

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.991 of 2016

ORDER:

Heard. With the consent of learned counsel for the petitioner and learned public prosecutor, the present revision is disposed of at the admission stage.

The petitioner herein was tried in C.C.No.56 of 2012 on the file of I Special Magistrate, Rajendranagar for an offence punishable under Section 304-A of IPC. The prosecution examined seven witnesses and got marked Exs.P1 to P6. No oral or documentary evidence was adduced on the side of defence. After considering oral and documentary evidence on record, the trial Court believed the evidence of PWs.1 to 3 and held that the accident occurred due to rash and negligent act of the petitioner and accordingly sentenced him to undergo Rigorous Imprisonment for two months and pay fine of Rs.3,000/- in default to suffer Simple Imprisonment for one month. Challenging the same, the accused preferred Crl.A.No.425 of 2014 before the IV Additional Metropolitan Sessions Judge, L.B.Nagar, Ranga Reddy District. By its order dated 15.03.2016, the learned Sessions Judge confirmed the conviction and sentence. Challenging the same, the present revision is filed.

Though various grounds are raised, learned counsel for the petitioner restricts his prayer seeking reduction of sentence having regard to the fact that the accident took place in the year 2011 and that he is the sole bread winner of his family.

Learned public prosecutor though opposed the application,

he submits that the petitioner has been in jail for nearly a month.

A perusal of the material on record, more particularly, the evidence of PWs.1 to 3 establishes that electrocution took place due to the negligent act of the accused/petitioner herein. In view of the categorical finding of both the Courts below on factual aspects, the same warrants no interference. However, insofar as the quantum of sentence is concerned, learned counsel for the petitioner submits that he is in jail since 15.03.2016 and that the entire family is put to great inconvenience for the reason of his detention, as he happens to be the sole bread winner of his family.

Having regard to the fact that the incident took place in the year 2011 and taking into consideration the facts and circumstances of the case, the sentence of imprisonment awarded by the I Special Magistrate, Rajendranagar, Ranga Reddy District, against the petitioner/accused namely Ajmeera Saidulu, in C.C.No.56 of 2012, by judgment dated 22.05.2014, as confirmed by the IV Additional Metropolitan Sessions Judge at L.B.Nagar, Ranga Reddy District in Crl.A.No.425 of 2014, vide judgment dated 15.03.2016, is reduced to that of the period already undergone by the petitioner.

With the above modification in sentence, the Criminal Revision Case is disposed of.

Consequently, the miscellaneous petitions, if any, pending shall stand closed.

C.PRAVEEN KUMAR, J

12.04.2016
vnb

