

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL REVISION CASE No.134 OF 2013

ORDER:

This criminal revision case is filed by the petitioner-appellant-accused against judgment dated 17.01.2013 in CrI.A. No.28 of 2012 on the file of the Principal Sessions Judge, Medak at Sangareddy, confirming the judgment dated 20.07.2012 passed in CC No.195 of 2009 by the Judicial Magistrate of First Class, Excise Court, Sangareddy.

2. The case of the prosecution in brief was that on the intervening night of 31.12.2017/01.01.2008 while one N. Sanjeev, Police Constable of P.S. Ramchandrapuram, along with Home Guard-Yadagiri was attending the patrolling duty at MIG Phase-II and when they reached in front of the house of one Ravinder, Ward Member at about 2.15 hours, found the said Ravinder, Srinivas Reddy, Ward Member of Thellapur village and some persons quarrelling in drunken condition and when they tried to stop, Srinivas Reddy (accused) abused them in filthy language and gave a fist blow on the nose of the Home Guard-Yadagiri due to which blood oozed heavily. When the Police Constable tried to stop them, they also pushed him, due to which he fell down in the pit. Meanwhile, Rakshak jeep came to the spot and shifted the accused to P.S., R.C. Puram. At the police

station also, the accused damaged the reception counter. Therefore, said N. Sanjeev, Police Constable, lodged a report. Basing on the said report, Crime No.1 of 2008 was registered for the offences under Sections 353, 323 and 427 IPC against the accused and after completing the investigation, charge sheet was filed by the police.

3. The case was taken cognizance by the Additional Judicial Magistrate of First Class, Sangareddy. The same was numbered as CC 44 of 2008 and subsequently, transferred to the court of Judicial Magistrate of First Class, Special Excise Court, Sangareddy and was re-numbered as CC 195 of 2009. The prosecution examined PWs.1 to 9 and got marked exs.P1 to P4.

4. On considering the evidence of the witnesses on record and the documents marked, the trial court found the accused not guilty for the offence under Section 427 IPC and acquitted him for the said offence, but found the accused guilty of the offences under Sections 353 and 323 IPC and sentenced him to undergo simple imprisonment for a period of six months for the said offences.

5. Aggrieved by the conviction and sentence inflicted against him, the accused preferred an appeal. The said appeal was decided by the

Principal Sessions Judge, Medak at Sangareddy vide Crl.A. No.28 of 2012.

On re-appreciating the evidence, the Principal Sessions Judge dismissed the appeal confirming the conviction and sentence imposed by the trial court.

6. Aggrieved further, the petitioner-appellant-accused preferred this revision contending that the courts below believed the evidence of the police witnesses PWs.1 to 5, 7 and 9. Their evidence was interested. Their testimony was not corroborated by the evidence of the panch witnesses- PWs.4 and 6 and these witnesses turned hostile. The courts below failed to see that the prosecution failed to prove the guilt of the accused beyond reasonable doubt. The prosecution failed to mention with whom the accused was quarrelling at the alleged time of incident. No independent witness of the locality had come forward to depose. The police foisted a false case. The courts below failed to appreciate the contradictions in proper perspective. There were contradictions with regard to the apprehension of the accused also. While the witnesses PWs.1 to 5, 7 and 8 stated that they apprehended the accused in the night hours at about 2.15 AM and he was brought to the police station and there also the accused created galata, the Investigating Officer stated that he apprehended the accused on 01.01.2008 at 8.00 PM. No injuries were sustained by PW.1,

which would show that his deposition was false. PWs.3, Y. Ravinder had not stated anything about the accused quarrelling with the Police Constable or the Home Guard and prayed to allow the revision case by setting aside the judgment in the criminal appeal.

7. Heard learned counsel for the petitioner-accused and the learned Public Prosecutor.

8. Learned counsel for the accused argued in a similar manner as contended by him in the grounds of revision.

9. The learned Public Prosecutor submitted that the concurrent findings of conviction recorded by the trial court as well as the appellate court would not require any interference. The evidence of the witnesses was cogent and consistent with regard to the assault committed by the accused, as well as the injuries sustained by PW.2. The evidence of PW.8- Doctor corroborated with the evidence of the witnesses and the medical certificate marked as Ex.P.4 would prove the injuries sustained by PW.2, and prayed to dismiss the criminal revision case and to uphold the orders of the courts below.

