HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.581 OF 2016

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 22.06.2015, passed in Criminal Appeal No.180 of 2014 by the Court of the IX Additional District and Sessions Judge, Chittoor, whereby the learned Sessions Judge dismissed the Criminal Appeal by confirming the order dated 19.08.2014, passed in C.C.No.97 of 2013 by the Court of the Judicial Magistrate of First Class, Palamaner, whereby the learned Judge convicted the petitioner herein for the offence under Section 304-A IPC and sentenced him to undergo simple imprisonment for a period of one year and to pay a fine of Rs.5,000/- (Rupees five thousand only), in default of payment of fine, to undergo simple imprisonment for a period of one month.

Heard and perused the material available on record.

Learned counsel for the petitioner confines her argument with regard to quantum of sentence. She further submits that the petitioner is not in a position to pay the fine amount also. She further submits that the petitioner 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 and also considering the fact that the petitioner has suffered seven months in prison, this Court is inclined to take a lenient view. Insofar as fine is concerned, it is evident from the record that the petitioner approached this Court after serving seven months in prison, which indicates that the petitioner is not in a position to pay the fine amount. Hence, this Court is inclined to take a lenient view in imposition of fine amount also.

In the result, the conviction imposed against the petitioner/accused by the Court of the Judicial Magistrate of First Class, Palamaner, in C.C.No.97 of 2013, which is confirmed by the Court of the IX Additional District and Sessions Judge, Chittoor, in Criminal Appeal No.180 of 2014 for the offence under Section 304-A IPC, is confirmed. However, the sentence of one year imprisonment imposed against the petitioner/accused is hereby modified to that of the period, which the petitioner/accused has already undergone. The fine amount of Rs.5,000/- (Rupees five thousand only) is hereby set aside.

The petitioner/accused shall be released forthwith, if he is not required in any other crime.

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

JUSTICE RAJA ELANGO

12.02.2016
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