

THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL REVISION CASE Nos.2951, 2952, 2974 & 3056
of 2018

COMMON ORDER:

Since the revision petitioner/accused No.2 is one and the same in all the revision petitions, they are being disposed of by this common order.

2. CrI.R.C.No.2951 of 2018 is filed under Sections 397 and 401 of Code of Criminal Procedure, 1973, aggrieved by the judgment, dated 02.04.2018, passed in CrI.A.No.57 of 2017 by the Principal Sessions Judge, Warangal, confirming the conviction and sentence of simple imprisonment for a period of ten months and to pay a fine of Rs.50/-, in default to suffer simple imprisonment for a period of one month for the offence punishable under Section 380 I.P.C imposed against the petitioner/accused No.2 in C.C.No.706 of 2016 on the file of IV-Additional Judicial Magistrate of First Class, Warangal, dated 27.03.2017.

3. CrI.R.C.No.2952 of 2018 is filed under Sections 397 and 401 of Code of Criminal Procedure, 1973, aggrieved by the judgment, dated 02.04.2018, passed in CrI.A.No.55 of 2017 by the Principal Sessions Judge, Warangal, confirming the conviction and sentence of simple imprisonment for a period of ten months and to pay a fine of Rs.50/-, in default, to suffer simple imprisonment for a period of one month for the offence punishable under Section 457 I.P.C. and also the sentence of simple imprisonment for a period of ten months and to pay a fine of Rs.50/-, in default, to suffer simple imprisonment for a period of one month for the offence punishable under Section 380 I.P.C. imposed against the petitioner/accused

No.2 in C.C.No.522 of 2016 on the file of the IV-Additional Judicial Magistrate of First Class, Warangal dated 27.03.2017.

4. Crl.R.C.No.2974 of 2018 is filed by the petitioner/accused No.2 under Sections 397 and 401 of Code of Criminal Procedure, 1973, aggrieved by the judgment, dated 02.04.2018, passed in Crl.A.No.54 of 2017 by the Principal Sessions Judge, Warangal, confirming the conviction and sentence of rigorous imprisonment for a period of one year and to pay a fine of Rs.100/-, in default to suffer simple imprisonment for a period of fifteen days for the offence punishable under Section 380 I.P.C. imposed against him in C.C.No.440 of 2016 on the file of the IV-Additional Judicial Magistrate of First Class, Warangal, dated 04.04.2017.

5. Crl.R.C.No.3056 of 2018 is filed under Sections 397 and 401 of Code of Criminal Procedure, 1973, by the petitioner/accused No.2 aggrieved by the judgment, dated 02.04.2018, passed in Crl.A.No.56 of 2017 by the Principal Sessions Judge, Warangal, while confirming the conviction and sentence of simple imprisonment for a period of ten months and to pay a fine of Rs.50/-, in default to suffer simple imprisonment for a period of one month, for the offence punishable under Section 379 I.P.C, set aside the conviction and sentence of ten months simple imprisonment along with fine of Rs.50/- for the offence punishable under Section 356 I.P.C imposed against the petitioner/accused No.2 in C.C.No.705 of 2016 on the file of IV Additional Judicial Magistrate of First Class, Warangal dated 27.03.2017.

6. Heard the learned Counsel for the revision petitioner/A-2, learned Additional Public Prosecutor representing the respondent-State and perused the entire material available on record.

7. When the matter was taken up for hearing, this Court vide order, dated 04.04.2019, directed the Registry to address a letter to the Superintendent of Central Prison, Warangal, to state whether the revision petitioner herein undergone what period in the respective four case of the sentence imposed, which is subject matter of the revisions, and whether, as contended by the learned counsel for the revision petitioner, the period already undergone and if so whether endorsement of release passed or he is continuing in illegal detention unless required in any other case.

8. As per the directions of this Court, the Superintendent of Jails, Central Prison, Warangal, submitted a report on 11.04.2019, which reads as under:

Sl. No.	Case No.	Remand period	Date of Judgment
1.	C.C.No.440 of 2016 (Crl.A.No.54 of 2017)	20.06.2016 to 23.09.2016 Total= 96 days.	04.04.2017
2.	C.C.No.522 of 2016 (Crl.A.No.55 of 2017)	22.06.2016 to 22.09.2016 Total = 93 days.	27.03.2017
3.	C.C.No.705 of 2016 (Crl.A.No.56 of 2017)	11.06.2016 to 22.09.2016 Total = 104 days.	27.03.2017
4.	C.C.No.706 of 2016 (Crl.A.No.57 of 2017)	11.06.2016 to 22.09.2016 Total = 104 days.	27.03.2017

9. Today, when the matter is taken up for hearing, Smt M.Bhagyasri, learned Legal Aid Counsel, appearing for the revision petitioner/accused No.2, has brought to the notice of this

Court that aggrieved by the judgments in the aforesaid Calendar Cases, the petitioner filed separate appeals vide CrI.A Nos.54, 55, 56 and 57 of 2017 on the file of Principal Sessions Judge, Warangal, whereby the learned Judge confirmed the conviction and sentence imposed the trial Court by separate judgments, dated 02.04.2018. She further stated that from the date of judgments i.e., 02.04.2018 passed in all the Criminal Appeals, the revision petitioner/A-2 is in jail and she also filed a Memo to that effect, which reads as under:

Case No.	Remand period	Total No. of days the petitioner is in jail after the date of conviction in the Criminal Appeals i.e. from 02.4.2018	Total No. of days the petitioner is in jail till today.
CrI.A.No.54 of 2017	96 days	595 days	691 days
CrI.A.No.55 of 2017	93 days	595 days	688 days
CrI.A.No.56 of 2017	104 days	595 days	699 days
CrI.A.No.57 of 2017	104 days	595 days	699 days

10. Learned Counsel further submitted that the learned Principal Sessions Judge, Warangal, in three appeals convicted the petitioner/accused No.2 for a period of 11 months and in one appeal for a period of 10 months. She finally submitted that the petitioner/accused No.2 in jail more than the sentence imposed by

the learned Sessions Judge and hence, she prays for release of the revision petitioner/accused No.2 from judicial custody forthwith.

11. As seen from the material available on record, the revision petitioner/accused No.2 has already undergone the sentence of imprisonment imposed against him by the trial Court, which was confirmed by the appellate Court in the aforesaid appeals and that he is in judicial custody since 02.04.2018.

12. Having regard to the same and considering the submission made by the learned Legal Aid Counsel appearing for the revision petitioner/A2 as well as the learned Additional Public Prosecutor appearing for the respondent/State, the Criminal Revision Cases are disposed with a direction to release the revision petitioner/accused No.2 from the judicial custody forthwith. The learned IV-Additional Judicial Magistrate of First Class, Warangal, shall communicate the same to the jail authorities, Warangal, with a direction to release the revision petitioner/accused No.2 forthwith, if he is not required in any other crime or case.

13. The Legal Aid counsel is entitled to receive the remuneration in accordance with rules.

Miscellaneous petitions, if any, pending in these criminal revision cases shall stand closed.

JUSTICE G.SRI DEVI

16th November, 2019

Note:

Registry is directed to
Communicate the order copy
Forthwith.

(B/o)
YVL

THE HON'BLE JUSTICE G.SRI DEVI



CRL. R.C.Nos. 2951, 2952, 2974 and 3056 of 2018

Date:16.11.2019

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