

HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.564 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 09.04.2008 rendered in CrI.A.No.379 of 2006 by the Special Judge for the Trial of Cases under S.Cs & S.Ts (POA) Act, 1989-cum-IV Additional District and Sessions Judge, Guntur, whereby and whereunder the conviction and sentence of the petitioner/accused to undergo Rigorous Imprisonment for a period of four (4) months and fine of Rs.1,000/-, in default to suffer Simple Imprisonment for a period of one (1) month for the offence punishable under Section 338 IPC and sentence of the petitioner/accused to undergo Rigorous Imprisonment for a period of two (2) months for the offence punishable under Section 337 IPC recorded in judgment, dated 12.09.2006, in C.C.No.16 of 2006, by the Special Judicial Magistrate of First Class for Excise, Guntur, was confirmed.

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

P.W.1 gave a statement to the police stating that on 17.01.2005 at about 8.00 p.m., the Maruthi Zen car bearing No.AP 5N 3599, driven by the accused in a rash and negligent manner while coming from Chilakaluripet side and the driver of the car could not control and hit the Suzuki Samurai Bike bearing No.AP 7J 9117 on which P.Ws.1, 2 & 4 were riding, resulting which they fell down and sustained grievous injuries. The bike also damaged. Basing on the statement given by P.W.1, a case in Crime No.16 of 2005 was registered against the appellant under Sections 337 &

338 IPC of Guntur Rural Police Station. P.W.7, after registering the complaint, took up investigation, recorded the statements of the witnesses and prepared the rough sketch of the scene of offence. On 24.01.2005 P.W.7 arrested the accused and produced him before the Court. After obtaining the wound certificate, the Sub-Inspector of Police, Guntur Rural Police Station filed the charge sheet against the accused.

3. The learned Magistrate framed the charges under Sections 337 & 338 IPC against the appellant, for which the appellant pleaded not guilty and claimed for trial.

4. To substantiate its case, prosecution got examined PWs.1 to 7 and marked Exs.P-1 to P-8. 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 offences punishable under Sections 337 & 338 IPC, and accordingly, convicted and sentenced him as stated above. Aggrieved by the conviction order, the petitioner/accused filed Crl.A.No.379 of 2006. The lower appellate Court found the accused guilty for the offences under Sections 337 & 338 IPC and confirmed the conviction and sentenced imposed against him. 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 offences under

Sections 337 & 338 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 offences under Sections 337 & 338 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 Special Judicial Magistrate of I Class for Excise, Guntur, in C.C.No.16 of 2006, vide Judgment, dated 12.09.2006, for the offences under Sections 337 & 338 IPC, as confirmed by the Special Judge for the Trial of Cases under S.Cs. & S.Ts (POA) Act, 1989, Guntur, in Crl.A.No.379 of 2006, vide judgment, dated 09.04.2008, is hereby confirmed. However, the sentence of imprisonment imposed by the trial Court, as confirmed by the lower appellate Court, is modified to that of the period, which the petitioner has 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, in the criminal revision case shall stand closed.

RAJA ELANGO, J

Date: 26th August, 2016
KL

HONOURABLE SRI JUSTICE RAJA ELANGO



CRIMINAL REVISION CASE No.564 of 2008

Date: 26th August, 2016

KL