

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Criminal Revision Case No.2475 of 2017

JUDGMENT:

The present Criminal Revision Case is preferred by the sole accused challenging the conviction under Section 255 (2) of Criminal Procedure Code, 1973 (for short, 'the Act') for the offence punishable under Section 138 of Negotiable Instruments Act, 1881, and the sentence of simple imprisonment of one year inflicted in C.C. No.245 of 2014, dated 17.11.2016, by the learned I-Additional Judicial Magistrate of First Class, Khammam, as confirmed by the Special Judge for Trial of Cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act-cum-VII Additional Sessions Judge, Khammam, in Criminal Appeal No.195 of 2016, dated 15.9.2017.

2. Heard Sri Ravulapati Srinivasa Rao, learned counsel for the petitioner-accused and Sri M.V. Venu, learned counsel for the 1st respondent-complainant.

3. The only submission made by the learned counsel for the petitioner is that the revision petitioner is lodged in District Prison, Karimnagar pursuant to confirmation of sentence of imprisonment, on conviction being confirmed on 15.9.2017 and he is serving out the sentence.

4. The main submission of the learned counsel for the petitioner is that the wife of the petitioner, in fact, paid the total amount of Rs.1,30,000/- in cash, and to that effect a receipt was issued by the complainant, dated 6.11.2017, having received the same. He would submit that the complainant-Gaddam Ramesh is also present. Sri M.V. Venu, learned counsel for the complainant is present and he identified the complainant as the 1st respondent in the present Criminal Revision Case. Photostat copy of the receipt is also filed and the original receipt is also placed for perusal of this Court.

5. The only submission made by the learned counsel is that since the petitioner has been in prison by serving out the sentence and it is almost three months now and since the amount is also paid, to take a lenient view i.e., to modify the period of simple imprisonment for a period of one year inflicted to that of the period the petitioner had already undergone.

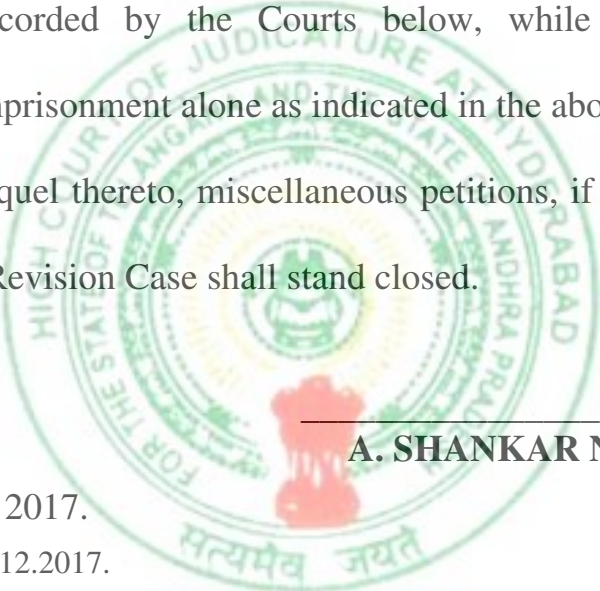
6. The Aadhaar card of the complainant-Gaddam Ramesh, is verified by the Court Officer of the Court. Since the 1st respondent-complainant is identified by the learned counsel on record and the receipt of the complainant would justify the submission made by the learned counsel appears to be reasonable.

7. Therefore, while maintaining the conviction recorded under Section 255 (2) of Cr.P.C. for the offence punishable under Section 138 of N.I. Act, the sentence of imprisonment for one year

inflicted by the trial Court as affirmed by the lower Appellate Court is modified from one year to that of the period the revision petitioner had already undergone from 15.9.2017 till date. Therefore, it is directed that the revision petitioner-accused shall be set at liberty forthwith, in case, he is not required in any other case. The bail bonds, if any, furnished by the revision petitioner shall stand cancelled.

8. Criminal Revision Case is dismissed confirming the conviction recorded by the Courts below, while modifying the sentence of imprisonment alone as indicated in the above.

As a sequel thereto, miscellaneous petitions, if any, pending in the Criminal Revision Case shall stand closed.



A. SHANKAR NARAYANA, J

December 07, 2017.

Note:- CC by 8.12.2017.

(B/O)

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