

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.887 OF 2006

ORDER:

This Criminal Revision Case is filed by the petitioners/A-1 and A-2 under Sections 397 and 401 Cr.P.C. challenging the judgment, dated 16.5.2006, in Criminal Appeal No.137 of 2004 on the file of the III Additional Sessions Judge at Karimnagar whereunder and whereby, the learned Sessions Judge dismissed the appeal filed by the petitioners against the judgment, dated 20.10.2004, in Sessions Case No.1037 of 2000 on the file of the Assistant Sessions Judge, Huzurabad.

2. Case of the prosecution, in brief, is as follows:

A-1 had land very adjacent to the land of P.W.2. On 26.10.1999, at about 7:00 A.M., when P.Ws.1 and 3 were ploughing in their land where P.W.2 was also present, A-1 and A-2 beat them with sticks with an intention to kill them because of boundary dispute. The incident was witnessed by P.W.4 and another. Immediately, P.W.1 went to the police station and lodged a complaint.

3. After considering both oral and documentary evidence, the trial Court found the accused not guilty for the offence punishable under Section 307 I.P.C., but found them guilty for the offences punishable under Sections 326 and 324 I.P.C. and accordingly, convicted and sentenced them to undergo simple imprisonment for four years each and also to pay a fine of Rs.500/- each, in default, to undergo simple imprisonment for two months each for the offence punishable under Section 326 I.P.C.; and to undergo simple imprisonment for one year each for the offence punishable under Section 324 I.P.C. The trial Court directed that the sentences for both the offences shall run concurrently. Aggrieved thereby, the petitioners preferred the

aforementioned appeal and the same was dismissed by the learned Sessions Judge confirming the judgment of the trial Court on the ground that the trial Court has not committed any error. Challenging the said judgment, the petitioners filed this Revision Case.

4. Heard and perused the material available on record.

5. From the material available on record and after careful scrutiny of the evidence of P.Ws.1 to 3, both the Courts below have rightly come to the conclusion that A-1 and A-2 caused grievous and simple injuries to P.Ws.1 to 3. Hence, this Court is not inclined to interfere with the conviction imposed by the Courts below.

6. Learned counsel for the petitioners submitted that the petitioners are the sole bread winners of their families and they have to look after their children and hence, prayed to modify the sentence of imprisonment.

7. Considering the facts and circumstances of the case and the submission of the learned counsel for the petitioners, this Court is inclined to modify the sentence of imprisonment.

8. In the result, the conviction imposed against the petitioners/A-1 and A-2 in the judgment, dated 16.5.2006, in Criminal Appeal No.137 of 2004 on the file of the III Additional Sessions Judge at Karimnagar for the offences punishable under Sections 326 and 324 I.P.C. is confirmed. However, the sentence of imprisonment imposed by the trial Court, which was confirmed by the first appellate Court, for the said offences is modified to the period which they have already undergone, while maintaining the sentence of fine.

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

10. Miscellaneous petitions pending, if any, in this Criminal Revision

Case shall stand closed.

JUSTICE RAJA ELANGO

3.8.2016

AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

-
CRIMINAL REVISION CASE No.887 OF 2006

-
-
-
Date: 3.8.2016

AMD