

**HON'BLE Dr. JUSTICE SHAMEEM AKTHER**

**CRIMINAL REVISION CASE No.923 OF 2007**

**ORDER:**

This Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, is filed by the petitioner-*de facto* complainant aggrieved by the judgment dated 01.10.2003 rendered in C.C. No.912 of 2000 on the file of the Judicial Magistrate of First Class at Miryalaguda, Nalgonda District (for short, 'the trial Court'), wherein the trial Court convicted the 1<sup>st</sup> respondent-A.1 under Section 255(2) Cr.P.C. of the offences under Sections 448 and 427 I.P.C. and sentenced to pay fine of Rs.1,000/-, in default, to undergo simple imprisonment for one month for the offence under Section 448 I.P.C. and also to pay fine of Rs.2,000/-, in default, to undergo simple imprisonment for two months for the offence under Section 427 I.P.C. The trial Court acquitted the 1<sup>st</sup> respondent-A.1 under Section 255(1) Cr.P.C. of the offences under Sections 147, 323 r/w 149 I.P.C. and also acquitted A.2 to A.17 under Section 255(1) Cr.P.C. for offences under Sections 147, 448, 427, 323 r/w 149 I.P.C.

2. Heard the learned counsel for the petitioner and perused the record.

3. Learned counsel for the petitioner would submit that the learned Magistrate failed to impose suitable punishment for the offences with which the 1<sup>st</sup> respondent-A.1 was convicted and failed to exercise the judicial discretion properly in terms of established procedure and hence prayed to enhance the quantum of punishment imposed on the 1<sup>st</sup> respondent-A.1.

4. There is no representation on behalf of the 1<sup>st</sup> respondent-accused No.1.

5. While dealing with the subject matter of the revision, the learned Magistrate had gone through the evidence of P.Ws.1 to 7 and the documents marked as Ex.P.1-report, Ex.P.2-scene of offence panchanama and Ex.P.3-F.I.R. The grievance of the petitioner-*de facto* complainant is that having convicted the 1<sup>st</sup> respondent-A.1 of the offences punishable under Sections 448 and 427 I.P.C., the learned Magistrate ought to have imposed a higher punishment prescribed for the said offences. A perusal of the evidence on record discloses that the 1<sup>st</sup> respondent-A.1 was convicted of the offences punishable under Sections 448 and 427 I.P.C. and sentenced to pay fine of Rs.1,000/- and Rs.2,000/- respectively. Having regard to the facts and circumstances of the case and the evidence on record, the learned Magistrate rightly imposed the punishment and exercised the judicial discretion vested on him properly. The punishment imposed is proportionate to the guilt proved against 1<sup>st</sup> respondent-A.1. There are no grounds to interfere with the same. There is no miscarriage of justice. The Criminal Revision Case is devoid of merit and it is liable to be dismissed.

6. Accordingly, the Criminal Revision Case is dismissed. Miscellaneous petitions, if any, pending in this Criminal Revision Case, shall stand closed.

**Dr. SHAMEEM AKTHER, J**

**Date: 19-04-2018**

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