

HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.154 of 2008

JUDGMENT:

Petitioners/A-1 to A-3 filed this criminal revision case by invoking the provisions under Sections 397 & 401 of the Criminal Procedure Code, being aggrieved by the judgment, dated 04.02.2008 rendered in Criminal Appeal No.59 of 2005 by the IV Additional District & Sessions Judge, Fast Track Court, Ranga Reddy District, whereby and whereunder the conviction and sentence of the first petitioner/A-1 to undergo Rigorous Imprisonment for a period of six (6) months and petitioners 2 & 3/A-2 & A-3 to undergo Rigorous Imprisonment for a period of three (3) months and to pay a fine of Rs.1,000/- each for the offence punishable under Section 324 IPC recorded in judgment, dated 21.10.2005, in C.C.No.474 of 2002, by the II Metropolitan Magistrate, Cyberabad, Ranga Reddy District, was confirmed.

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

All the accused and P.Ws.1 and 2 are neighbours. Earlier the accused hurled stones on the house of P.W.1 and therefore, there were some disputes as the accused were admonished. On 05.12.2001 at about 10.30 p.m., the accused who were in drunken condition, picked up quarrel with P.W.1, while he was proceeding, and A-3 beat him with hands, on hearing the cries of P.W.1, P.Ws.2 & 3 came there to rescue P.W.1 and A-2 & A-3 beat them also with hands and legs. Hence, the complaint.

3. On appearance of the accused before the trial Court, the charge under Section 324 IPC was framed against the accused, read over and explained to them, for which, they pleaded not guilty and claimed for trial.

4. To substantiate its case, prosecution got examined PWs.1 to 5 and marked Exs.P-1 to P-3. 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 324 IPC, and accordingly, convicted and sentenced them as stated above. Aggrieved by the conviction order, the petitioners filed CrI.A.No.59 of 2005. The appellate Court dismissed the appeal by confirming the order of the trial Court, in C.C.No.474 of 2002, by judgment, dated 21.10.2005. 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 petitioners/accused for the offence under Section 324 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 petitioners submitted that he will confine his arguments only to the extent of the period of imprisonment imposed against the petitioners.

8. Considering the facts and circumstances of the case and also in view of the submission of the learned counsel for the petitioners and in view of the nature of injury and elapse of time, this Court is inclined to reduce the sentence of imprisonment imposed against the petitioners for the offence under Section 324 IPC to that of the period, which the petitioners have already undergone.

9. In the result, the conviction recorded against the petitioners/accused by the II Metropolitan Magistrate, Cyberabad, at L.B.Nagar, R.R. District, in C.C.No.474 of 2002, vide Judgment, dated 21.10.2005, for the offence under Section 324 IPC, as confirmed by the IV Additional District & Sessions Judge, Fast Track Court, Ranga Reddy District, in CrI.A.No.59 of 2005, vide judgment, dated 04.02.2008, is hereby confirmed. However, the sentence of

imprisonment imposed by the trial Court, as confirmed by the appellate Court, is modified to that of the period, which the petitioners have already undergone. However, the sentence of fine imposed by the trial Court shall not be interfered with.

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

RAJA ELANGO, J

Date: 9th August, 2016

KL

-
-
-
-
-
-
-

HONOURABLE SRI JUSTICE RAJA ELANGO

-
-
-
-
-
-
-
-
-
-
-

-
-
-
-
-
-

CRIMINAL REVISION CASE No.154 of 2008

Date: 9th August, 2016

KL