

**THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE M.S.K. JAISWAL**

CRIMINAL APPEAL No.115 of 2011

DATE: 11.07.2017

Between:

Yenni Ramana @ Venkata Ramana

....Appellant

and

State of Andhra Pradesh

....Respondent

COUNSEL FOR THE APPELLANT : Sri M. Viswanadham

COUNSEL FOR THE RESPONDENT : Public Prosecutor (AP)



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JUDGMENT: (Per the Hon'ble Sri Justice C.V. Nagarjuna Reddy)

Accused No.1 in S.C.No.46 of 2005 on the file of II Additional District and Sessions Judge (Fast Track Court), Srikakulam, filed this appeal against judgment dated 08.04.2008 whereby he was convicted for the offence punishable under Section 304-B IPC and sentenced to undergo imprisonment for life.

At the hearing, Sri M. Viswanadham, learned counsel for the appellant, while fairly stating that he is not pressing the appeal to the extent of conviction of the appellant, he asserted that the facts of the case do not warrant the extreme sentence of imprisonment for life and that the Court may consider reducing the sentence to a reasonable extent.

The law is well settled that only in rare cases, the accused found guilty for the offence punishable under Section 304-B IPC is liable for life imprisonment and that in other cases, sentence ranging between 7 years and 10 years may be imposed (see **Jagdish and others v. State of Uttaranchal**¹; **V.K. Mishra and another v. State of Uttarakhand and another**²; **Rajinder Singh v. State of Punjab**³; **Hari Om v. State of Haryana and**

¹ (2015) 2 Supreme Court Cases 252

² (2015) 9 Supreme Court Cases 588

another⁴ and **Rajesh Bhatnagar v. State of Uttarakhand**⁵). The learned Public Prosecutor for the State of Telangana fairly conceded to this position in law.

On considering the charges framed against the appellant, we are of the opinion that they are not so severe as to warrant the extreme sentence of life imprisonment. Instead, we feel that ends of justice would be served if the sentence is reduced to Rigorous Imprisonment for ten years.

Accordingly, while confirming the conviction recorded against the appellant/accused No.1 in the impugned judgment for the offence punishable under Section 304-B IPC, we convert the sentence of imprisonment for life to that of Rigorous Imprisonment for ten years. If the appellant has already served the sentence of ten years imprisonment, after giving the benefit of remission for which he is entitled to as per law, he shall be released forthwith.

The Criminal Appeal is accordingly partly allowed.

C.V. NAGARJUNA REDDY, J

11th JULY, 2017.

M.S.K. JAISWAL, J

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³ (2015) 6 Supreme Court Cases 477

⁴ (2014) 10 Supreme Court Cases 577

⁵ (2012) 7 Supreme Court Cases 91