

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1815 of 2009

ORDER:

The petitioner-Accused preferred the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved by the judgment, dated 27.10.2009, passed in CrI.A. No.110 of 2009 by the IX Additional Sessions Judge, (FTC), Guntur, whereby the learned Sessions Judge dismissed the appeal by confirming the Judgment, dated 18.03.2009, passed in CC No.755 of 2007 by the VI Additional Junior Civil Judge, Guntur, whereby the learned Judge found the accused guilty of the offences under Sections 304-A and 337 IPC and accordingly, convicted and sentenced him to undergo simple imprisonment for a period of one year and to pay a fine of Rs.200/-, in default to suffer simple imprisonment for one month for the offence under Section 304-A IPC and further sentenced to suffer simple imprisonment for three months for the offence under Section 337 IPC.

The case of the prosecution is that on 27.08.2007 at about 11.00 pm., the petitioner – accused started from Tadikonda village by driving his tractor bearing No.AP 7 AB 5499 and returned from Balaji crusher at Kantheru cross road with a load of dust and while coming towards Jonnalagadda, he drove the tractor in a rash and negligent manner due to which he lost control, and the tractor went to the extreme left and hit the deceased and PW.5, who sat on the foot steps of a Church, as a result of which, two legs of the deceased were crushed and PW.5 sustained injuries. PWs.1 and 2 shifted the injured to the

Government General Hospital, Guntur where the deceased succumbed to injuries while undergoing treatment. In the midnight about 1.00 a.m., PW.1 came to the police station and presented Ex.P.1 report. After completion of investigation, charge sheet was filed.

The case was taken on file for the offence under Section 304-A and 337 IPC. On appearance of accused, the charges were read over and explained to him, for which, he pleaded not guilty and claimed to be tried.

To substantiate its case, the prosecution examined PWs.1 to 11 and got marked Exs.P-1 to P-9. No oral or documentary evidence was adduced on behalf of the accused.

The trial Court, after considering the evidence on record, found the petitioner guilty of the offences under Sections 304-A and 337 IPC, and accordingly, convicted and sentenced him as stated above. Challenging the same, the petitioner preferred appeal in CrI.A. No.110 of 2009 before the IX Additional Sessions Judge, (FTC), Guntur, and the learned Sessions Judge dismissed the appeal by confirming the judgment of the trial Court, vide judgement impugned. Against the said judgment, this revision is filed.

Heard and perused the material available on record.

On perusing the judgments of both the Courts below, this Court is of the view that since the findings of both the Courts below are concurrent in nature, this Court is not inclined to interfere with the factual aspects of the case.

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 since the petitioner has to look after his children and prayed that leniency may be shown while imposing sentence.

Considering the facts and circumstances of the case, the sentence of imprisonment imposed by the trial Court against the petitioner, as confirmed by the lower appellate Court, can be set aside by imposing additional fine amount on the petitioner.

In the result, the conviction recorded against the petitioner by the VI Additional Junior Civil Judge, Guntur, in CC No.755 of 2007 vide judgment, dated 18.03.2009, as confirmed by the IX Additional Sessions Judge, (FTC), Guntur, in CrI.A. No.110 of 2009, vide judgment, dated 27.10.2009, for the offences under Sections 304-A and 337 IPC, is confirmed. However, the sentence of imprisonment imposed by the trial Court against the petitioner for the above offences, as confirmed by the appellate Court, is set aside and the petitioner is sentenced to pay an additional fine of Rs.30,000/- (Rupees thirty thousand only) on or before 27.10.2016 and the same shall be given to the family members of the deceased, as compensation.

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

RAJA ELANGO, J

September 26, 2016.
KTL