

**THE HON'BLE SRI JUSTICE RAJA ELANGO**

**CRIMINAL REVISION CASE No.900 OF 2008**

**ORDER:**

The petitioner/accused has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.,) being aggrieved by the order, dated 28.03.2008, passed in Criminal Appeal No.173 of 2007 by the Court of the Special Judge for Trial of Offences under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act-cum-VI Additional Metropolitan Sessions Judge, Secunderabad, whereby the learned Judge confirmed the conviction imposed on the petitioner/accused by order, dated 08.09.2006, passed in C.C.No.1133 of 2003 by the XI Additional Chief Metropolitan Magistrate at Secunderabad, but reduced the sentence of rigorous imprisonment to a period of four months from one year, for the offence under Section 411 IPC.

Heard and perused the material available on record.

When the case is taken up for hearing, learned counsel for the petitioner confined his arguments only with regard to quantum of sentence. He submits that the petitioner is working in a saloon shop and he has to look after his wife and children and he is the only breadwinner in his family and as such, a lenient view may be taken while imposing sentence of imprisonment.

Being it is a concurrent finding by the trial Court as well as the lower appellate Court, this Court is not inclined to interfere with the order of conviction. However, considering the submission of the learned counsel for the petitioner and the nature of offence, this Court is inclined to take a lenient view.

The conviction recorded against the petitioner/accused by the trial Court, which was confirmed by the lower appellate Court, is hereby

confirmed. However, the sentence of imprisonment imposed by the trial Court, which was reduced by the lower appellate Court, is hereby modified to that of the period, which the petitioner/accused has already undergone.

The Criminal Revision Case is accordingly disposed of. Consequently, Miscellaneous Petitions pending, if any, stand dismissed.

**JUSTICE RAJA ELANGO**

30.08.2016  
pln

