

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1905 OF 2006

ORDER:

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This Criminal Revision Case is filed by the petitioner/appellant/accused under Sections 397 and 401 Cr.P.C. challenging the judgment, dated 16.11.2006, in Criminal Appeal No.139 of 2005 on the file of the Principal Sessions Judge, Kadapa whereunder and whereby, the learned Sessions Judge partly allowed the appeal filed by the petitioner against the judgment, dated 11.4.2005, in Sessions Case No.51 of 2002 on the file of the Assistant Sessions Judge, Kadapa.

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

One P.Anjanamma is the wife of the accused. She is working as a Teacher in Rama Krishna School, Kadapa. Their marriage took place in the year 1978 and out of their wedlock, she gave birth to two male children. They both lived together amicably for sometime. Later, the accused was addicted to bad vices and developed illicit contacts with other women and started harassing his wife physically and mentally demanding her to bring money. She lived separately from him for sometime and thereafter, due to the intervention of the elders, joined him, but there was no change in his attitude and he continued to harass her for money and on other aspects. In such circumstances, in the month of June, 2001, she left the accused along with her children and started to live separately from him. Due to such reasons, the accused bore grudge against her and intended to do away with her. In furtherance of his intention, on 20.7.2001, he waylaid said Anjanamma at Chennur Bus Stand, Kadapa, followed her, threatened her and intimidated her demanding her to join him. When she refused to join him, he attacked her with a dagger and stabbed her indiscriminately on

her vital parts to do away with her and the said incident occurred at about 8:30 A.M. on 20.7.2001 near Chennur Bus Stand, Kadapa. Thereafter, the injured was shifted to Government Hospital where her statement was recorded. Basing on the said statement, Crime No.91 of 2001 of I Town Police Station under Sections 498-A and 307 I.P.C. has been registered against the accused and investigated into and as a result of such investigation, charge sheet has been laid against him.

3. The learned First Additional Judicial Magistrate of First Class, Kadapa took cognizance of the offences under Sections 326, 498-A and 307 I.P.C. against the accused and registered the case as P.R.C.No.35 of 2001, secured his presence before the said Court, supplied copies of documents, as required under Section 207 Cr.P.C., and thereafter, considered the material on record and opining that it is a case exclusively triable by the Court of Sessions, committed the case to the Principal Sessions Court, Kadapa. The learned Principal Sessions Judge, Kadapa took cognizance of the offences under Sections 498-A and 307 I.P.C. against the accused, registered the Sessions Case and made over the same to the trial Court for disposal according to law. The trial Court took cognizance of the offences under Sections 498-A and 307 I.P.C. against the accused.

4. The trial Court framed charges under Sections 498-A and 307 I.P.C. against the accused, read over and explained to him in vernacular for which, he pleaded not guilty. So, the accused was placed for trial.

5. The prosecution examined P.Ws.1 to 7 and got marked Exs.P-1 to P-10 besides material objects – M.Os.1 to 5. While prosecution witnesses were under cross examination, Exs.D-1 to D-7 were marked through them by confronting the same to them for defence.

6. After the prosecution evidence was closed, the accused was

subjected to examination under Section 313 Cr.P.C. He denied the incriminating evidence put to him. No further defence evidence has been adduced.

7. Considering both oral and documentary evidence, the trial Court found the accused guilty for the offences punishable under Sections 498-A and 307 I.P.C., and accordingly, convicted and sentenced him to undergo rigorous imprisonment for a period of two years for the offence under Section 498-A I.P.C. and to pay a fine of Rs.100/- and in default of payment of fine, to suffer simple imprisonment for a period of ten days; and to undergo rigorous imprisonment for a period of two years for the offence under Section 307 I.P.C., and to pay a fine of Rs.100/- and in default of payment of fine, to suffer simple imprisonment for a period of ten (10) days. Aggrieved thereby, the accused preferred the aforementioned appeal and the same was partly allowed by the learned Principal Sessions Judge wherein the learned Sessions Judge found the accused not guilty for the offence under Section 498-A I.P.C. and found him guilty for the offence under Section 307 I.P.C. Challenging the said judgment, the accused filed this Revision Case.

8. Considering all the facts and circumstances of the case and from the material available on record, the lower appellate Court has rightly come to the conclusion that the accused committed an offence punishable under Section 307 I.P.C. Hence, this Court is not inclined to interfere with the conviction imposed by the lower appellate Court.

9. While arguing the matter, learned counsel for the petitioner informed that the petitioner is aged about 62 years and suffering from several ailments and he is also taking dialysis every week and he is taken care by his son, who is in abroad, and his son is ready to pay the compensation to the victim, who is none other than his wife. Learned counsel produced a letter addressed by the petitioner informing him

that the son of the petitioner will pay the compensation and hence, prayed to reduce the sentence of imprisonment.

10. Considering the facts and circumstances of the case, health condition of the petitioner and the submission of the learned counsel for the petitioner, this Court is inclined to reduce the sentence of imprisonment.

11. In the result, the conviction imposed against the petitioner/appellant/accused in the judgment, dated 16.11.2006, in Criminal Appeal No.139 of 2005 on the file of the Principal Sessions Judge, Kadapa for the offence punishable under Section 307 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 offence is reduced to the period which the petitioner has already undergone. The petitioner is directed to pay a sum of Rs.1,00,000/- (Rupees one lakh only) as fine and on such payment, the same is directed to be given to the victim (his wife) as compensation. The said amount is directed to be paid on or before 27.10.2016, in default, the petitioner shall undergo simple imprisonment for a period of three (3) months.

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

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

JUSTICE RAJA ELANGO

22.8.2016
AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

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Date: 22.8.2016

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