

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE Nos.91, 108, 109 AND 110 OF 2008

COMMON ORDER:

The petitioners and the respondents in all the four criminal revision cases are one and the same and that the cause of action arises in all these cases is also the same, and as such, these criminal revision cases are being disposed of by this common order.

The Crl.R.C.No.91 of 2008 is filed aggrieved by the order, dated 28.01.2008 passed in Criminal Appeal No.71 of 2006 by the Court of the Special Sessions Judge under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act-cum-X Additional District and Sessions Judge, Krishna at Machilipatnam, whereby the learned Sessions Judge dismissed the criminal appeal by confirming the order of conviction and sentence, dated 12.06.2006 passed in S.T.C.No.6 of 2003 by the Court of the Additional Judicial First Class Magistrate, Avanigadda, whereby the learned Judge convicted the petitioner herein for the offence under Sections 7(1), 12(1) and 12-A read with Section 23(1) of the Andhra Pradesh (Agricultural Produce and Live Stock) Markets Act, 16 of 1966, amended by Act No.4 of 1987, and accordingly sentenced to suffer simple imprisonment for a period of six months and to pay fine of Rs.3,000/- (Rupees three thousand only), in default, to suffer simple imprisonment for a period of one month. Crl.R.C.Nos.108 of 2008, 109 of 2008 and 110 of 2008 are filed being aggrieved by the orders, dated 30.01.2008, passed in Criminal Appeal Nos.12 of 2007, 13 of 2007 and 11 of 2007 respectively by the Court of the Special Sessions Judge under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act-cum-X Additional District and Sessions Judge, Krishna at Machilipatnam, whereby the learned Sessions Judge confirmed the orders of conviction imposed on the petitioner herein, for the offence under Section 23(1) of the Andhra Pradesh (Agricultural Produce and Live Stock) Market Act, 1966, dated 05.01.2007, passed in C.C.Nos.362 of 2003, 363 of 2003 and 364 of 2003, by the Court of the

Additional Judicial First Class Magistrate, Avanigadda, but reduced the sentence of rigorous imprisonment to a period of six months from the period of one year. The lower appellate Court did not interfere with the order of fine of Rs.5,000/- (Rupees five thousand only), in default to suffer simple imprisonment for a period of three months.

Heard and perused the material available on record.

After arguing for sometime, learned counsel for the petitioner confines his argument with regard to quantum of sentence. He further submits that the petitioner has to look after his wife, who has been suffering from severe ailments, and he is the only breadwinner in his family, and as such, a lenient view may be taken by this Court.

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 petitioner, the nature of offence and the long lapse of time, this Court is inclined to take a lenient view.

The conviction recorded against the petitioner/accused by the trial Court, which is confirmed by the lower appellate Court, for the offences under Sections 7(1), 12(1) and 12-A read with Section 23(1); and Section 23(1) of the Andhra Pradesh (Agricultural Produce and Live Stock) Markets Act is hereby confirmed, in all the cases. However, the sentence of imprisonment is modified to that of the period, which the petitioner has already undergone, in all the cases. The fine and the default clause, in all the cases, is not interfered with.

The Criminal Revision Cases are accordingly disposed of. Consequently, the miscellaneous petitions, if any pending in these revision cases, shall stand closed.

JUSTICE RAJA ELANGO

26.08.2016
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