

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY, THE TWENTY SIXTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE NO: 471 OF 2011

Criminal Revision case Under Section 397 & 401 CrI.P.C Against the Judgment in CrI.A.No. 9/2009, Dated 24-2-2011 on the file of the Court of the Special Judge for trial of offences under SC/ST (POA) Act-Cum-V Additional District Sessions Judge, Medak at Sangareddy. Preferred against the Order in SC. No. 467 of 2008, Dated 27-01-2009 On the file of the Court of the Assistant Sessions Judge at Zaheerabad.

Between:

Akkamolla @ Kasagall David, S/o Papaiah, Aged 37 years, Occ: Coolie, R/o Mardi Village, Kalher Mandal, Medak Dist.

...PETITIONER/APPELLANT/ACCUSED

AND

The State of A.P., through Rep. by its Public Prosecutor, High Court of Andhra Pradesh, Hyderabad.

...RESPONDENT/RESPONDENT/COMPLAINANT

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Revision Case and upon hearing the arguments of Sri P. Sriharinath, Advocate for the Petitioner and of the Public Prosecutor on behalf of the Respondent.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE No.471 OF 2011

JUDGMENT:

This revision is filed by the petitioner challenging the Judgment of the V Additional District & Sessions Judge, Medak at Sangareddy in CrI.A.No.9 of 2009, dt.24.02.2011, modifying the conviction imposed by the Assistant Sessions Judge, Zaheerabad, in S.C.No.467 of 2008 dt.27.01.2009.

2. The revision petitioner was convicted by the learned Assistant Sessions Judge, Zaheerabad, for the offence under Section 354 and 323 of the Indian Penal Code.

3. The victim who was examined as PW1 stated that she went to witness a drama in the village along with her son. After witnessing the drama, she came back to her house around 10.00 P.M. His son did not accompany her for the reason of playing with other children. While, she was going towards Pochamma temple in the dark in search of her son, the accused came across and asked to fulfill his desire. The victim (PW1) refused and then the accused caught hold of her hands and beat her. She sustained an injury as the petitioner beat on her stomach with his legs.

4. The learned Assistant Sessions Judge found that the deposition of PW1 is convincing and accordingly convicted the petitioner.

5. The learned Additional Sessions Judge, Medak, finds no infirmity in the finding of the learned Assistant Sessions judge and confirmed the conviction, however, reduced the sentence of the Rigorous Imprisonment to a period of two years under Section 354 of the Indian Penal Code by setting aside the sentence of Rigorous Imprisonment of 5 years and sentenced to one year under Section 323 of the IPC by imposing a fine of Rs.1,000/-.

6. As seen from the evidence of PW1, the petitioner insisted her to fulfill his desire and when she refused, the petitioner beat PW1 and in the said process she sustained injury. Asking the victim (PW1) to fulfill his desire would fall under Section 509 of the Indian Penal Code for making adverse comments and also intruding upon the privacy of a woman.

7. Thereafter, the petitioner had beaten her with legs on her stomach. The said act even according to the petitioner was not with an intent to outrage her modesty but for refusing to fulfill his desire.

8. In the said circumstances, the offence of Section 323 is also attracted.

9. For the aforementioned reasons, the petitioner is convicted for the offence under Sections 509 and the conviction under Section 354 of the Indian Penal Code is set aside. However, the petitioner shall undergo imprisonment of three months for the offence under Section 509 of the Indian Penal Code and 323 of the Indian Penal Code.

10. Accordingly, the Criminal Revision Case is partly allowed. The concerned Court shall cause appearance of the petitioner and send him to prison to serve out the sentence.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- I. NAGALAKSHMI
DEPUTY REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The Special Judge for Trial of offences under SC/ST (POA) Act-Cum-V Additional District Sessions Judge, Medak at Sangareddy.
2. The Assistant Sessions Judge at Zaheerabad
3. The Station House Officer, Sirgapur Police Station.
4. Two CCs to Public Prosecutor, High Court of Telangana. [OUT]
5. One CC to SRI. PALLE SRIHARINATH Advocate [OPUC]
6. Two CD Copies

VH

HIGH COURT

KS, J

DATED: 26/12/2022

ORDER

CRLRC.No.471 of 2011



Partly allowing the Crl.R.C

⑧ VW
21/1/23