

THE HON' BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.895 of 2006

JUDGMENT:

This Criminal Revision Case is preferred by the petitioner – Accused against Judgment, dated 01.05.2006, passed in CrI.A.No.89 of 2005 by the II-Additional Sessions Judge, (FTC), Hyderabad, whereby the learned Sessions Judge dismissed the appeal by confirming the conviction and reducing the sentence imposed by the Assistant Sessions Judge, Nirmal, in SC No.553 of 2003 vide Judgment, dated 16.12.2005, wherein the learned Assistant Sessions Judge found the petitioner – accused guilty of the offences punishable under Section 307 and 324 IPC and accordingly, convicted and sentenced him to undergo simple imprisonment for a period of four (4) years and to pay a fine of Rs.200/-, in default to undergo simple imprisonment for one month for the offence punishable under Section 307 IPC, and also to suffer simple imprisonment for one year for the offence punishable under Section 324 IPC.

The case of the prosecution, in brief, is as follows:

The de facto complainant and the petitioner – accused belong to Ananthapet village. On 27.08.2003 at about 3.00 p.m., while the de facto complainant was standing in front of her house with her grandson Bhumeshu, who was aged about two years, in her lap, the accused came there armed with a knife and attacked the de facto complainant with an intention to kill her and when the petitioner tried to stab the de facto complainant, the knife blow fell on the head of Bhumeshu, resulting an injury on his head. The de facto complainant fell down and then the accused stabbed on her throat, causing bleeding injury. On the complaint lodged by the de facto complainant, a case in Crime No.26 of

2003 was registered by the police, Mamda Police Station. The injured persons were sent to Government Hospital, Khanapur and were given treatment for their injuries. Subsequently, the accused was arrested and was remanded to judicial custody. After completion of investigation, the police filed charge sheet.

The case was taken on file and numbered as PRC No.73 of 2003. Thereafter, the case was committed to the Court of Sessions, Adilabad Division, and subsequently, the same was made over the trial Court for trial in accordance with law. On appearance of the accused, the charges under Sections 307 and 324 IPC were framed against the accused, read over and explained to him, for which he pleaded not guilty and claimed to be tried.

During the course of trial, the prosecution examined PWs.1 to 12 and marked Exs.P. 1 to P.14 besides MOs. 1 to 3. No oral or documentary evidence was adduced on behalf of the accused.

On appreciation of oral and documentary evidence, the trial Court found the accused guilty of the offences under Sections 307 and 324 IPC, and accordingly, convicted and sentenced him as stated above. Aggrieved by the same, the accused preferred CrI.A. No.89 of 2005 before the II-Additional Sessions Judge, Adilabad. The learned Sessions Judge, after re-appreciation of the evidence, dismissed the appeal by confirming the conviction recorded by the trial Court against the accused for the offences under Sections 307 and 324 IPC and confirmed the sentence recorded against the petitioner for the offence under Section 324 IPC. However, the sentence recorded against the petitioner by the trial Court for the offence under Section 307 IPC was reduced to

two years simple imprisonment. Challenging the same, the present revision is preferred by the petitioner –accused.

Heard and perused the entire material available on record.

On the earlier occasion, when the matter was taken up for hearing it was submitted by the learned counsel for the petitioner that the petitioner was aged about 80 years. Therefore, this Court directed the Additional Public Prosecutor to verify the age of the petitioner. Today, it is informed by the learned Additional Public Prosecutor that the petitioner is aged about 78 years. After evaluating the evidence and after considering the material available on record, this Court is of the view that there are no valid reasons to interfere with the concurrent findings of the Courts below in convicting the petitioner – accused for the offences under Sections 307 and 324 IPC.

When this Court pointed out that there are no merits in the revision, learned counsel for the petitioner – accused restricted his arguments to the quantum of sentence by submitting that the petitioner is an old aged person and therefore, a lenient view may be taken while imposing the sentence.

Considering the facts and circumstances of the case and also taking into consideration the age of the petitioner, this Court is inclined to reduce the sentence of imprisonment imposed by the trial Court on the petitioner – accused for the above offences, as modified by the lower appellate Court, to that of the period, which the petitioner has already undergone.

In the result, the conviction recorded by the Assistant Sessions Judge, Nirmal, vide judgment, dated 16.12.2005, in SC No.553 of 2003,

as confirmed by the II-Additional Sessions Judge, (FTC), Adilabad, vide judgment, dated 01.05.2006, in CrI.A. No.89 of 2005, for the offences under Sections 307 and 324 IPC is hereby confirmed. However, the sentences of imprisonment imposed by the trial Court, as modified by the appellate Court, against the petitioner under the above heads, is reduced to that of the period, which the petitioner has already undergone. The fine amount is not interfered with.

Accordingly, the Criminal Revision Case is partly allowed. Consequently, miscellaneous applications, if any pending, shall stand closed.

September 06, 2016.  
KTL

RAJA ELANGO, J

