

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.906 OF 2008

ORDER:

The petitioners/A.1 and A.2 have 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 18.06.2008, passed in Criminal Appeal No.206 of 2007 by the Court of the Sessions Division of Chittoor, whereby the learned Sessions Judge confirmed the conviction imposed on the petitioners/A.1 and A.2 by order, dated 12.12.2007, passed in C.C.No.139 of 2007 by the Judicial Magistrate of First Class, Punganur, but reduced the sentence of rigorous imprisonment to two years from three years, for the offence under Section 411 IPC.

Heard and perused the material available on record.

When the case is taken up for hearing, learned counsel for the petitioners confined his arguments only with regard to quantum of sentence. He submits that the petitioners have to look after their respective families and they are the only breadwinners in their families, and as such, a lenient view may be taken while imposing sentence of imprisonment.

Being it is a concurrent finding by the trial Court as well as the lower appellate Court, this Court is not inclined to interfere with the order of conviction. However, considering the submission of the learned counsel for the petitioners and the nature of offence, this Court is inclined to take a lenient view.

The conviction recorded against the petitioners/A.1 and A.2 by the Judicial Magistrate of First Class, Punganur, in C.C.No.139 of 2007, dated 12.12. 2007 for the offence under Section 411 IPC, as confirmed by the Court of the Sessions Division of Chittoor, in CrI.A.No.206 of 2007, dated 18.06.2008, is hereby confirmed. However, the sentence of imprisonment

imposed by the Courts below is modified to that of the period, which the petitioners/A.1 and A.2 have already undergone.

The Criminal Revision Case is accordingly disposed of. Consequently, Miscellaneous Petitions pending, if any, stand dismissed.

JUSTICE RAJA ELANGO

30.08.2016
pln

