

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.R.C. No.2498 of 2017

ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C challenging the Judgment dated 22.02.2016 in C.C.No.90 of 2011 passed by the Additional Judicial First Class Magistrate, Miryalaguda for the offences punishable under Sections 353 and 427 IPC, sentencing the petitioners for the offence punishable under Section 353 IPC to undergo rigorous imprisonment for one year each and also to pay fine of Rs.2,000/- each, in default to undergo simple imprisonment for three months and also further sentenced to them to pay fine of Rs.500/- each for the offence punishable under Section 323 IPC, in default to undergo simple imprisonment for one month.

But, in Crl.A.No.49 of 2016, VIII Additional Sessions Judge, Miryalaguda, vide judgment dated 18.09.2017, set aside the conviction passed against these petitioners while confirming the conviction for the offence punishable under Section 353 IPC and rigorous imprisonment for one year is reduced to simple imprisonment for six years, maintaining the fine amount.

Aggrieved by the findings recorded by the appellate Court, the present revision petition is filed questioning the legality, propriety and regularity of the judgment of the appellate Court mainly on the ground that the petitioners are students and they are prosecuting M.Pharmacy and requested this Court to take lenient view.

Having considering the facts and circumstances of the case, this Court cannot interfere with the concurrent findings recorded

by the Court below unless they found manifestly perverse or apparently erroneous, but taking into mitigating circumstances by age, prosecution of their studies and their future, I deem it appropriate to reduce the substantive sentence of imprisonment of six months simple imprisonment to one month while enhancing the fine amount from Rs.500/- to Rs.2,000/-.

With the above modification, the Criminal Revision Case is allowed.

Miscellaneous petitions, if any, pending in the criminal revision case, shall stand closed.

Date: 13.10.2017
kvrn

M. SATYANARAYANA MURTHY J

