

HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1055 of 2008

JUDGMENT:

Petitioner/accused filed this criminal revision case by invoking the provisions under Sections 397 & 401 of the Criminal Procedure Code, being aggrieved by the judgment, dated 17.07.2008 rendered in Criminal Appeal No.70 of 2006 by the Sessions Judge, Anantapur, whereby and whereunder the conviction of the petitioner/accused for the offence punishable under Section 304-A IPC recorded in judgment, dated 11.09.2006, in C.C.No.596 of 2003, by the Additional Judicial Magistrate of First Class, Anantapur, was confirmed, but the sentence to undergo Rigorous Imprisonment for a period of one (1) year and to pay a fine of Rs.500/-, in default to suffer Simple Imprisonment for a period of three (3) months is modified and reduced to Rigorous Imprisonment for a period of six (6) months.

2. The brief facts, that are necessary for the disposal of the present Criminal Revision Case, may be stated as follows:

The then Sub-Inspector of Police, Atmakur Police Station, filed charge sheet against the accused alleging that on 29.04.2003, P.W.1 and the deceased went to their field to attend agricultural operations in their land and in the evening they started from their field to their village Atmakur on foot at about 7.30 p.m. They boarded the bullock cart of P.W.2, which was returning to the village. On the way at about 7.50 p.m., when the cart reached the garden land of one Seenappa on Atmakur-Kalyandurg road, the bus bearing No.AP 02T 9494, proceeding towards Anantapur, coming behind the bullock cart, being driven by the accused rashly

and negligently with high speed and dashed the bullock cart on its rear side. As a result, P.W.1 and deceased fell down and sustained injuries. As there was heavy bleeding from the person of the deceased, P.Ws.1 to 3 took the deceased to a private doctor and on the way, the deceased died. On the same day at about 8.30 p.m. P.W.1 lodged Ex.P-1 with the police. K. Ramaiah, the Head Constable, Atmakur Police Station, registered the case and investigated into. S. Munwar Hussain, Sub-Inspector of Police verified the investigation of K. Ramaiah and filed charge sheet against the accused for the offence punishable under Section 304-A IPC.

3. On appearance of the accused before the trial Court, the charge under Section 304-A IPC was framed against the accused, read over and explained to him in Telugu, for which, he pleaded not guilty and claimed for trial.

4. To substantiate its case, prosecution got examined PWs.1 to 4 and marked Exs.P-1 & P-2. On behalf of defence, no oral or documentary evidence was adduced.

5. After appreciating the oral and documentary evidence available on record, the trial Court found the accused guilty of the offence punishable under Section 304-A IPC, and accordingly, convicted and sentenced him as stated above. Aggrieved by the conviction order, the petitioner filed Crl.A.No.70 of 2006. The lower appellate Court dismissed the appeal by confirming the order of the trial Court, by judgment, dated 17.07.2008, but the sentence was modified and reduced. Challenging the same, the present revision case is filed.

6. Heard and perused the entire material available on record.

7. After hearing the arguments of the learned counsel for both sides and after perusing the material available on record, this Court is of the view that there are no reasons to set aside the conviction against the petitioner/accused for the offence under Section 304-A IPC. When this Court expressed its opinion that this Court is not inclined to interfere with the concurrent findings of the Courts below, learned counsel for the petitioner submitted that he will confine his arguments only to the extent of the period of imprisonment imposed against the petitioner.

8. Considering the facts and circumstances of the case and also in view of the submission of the learned counsel for the petitioner, this Court is inclined to reduce the sentence of imprisonment imposed against the petitioner for the offence under Section 304-A IPC to that of the period, which the appellant has already undergone.

9. In the result, the conviction recorded against the petitioner/accused by the Additional Judicial Magistrate of First Class, Anantapur, in C.C.No.596 of 2003, vide Judgment, dated 11.09.2006, for the offence under Section 304-A IPC, as confirmed by the Sessions Judge, Anantapur, in Crl.A.No.70 of 2006, vide judgment, dated 17.07.2008, is hereby confirmed. However, the sentence of imprisonment imposed by the trial Court, as modified and reduced by the lower appellate Court, is modified to that of the period, which the petitioner has already undergone. However, the fine amount of Rs.500/- imposed on the petitioner by the trial Court is hereby enhanced to Rs.5,000/- (Rupees five thousand

only), which shall be paid on or before 30.10.2016, failing which the sentence of imprisonment imposed on the petitioner by the courts below stands confirmed.

10. The Criminal Revision Case is, accordingly, allowed in part. Consequently, the Miscellaneous Petitions, if any, pending in the criminal revision case shall stand closed.

RAJA ELANGO, J

Date: 22nd September, 2016

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