

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY
CRIMINAL REVISION CASE No.2467 of 2017

ORDER:

This Criminal Revision, under Sections 397 and 401 Cr.P.C. is filed questioning the conviction and sentence imposed by IV Additional Chief Metropolitan Magistrate Court, Hyderabad, in C.C.No.915 of 2015, whereby the Court found the petitioner/accused guilty for the offence under Section 382 IPC and convicted and sentenced to undergo SI for a period of three years and to pay a fine of Rs.100/- with default sentence.

Aggrieved by the conviction and sentence imposed by the trial Court under Calendar and Judgment in C.C.No.915 of 2015, the petitioner/accused preferred an Appeal in C.A.No.200 of 2017 on the file of Metropolitan Sessions Judge, Hyderabad, whereby the Appellate Court while modifying the conviction from Section 382 IPC to Section 411 IPC confirmed the sentence to undergo SI for a period of three years and to pay a fine of Rs.100/- with default sentence.

The present Revision is filed on various grounds. During hearing, Sri V. Srinivasa Rao, learned counsel for the petitioner contended that the petitioner was in jail as under trial prisoner since 10.05.2015 and later as convict, even today he is undergoing substantive sentence of punishment and, therefore, requested this Court to pass appropriate sentence commensurate with the gravity and seriousness of the offence.

Learned Public Prosecutor contended that petitioner involved in more than 10 similar cases and hence, the punishment cannot be reduced to any extent.

The appellate Court found the petitioner/accused guilty for the offence punishable under Section 411 IPC. The maximum punishment prescribed for the offence under Section 411 IPC is for three years or fine or with both. But, the Appellate Court imposed maximum sentence of three years. As on today, the petitioner/accused underwent imprisonment for a period of more than two years four months and five days. Therefore, taking into consideration the nature of the offence, age of the petitioner and the circumstances under which he committed the offence, the substantive sentence of imprisonment is reduced to the punishment already undergone by him since he paid the fine amount imposed by the trial Court vide challan No.20855, dt. 06.02.2017.

Accordingly, this Criminal Revision Case is allowed in part, reducing substantive sentence from three years to the period the petitioner/accused undergone i.e., two years four months and five days. He is set at liberty forthwith if he is not required in another case.

Consequently, miscellaneous applications pending, if any, shall also stand dismissed.

JUSTICE M. SATYANARAYANA MURTHY

Date:15.09.2017
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CrI.R.C. No.2467 of 2017

Dt. 15-09-2017

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