

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL APPEAL No.843 OF 2008

JUDGMENT:

The Criminal Appeal is preferred by the appellant/A.2 challenging the Judgment, dated 10.01.2008, in S.C. No.100 of 2007 passed by the Principal District and Sessions Judge, Medak at Sangareddy, whereby the learned Sessions Judge found A.1 and A.2 guilty for the offence under Section 394 IPC and accordingly convicted and sentenced them to undergo rigorous imprisonment for a period of seven years and to pay a compensation of Rs.10,000/- (Rupees ten thousand only) each to the children of the deceased.

The case of the prosecution is that A.1 to A.3 in a planned manner, attacked the house of the *de facto* complainant, killed the deceased by beating her with spanner and also robbed gold and silver ornaments during the intervening night of 18/19.12.2006 at Konapur Village, Sadasivapet Mandal, Medak District. After completion of the investigation, the police filed charge sheet against them for the offence under Sections 302 and 394 IPC.

To prove the guilt of the accused, P.Ws.1 and 12 were examined and Exs.P.1 to P.17 and M.Os.1 to 6 were marked on behalf of the prosecution. No oral or documentary evidence was adduced on behalf of the accused.

On appreciation of oral and documentary evidence, the trial Court acquitted A.3 for all the offences and also acquitted A.1 and A.2 for the offence under Section 302 IPC. However, the trial Court convicted A.1 and A.2 for the offence under Section 394 IPC and sentenced them as stated above. Aggrieved by the same, the present appeal is preferred by the appellant/A.2.

Heard and perused the material available on record.

After evaluating and examining the material available on record and considering the submissions of the learned counsel, this Court is of the view that there are no special or adequate reasons, warranting interference by this Court with the Judgment passed by the trial Court.

At this stage, the learned counsel for the appellant/A.2 confines his argument with regard to quantum of sentence, and submits that as the appellant/A.2 is the only breadwinner in his family and has to look after his old aged parents, lenient view may be taken by this Court while imposing sentence of imprisonment.

Considering the submissions made by the learned counsel for the appellant/A.2 and the nature of offence, and also in view of long lapse of time, this Court is inclined to take a lenient view.

In the result, the conviction recorded by the trial Court against the appellant/A.2 for the offence under Section 394 IPC is hereby confirmed. However, this Court, taking a lenient view, modifies and reduces the sentence of imprisonment to the period, which the appellant/A.2 has already undergone. The sentence of compensation, imposed by the Court below, is not interfered with.

The Criminal Appeal is accordingly partly allowed. Consequently, the miscellaneous petitions, if any pending in this appeal, shall stand closed.

JUSTICE RAJA ELANGO

11.08.2016
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