

HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.558 of 2005

JUDGMENT:

1. This revision case is filed by the petitioner-accused against the judgment dated 30.3.2005 passed in CrI.A.No.144 of 2003 by the VI Additional District & Sessions Judge, Markapur.

2. The case of the prosecution is as follows:

On 7.2.1999 the accused being the driver of lorry bearing No.AP 13 T 6888 drove the same in a rash and negligent manner in reverse without taking precautions and thereby, the lorry ran over one Gundareddi Ramireddiy (for short 'the deceased') while he was sleeping on the tank bund. On the report given by P.W.4, a case was registered and after completion of the investigation, charge sheet was filed against the accused.

3. The learned Judicial Magistrate of First Class, Markapur took the case on file as C.C.No.147 of 1999 against the accused for the offence under Section 304-A IPC. After following the procedure, the learned Magistrate examined the accused for the offence under Section 304-A IPC, for which he pleaded not guilty and claimed to be tried.

4. During the course of trial, P.Ws.1 to 7 were examined and Exs.P1 to P13 were marked on behalf of the prosecution. No oral or documentary evidence was adduced on behalf of the accused.

5. On appreciation of both oral and documentary evidence, the trial Court found the accused guilty for the offence under Section 304-A IPC, convicted and sentenced him to undergo simple imprisonment for a period of six months and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for a period of three months for the said offence. Aggrieved by the same, the accused filed appeal viz.,

C.A.No.144 of 2003 before the VI Additional District & Sessions Judge, Markapur. The learned Additional District & Sessions Judge dismissed the appeal confirming the judgment of the trial Court. Hence, the petitioner-accused filed this revision.

6. Heard and perused the material available on record.

7. According to the case of the prosecution, P.W.4 is the eye witness to the occurrence. It is stated that P.W.4 and the deceased worked together on the date of incident and at the time of incident, the deceased was sleeping and P.W.4 was proceeding to attend the calls of nature. When P.W.4 was at a distance of 15 metres, the accused started driving the lorry towards back. Then, P.W.4 raised cries anticipating the accident. But the accused without caring for those cries drove the lorry towards back side and caused instantaneous death of the deceased. The evidence of P.W.4 is very consistent and corroborative. Nothing was elicited from the cross-examination of P.W.4 to disprove his evidence. Both the Courts below appreciated the evidence in a proper perspective and convicted the accused.

8. In the above circumstances and in view of concurrent findings of both the Courts below, this Court is not inclined to interfere with the judgment under revision.

9. At this stage, the learned Counsel for the petitioner submitted that the petitioner is the only bread winner of his family and he is also suffering from ailments and therefore, a lenient view may be taken.

10. In view of the above submission, this Court is inclined to modify the sentence of imprisonment.

11. In the result, the conviction recorded by the trial Court in C.C.No.147 of 1999 and confirmed by the learned VI Additional District & Sessions Judge, Markapur, against the petitioner-accused for the

offence under Section 304-A IPC in CrI.A.No.144 of 2003 is confirmed. However, the sentence of six months simple imprisonment imposed against the petitioner for the said offence is modified to that of the period, which the petitioner has already undergone. The sentence of fine of Rs.1,000/- imposed by the trial Court and confirmed by the learned VI Additional District & Sessions Judge is enhanced to Rs.6,000/- while confirming the default sentence.

12. With the above modification, the Criminal Revision Case is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

Justice Raja Elango

Dated: 8.8.2016
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