

HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.541 of 2017

ORDER:

The accused of Crime No.382 of 2011 of Machavaram police station for the offence under Section 381 of I.P.C. of the theft in the dwelling house on the next day of her joining as servant maid, the wearing jewellery when kept by P.W.3 and went for bathing in the meantime, having stolen and fled away, that is proved from the investigation, filed the final report that was taken cognizance for the offence supra by the learned Magistrate in allotting C.C.No.503 of 2011 and after supply of copies and from examination on the charges denial by accused were put to trial, the prosecution letting the evidence of P.Ws.1 to 9 and exhibited the documents particularly the arrest of accused, seizure panchanama of property from accused and property identification proceedings, the trial court held that the offence is proved against the accused having found guilty and sentenced to undergo six months rigorous imprisonment with fine of Rs.500/- with default sentence of one month.

2. It is from the evidence of P.W.1, who set the law into motion and P.Ws.2 and 3 corroborated the same, of accused joined as servant maid in their house and on the next day morning she attended the household duties at 07.00 a.m. and after 07.00am, P.W.3 went for bathing by kept her jewellery in

almyrah kept open and before her returning from bath, the accused, who was there by 08.00 a.m., taken the jewellery and left the house and since then in abscondence having fled away and did not return and that is corroborated by the evidence of other witnesses, though P.W.4 watchmen of the house is hearsay evidence that was rightly ignored by the lower court among the other persons. One of the mediator along with the P.W.9 - Sub Inspector of Police, who apprehended the accused and from her disclosure the jewellery is seized, covered by panchanama and subsequently in the property identification proceedings conducted, the property identified as that of P.Ws.1 to 3, that clearly establishes the guilt of the accused from the offence under Section 389 I.P.C. and taking into consideration of she is a lady, however involved in several cases, the trial court imposed the sentence of imprisonment with fine supra, thereby the lower appellate court confirmed the same, it is the same now impugned in the present revision.

3. Heard the learned counsel for the accused/revision petitioner at length vis-à-vis the public prosecutor representing the state.

4. A perusal of the evidence on record clearly and categorically establishes the guilt of the accused from the offence of theft under Section 381 of I.P.C. There are no any previous convictions, much less, but for taken into

consideration in framing charge additionally pursuant to that as contemplated by law. But for orally saying, she is involved in other cases including once placed on record of Cr.No.116 of 2011 of P.S. Suryapet covered by the same seizure panchanama proceedings by P.W.9 of this crime along with that crime at best to take into consideration.

5. Having regard to the above, the sentence of six months rigorous imprisonment with fine of Rs.500/- is modified, by setting aside the fine with default sentence and reduced from six months to four months and by giving set off of period already undergone.

6. Accordingly the Revision is allowed in part. Miscellaneous petitions pending, if any, in this case shall stand closed.



DR.B.SIVA SANKARA RAO,J

23.03.2017
SS