

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL REVISION CASE No.763 of 2005

ORDER:

This Criminal Revision, under Sections 397 and 401 Cr.P.C, is filed by A.1 questioning the propriety and legality of the judgment dt.17.02.2005 in Criminal Appeal No.147 of 2004 passed by III Additional District and Sessions Judge (FTC), Nellore.

The complainant/Konduru Krishnamma @ Kistamma, who is resident of Nindali Village, Balaypalli Mandal, lodged a complaint with police alleging that on 26.09.2000 at about 21.30 hours when the complainant and her husband/Konduru Narasimha Raju were sleeping in front of their house, A.1 tried to snatch the gold bondu saradu from her neck and then she caught her gold chain with her hands, but A.1 snatched away Saradu forcibly, resulting Black Buds and Mangalasutram fell on the bed sheets and then A.1 pushed her and took away the chain. On the strength of the complaint, a case in Cr.No.32 of 2000 was registered for the offence under Section 394 of IPC and during investigation, the Police examined the witnesses, visited the scene of offence and recovered the gold chain from the possession of A.1 under cover of panchama in the presence of mediators and after completion of investigation, the police filed charge sheet against the accused.

On appearance of the accused, the trial Court took the case on file against accused after following necessary procedure

and framed charges for the offences punishable under Sections 394 of IPC and the contents of the charge were read over and explained to the accused in Telugu, the accused pleaded not guilty and claimed to be tried.

During trial, PWs. 1 to 9 were examined and Exs. P.1 to P.14 and Mo.1 were marked. After completion of prosecution evidence, the accused were examined under Section 313 Cr.P.C. explaining the incriminating material that appeared against them in the evidence of prosecution witnesses, but the accused denied the same and reported no defence.

Upon hearing both the counsel, the trial Court found the accused No.1 guilty for the offence punishable under Section 394 IPC and convicted and sentenced for the same directing him to undergo RI for a period of two years and to pay a fine of Rs.200/- with default sentence.

Aggrieved by the same, the A.1 preferred an appeal in Criminal appeal No.147 of 2004 on the file of III Additional District and Sessions Judge (FTC), Nellore, which ended in dismissal confirming the conviction and sentence imposed by the trial Court.

On application by the petitioner herein, Sri K. Suresh Reddy was appointed as legal aid counsel, who filed the present revision case on various grounds. During hearing, the learned counsel fairly informed to the Court that the petitioner herein did not avail the bail and by now he might have undergone the

imprisonment of two years imposed by the trial Court. The trial Court having found the accused guilty for the offence under Section 394 IPC, convicted and sentenced the accused to suffer RI for two years and to pay a fine of Rs.200/-. Even if the default sentence was also imposed, he might have undergone entire period of sentence i.e., both substantive and default sentence, hence, nothing is to be adjudicated in this revision, in view of the current findings of the Courts below since the jurisdiction of this Court is limited in a revision under Sections 397 and 401 Cr.P.C. Therefore, I find no ground to set aside the conviction and sentence passed by the Magistrate, confirmed by the Appellate Court, reversing the judgment of both the Courts, in view of the limited jurisdiction. Hence, the present Revision is liable to be dismissed.

Accordingly, this Criminal Revision Case is dismissed.

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

JUSTICE M. SATYANARAYANA MURTHY

Date:04.09.2017
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Crl.R.C. No.763 of 2005
Dt. 04-09-2017

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