPC, is confirmed. However, the sentence of imprisonment imposed by the trial Court, as confirmed by the lower appellate Court, against the petitioner for the above offence is set aside and the petitioner is sentenced to pay an additional fine of Rs.5,000/- on or before 10.09.2016.

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

RAJA ELANGO, J

July 25, 2016.

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