

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL REVISION CASE NO.496 of 2007

ORDER:

As there was no representation on behalf of the petitioner on 19.04.2018, the case was directed to be listed to 26.04.2018 under the caption 'for dismissal'. On 26.04.2018, as the counsel for the petitioner was not ready, the case was directed to be listed to today under the caption 'for orders'. Even today, counsel for the petitioner seeks time. It is a case of the year 2007. Therefore, it can be disposed of on merits.

2. This Criminal Revision Case by the petitioner-complainant under Sections 397 and 401 Cr.P.C. is directed against the judgment 23.03.2006 in Criminal Appeal No.115 of 2004 on the file of the I Additional Metropolitan Sessions Judge, Visakhapatnam, whereby the learned Sessions Judge partly allowed the appeal confirming the conviction and sentence of payment of fine and default sentence, while setting aside the sentence of imprisonment, imposed in the judgment dated 09.09.2004 in C.C. No.43 of 1999 on the file of the VIII Metropolitan Magistrate, Visakhapatnam at Gajuwaka.

3. The present revision is filed by the petitioner-complainant aggrieved by setting aside the sentence of imprisonment imposed against the respondent/accused. The Court of Session, while dealing with the subject matter of the appeal, was pleased to set aside the sentence of simple imprisonment for six months, while confirming the fine and default sentence. No aggravating circumstances are brought to the notice of this court to enhance the

sentence. The learned Sessions Judge appreciated the evidence on record in right perspective and modified the sentence imposed by the trial Court by assigning justifiable reasons. There is no miscarriage of justice to invoke the revisional jurisdiction of this Court. Therefore, there are no grounds to interfere with the impugned judgment. There is nothing to take a different view. The revision is devoid of merit and is liable to be dismissed.

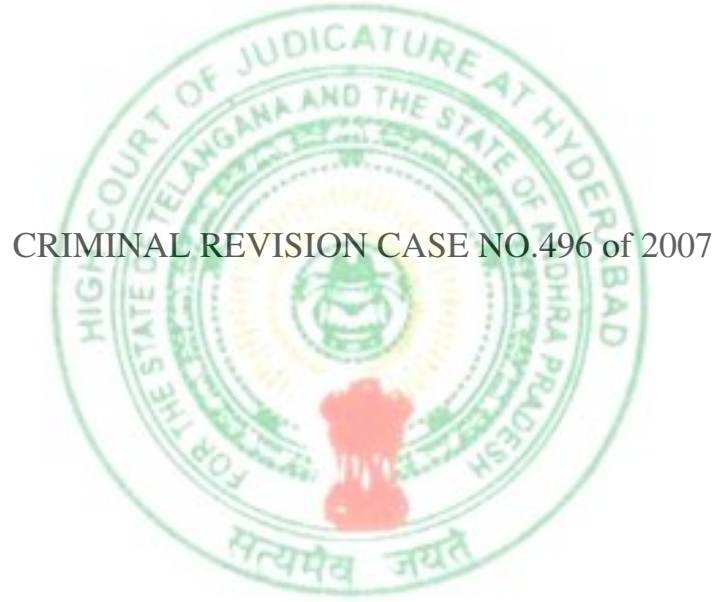
4. In the result, the Criminal Revision Case is dismissed.

1.5.2018
DRK



(Dr. Shameem Akther, J)

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DRK

1.5.2018