

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA
CRL.R.C.Nos.3185, 3186, 3187, 3195, 3196 AND 3197 OF 2017

COMMON ORDER:

These Criminal Revision Cases, under Sections 397 and 401 Cr.P.C., are filed by the revision petitioner - accused assailing the judgments, dated 26.09.2017, rendered in Crl.A.Nos.62, 63, 64, 65, 66 and 67 of 2014 by the learned XI Additional District and Sessions Judge, Gudivada, Krishna District.

2. Heard Sri M. Karuna Sagar, learned counsel for the revision petitioner, and the learned Additional Public Prosecutor for the State of Andhra Pradesh.

3. The learned Judicial Magistrate of First Class, Kaikalur, by judgments, dated 12.05.2014, in C.C.Nos.237, 238, 239, 240, 241 and 242 of 2012, convicted the revision petitioner, under Section 255 (2) Cr.P.C, for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881, and sentenced him to undergo rigorous imprisonment for a period of one year and to pay fine of Rs.2,000/-, in default, to suffer simple imprisonment for one month. Aggrieved by the same, the revision petitioner preferred Crl.A.Nos.62, 63, 64, 65, 66 and 67 of 2014 and the learned XI Additional District and Sessions Judge, Gudivada, Krishna District, having analyzed the evidence on record, by the judgments under challenge, while confirming the conviction recorded by the learned Magistrate and maintaining the fine amounts, reduced the sentences of rigorous

imprisonment for a period of one year to that of simple imprisonment for six months. Questioning the same, the present revision cases are filed by the accused.

4. Learned counsel for the revision petitioner, having pleaded that the learned lower appellate Court has given due regard to the condition of the revision petitioner, drawn the attention of this Court to the observations in paragraph No.26 of the judgments under challenge to the effect that the revision petitioner is suffering from diabetis and even undergone surgical intervention to his leg and have four daughters, out of whom, two are at the marriage age and that he was eking livelihood by doing coolie work and the revision petitioner, having taken on lease, did not pay the balance amounts and on the other hand, issued cheques for Rs.1,24,634/-, Rs.2,47,967/-, Rs.55,913/-, Rs.3,44,722/-, Rs.2,83,645/-, Rs.73,567/-, Rs.3,77,425/-, Rs.3,65,510/-, Rs.62,082/-, and when the said cheques were bounced, complaints were filed by respondent No.2 – Tahsildar, representing the revenue department and pleaded that, keeping in view, the condition of the revision petitioner, the sentences of imprisonment alone be reduced. Learned counsel has fairly conceded that on merits he is not raising any submissions.

5. Learned Additional Public Prosecutor appearing for respondent No.1 would initially seek notice to be given to respondent No.2 – Tahsildar, Mudinepalli Mandal, Mudinepalli, Krishna District.

Even otherwise, his submission has been that already the learned lower appellate Court has reduced the sentences of imprisonment from one year rigorous imprisonment to six months simple imprisonment and huge amounts are due to the revenue department and further reduction in the sentences of imprisonment will amount to inflicting flea bite sentence and letting the revision petitioner off, when, kept in view, that the learned lower appellate Court, while confirming the conviction and modifying the sentences of imprisonment, however, ordered that all the sentences of imprisonment shall run concurrently.

6. Learned counsel for the revision petitioner would submit that the revision petitioner has been in prison serving out the sentence from 26.09.2017 and that the revision petitioner has paid the fine amounts.

7. Keeping in view, the observations made by the learned lower appellate Court as to the condition of the revision petitioner and his poor financial status, the sentences of simple imprisonment of six months inflicted on the revision petitioner is reduced to simple imprisonment for four months in all the cases, ordering that all the sentences shall run concurrently as ordered by the learned lower appellate Court. Except to the extent of modification of the sentences of imprisonment afore mentioned, the conviction recorded and the fine amounts imposed by the trial Court, as confirmed by the learned lower appellate Court, are maintained.

8. Subject to the above, the Criminal Revision Cases are dismissed. Miscellaneous Petitions, if any, pending in these Criminal Revision Cases shall stand closed.

A. SHANKAR NARAYANA, J

December 12, 2017.
MD

