

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL REVISION CASE No.2621 of 2017

ORDER:

This revision case is filed under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), challenging the conviction and sentence imposed in S.T.C.No.4062 of 2017 in Consecutive No.1281 of 2017 by the IV Special Metropolitan Magistrate, Cyberabad, Kukatpally, vide order, dated 04.10.2017, finding the petitioner/accused guilty for the offence punishable under Section 185(a) of Motor Vehicles Act, 1988 (for short, 'the Act'), and sentenced him undergo simple imprisonment for a period of twenty (20) days while directing him to pay fine of Rs.2,000/- in default to suffer simple imprisonment for a period of seven days.

2. The case of the prosecution is that the petitioner was found driving the vehicle in drunken state ie., consuming alcohol more than 316 MG/100 ML, which detected in a blood test by Breath Analyzer. Thus, the trial Court concluded that the petitioner committed an offence punishable under Section 185(a) of the Act while observing that no lenient view be taken against the petitioner.

3. The present revision is filed on various grounds mainly contending that the petitioner is suffering from various ailments including coronary artery disease and requested this Court to set aside the conviction and sentence passed by the trial Court.

4. The only question before this Court is:

“Whether the sentence imposed by the trial Court is commensurating with the gravity of the offence?”

POINT :

5. The offence under Section 185(a) of the Act is punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both, and for a second or subsequent offence, if committed within three years of the commission of the previous similar offence, with imprisonment a term which may extend to two years, or with fine which may extend to three thousand rupees, or with both. The petitioner has already undergone imprisonment for a period of ten days as on today. Therefore, taking into consideration of the conviction of the petitioner, substantive sentence of imprisonment is reduced to ten days while confirming fine of Rs.2,000/- since the trial Court did not mitigating the circumstances while imposing the sentence.

6. In the result, the criminal revision case is allowed in part while reducing the substantive sentence of imprisonment to Ten (10) days from Twenty (20) days and confirming the fine amount. The petitioner shall be set at liberty on completion of imprisonment for Ten (10) days, if he is not required in any other case.

7. Miscellaneous petitions pending, if any, shall stand closed.

M. SATYANARAYANA MURTHY, J

13th October 2017.

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