10. In exercise of revisional jurisdiction, the High Court in the absence of perversity could not upset the concurrent factual findings. It is not for the revisoinal court to re-analyze and re-interpret the evidence on record. The scope of interference in a revision petition is extremely narrow. The court in revision would consider the material only to satisfy itself about the legality and propriety of findings, sentence or order. It is also well settled that while considering the legality, propriety or correctness of findings, normally, the revising court would not dwell at length upon the facts and evidence of the case.

11. The trial court considered the evidence of PW.1-Complainant, who was also an eye witness to the incident and stated about the accused beating PW.2-Home Guard by fisting on his nose due to which he sustained a bleeding injury and that when he intervened in the matter, the accused also dragged him holding his legs and made him fell down and he informed Rakshak incharge and they came there and shifted the accused to the police station and there also the accused damaged the reception counter.

12. PW.2-injured also stated about the accused beating him on his face when they were enquiring about the incident in the night that occurred

in front of the house of Ravinder and when PW.1 intervened, the accused also made him fell down and dragged him and obstructed them in discharging their duties and abused them in filthy language and with the help of Rakshak people, they brought the accused to the police station and the accused also damaged the reception counter in the police station. He stated that he was referred to Saidurga Hospital for treatment.

12. PW.3, Y. Ravinder, also stated about the patrolling party directing them not to make any noise and upon that an argument took place between the accused and the police and then the police took the accused with them. His evidence also would corroborate with the evidence of PWs.1 and 2 that some argument took place between the accused and the police in front of his house at the alleged time of the incident. Though he had not stated about the accused fisting PW.2 on his nose, his evidence would support the evidence of PWs.1 and 2 on other aspects.

13. PW.7 is the Assistant Sub-Inspector of Police, who stated that he was on duty in the police station on that night and PWs.1 and 2 brought the accused to the police station and the accused made some galata in the police station and damaged the table and abused the police in filthy language.

14. The evidence of doctor, who treated the injured also would corroborate with the evidence of PWs.1 and 2. He stated that he found a contusion on right cheek, blunt injury on abdomen and contusion to nasal bridge, with swelling and deformity.

15. Thus, the evidence of the witnesses is cogent and consistent with regard to the alleged incident and the accused assaulting and beating the Police Constable and the Home Guard on duty and causing injuries to PW.2.

16. The contention of the learned counsel for the petitioner that no independent witness came forward to depose is not correct as PW.3 is an independent witness and his evidence also corroborated with the evidence of PWs.1 and 2. Just because PWs.1 and 2 happened to be the police constable and home guard, and PW.7 being an ASI, their evidence need not be dis-believed, because there was no reason or enmity for them to depose against the accused. The injuries sustained by PW.2, which were supported by the evidence of PW.8-Doctor and the medical certificate marked as Ex.P.4 would prove the genuinity of the prosecution case.

17. The trial court as well as the appellate court rightly appreciated the evidence of the witnesses and arrived at the conclusion of the guilt of

the accused for the offences under Sections 353 and 323 IPC. As such, this Court does not find any reason to interfere with the conviction and sentence passed by the courts below.

18. In the result, the Criminal Revision Case is dismissed confirming the Judgment dated 17.01.2013 passed in Crl.A. No.28 of 2012 by the Principal Sessions Judge, Medak at Sangareddy, whereby the appellate court confirmed the judgment of conviction and sentence, dated 20.07.2012, passed in CC No.195 of 2009 by the Judicial Magistrate of First Class, Excise Court, Sangareddy. The bail granted to the petitioner-accused shall stand cancelled. The petitioner-accused is directed to surrender before the court below forthwith and in case he fails to do so, the court below is directed to take steps in accordance with law to take him into custody.

Pending miscellaneous petitions, if any, shall stand closed.

September 21, 2022
KTL

Dr. G. RADHA RANI, J