

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1622 OF 2007

ORDER:

This Criminal Revision Case is filed by the petitioner/accused under Sections 397 and 401 of the Code of Criminal Procedure, 1973 challenging the judgment, dated 2.7.2003, in Criminal Appeal No.111 of 1998 on the file of the VII Additional District and Sessions Judge (Fast Track Court), Krishna at Vijayawada whereunder and whereby, the learned Sessions Judge dismissed the appeal filed by the petitioner against the judgment, dated 11.8.1998, in C.C.No.139 of 1994 on the file of the VII Metropolitan Magistrate for Railways, Vijayawada, Krishna District.

2. The brief facts that are necessary for the disposal of the case are as under:-

The Sub-Inspector of Police, Government Railway Police Station, Nidadavolu filed the charge sheet on the following allegations:

The accused is a resident of Rajahmundry and is a son of ex-railway employee and developed the habit of personification by posing as a public servant. On 19.1.1994, at 11:15 A.M., the accused entered into the office of the Assistant Station Master, South Central Railway, Tanuku by pretending as Vigilance Inspector and demanded P.W.1 – Cherukuri Ranga Raju to produce the records of his inspection. One day prior to this incident, on 18.1.1994, at about 5:00 P.M., the accused approached P.W.3 – A.Nagaraju and P.W.5 – A.Sudhakar Rao at Nidadavolu Railway Station and dishonestly, taken away Rs.50/- by pretending as Vigilance Inspector, who came for job appointment verification, and thereby, cheated P.W.3. On 16.8.1990, the accused personating as public servant with false designation as C.B.I. Officer, produced an affidavit before P.W.4 – Sri M.Ramamurthy Varma,

Judicial First Class Magistrate, Rajahmundry in the public Court, got attested with P.W.6 – G. Uma Veerabadra Raju, who is an Advocate, and obtained the same by putting signature before P.W.4 as genuine.

On 19.1.1994, at 11:15 A.M., P.W.1 sent a message to Nidadavolu Rural Police Station through P.W.3, as the accused failed to prove his designation of Vigilance Inspector. P.W.7 – I. Krishna Rao, Sub Inspector of Police and his staff visited Tanuku Railway Station and seized the original affidavit, dated 11.8.1990, signed by P.W.4 and P.W.6 and other education certificates of the accused in the presence of P.Ws.1 and 2 under a mahazar. P.W.7 registered the message of P.W.1 and mahazar got together as F.I.R. in Crime No.4 of 1994 under Sections 416, 419 and 420 I.P.C. During the course of the investigation, P.W.7 examined the witnesses and inspected the scene of offence and arrested the accused on 19.1.1994 at 18.00 hours at Nidadavolu Rural Police Station and sent him to the Court for judicial custody. Thus, the accused committed offences punishable under Sections 416, 419 and 420 I.P.C.

3. Cognizance was taken against the accused for the offences under Sections 170, 416, 419 and 420 I.P.C. After appearance of the accused, he was charged under Sections 170, 416 and 420 I.P.C. and he pleaded not guilty. So, the accused was placed for trial. The prosecution examined seven witnesses and marked ten documents. After considering the evidence on record, the accused is found guilty of the offences punishable under Sections 170, 416 and 420 I.P.C. and accordingly, convicted him under Section 248(2) Cr.P.C. and sentenced to suffer rigorous imprisonment for a period of one year for the offence punishable under Section 170 I.P.C., to suffer rigorous imprisonment for a period of two years for the offence punishable under Section 416 I.P.C., which is punishable under Section 419 I.P.C., and sentenced to suffer rigorous imprisonment for

three years for the offence under Section 420 I.P.C. Challenging the same, the accused preferred Criminal Appeal No.111 of 1998 on the file of the VII Additional District and Sessions Judge (Fast Track Court), Krishna at Vijayawada and the same was dismissed confirming the judgment, dated 11.8.1998, in C.C.No.139 of 1994 on the file of the VII Metropolitan Magistrate for Railways, Vijayawada, Krishna District on the ground that the trial Court has not committed any error. Challenging the said judgment, the petitioner filed this Revision Case.

4. Heard and perused the material available on record.

5. The findings of the trial Court as well as the appellate Court are in accordance with law. The material on record clearly goes to show the commission of offences by the accused. The evidence of the prosecution witnesses clearly established the guilt of the accused. No rebuttable evidence was placed by the accused. Therefore, this Court is of the view that the Courts below have rightly convicted the accused for the offences punishable under Sections 170, 416 and 420 I.P.C.

6. At this stage, learned counsel for the petitioner submitted that the petitioner has wife and two children to look after and he has already suffered a substantial period in prison and sought to reduce the punishment imposed by the trial Court.

7. Considering the facts and circumstances of the case and in view of the submission made by the learned counsel for the petitioner, this Court is inclined to modify the sentence.

8. In the result, the conviction imposed against the accused in the judgment, dated 2.7.2003, in Criminal Appeal No.111 of 1998 on the file of the VII Additional District and Sessions Judge (Fast Track Court), Krishna at Vijayawada for the offences punishable under Sections 170, 416 and 420 I.P.C. is confirmed. However, the sentence

of imprisonment imposed by the Courts below for the said offences is modified to the period which the accused has already undergone.

9. Accordingly, the Criminal Revision Case is partly allowed.

10. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

JUSTICE RAJA ELANGO

20.7.2016

AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

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