

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.74 OF 2008

ORDER:

The petitioner 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 16.11.2007, passed in Criminal Appeal No.26 of 2007 by the III Additional District and Sessions Judge, Ongole, whereby the learned Sessions Judge dismissed the Criminal Appeal by confirming the order dated 23.02.2007, passed in C.C.No.224 of 2006 by the II Additional Judicial Magistrate of First Class, Ongole, whereby the learned Judge convicted the petitioner herein for the offence under Section 379 IPC and sentenced him to undergo rigorous imprisonment for a period of one year.

Heard and perused the material available on record.

After arguing for sometime, learned counsel for the petitioner confines his argument with regard to quantum of sentence. He further submits that the petitioner has to look after his old aged parents, wife and daughter, and he is the only breadwinner in his family, and as such, a lenient view may be taken by this Court.

Considering the submissions made by the learned counsel for the petitioner and the nature of offence, this Court is inclined to take a lenient view.

In the result, the conviction recorded by the trial Court, which is confirmed by the lower appellate Court, against the petitioner herein for the offence Section 379 IPC is hereby confirmed. However, this Court, taking a lenient view, modifies the sentence of imprisonment to the period, which the petitioner has already undergone.

The Criminal Revision Case is accordingly disposed of. Consequently, the miscellaneous petitions, if any pending in this revision case, shall stand closed.

JUSTICE RAJA ELANGO

09.08.2016
pln

