

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL REVISION CASE NO.2341 OF 2017

ORDER:

This revision is filed by the petitioners-A1 to A7 under Sections 397 and 401 Cr.P.C. aggrieved by the judgment, dated 17.06.2017 in CrI.A.No.26 of 2017 on the file of the III Addl. Sessions Judge, Bhimavaram, wherein the learned Sessions Judge while confirming the conviction and sentence of fine imposed against A1 to A7 for the offence punishable under Section 4 of A.P. Gaming Act, 1974 set aside the sentence of imprisonment as recorded by the I Addl. Junior Civil Judge-cum-Judl. Magistrate of I Class, Bhimavaram, vide judgment dated 06.01.2017 in C.C.No.38 of 2016 (new), C.C.No.1220 of 2015 (old).

2. Heard learned counsel for the petitioners, learned Assistant Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioners-A1 to A7 would submit that there is no oral and documentary evidence. The property is not identified and the property seized does not contain the signatures of the accused. The persons, who were playing the game, were not identified. There is no corroboration in the evidence of P.Ws. 1 to 5. Simply on the premise that the petitioners were playing cards, the trial Court found them guilty for the offence referred above and ultimately, prayed to set aside the conviction and sentence.

4. On the other hand, learned Assistant Public Prosecutor opposed the relief sought for by the petitioners in the revision.

5. The appellate Court simply confirmed the conviction and sentence of fine of Rs.500/- imposed against each of the petitioners. As seen from the judgment passed by the appellate Court, the appellate Court did not answer all the questions raised before this Court and also said to have been raised before the appellate Court. It is necessary to answer all the points raised by the both sides, when there is modification of sentence of imprisonment. This matter is remanded to the Appellate Court with a direction to dispose of the matter afresh after considering both oral and documentary evidence available on record and giving opportunity to accused

6. Therefore, the judgment passed by the appellate Court, dated 17.06.2017 in CrI.A.No.26 of 2017 is set aside and the Criminal Appeal is restored to file. The appellate Court is directed to dispose of the appeal in view of the above observations made by this Court.

7. Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions, if any pending in this Revision shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 24-04-2018.

Hsd