

HONOURABLE JUSTICE G. SRI DEVI

CRL.R.C. No. 1731 of 2008

JUDGMENT:

This Criminal Revision Case is directed against the judgment of the learned II Additional District and Sessions Judge (FTC) Medak in Crl.A.No.29.10.2008, whereby the learned Judge dismissed the appeal confirming the conviction and sentence imposed against the revision petitioner for the offence punishable under Section 304-A of I.P.C., by the Judicial Magistrate of First Class, Spl. Mobile at Medak in C.C.No.168 of 2006, dated 18.01.2008.

2. The revision petitioner is the accused before the trial Court and a charge sheet has been filed against him before the trial Court for the offence punishable under Section 304-A of I.P.C., alleging that on 02.10.2005 he drove the Swaraj Mazda bearing No.AP 29 T 7776 in a rash and negligent manner at high speed and dashed one cyclist N.Bangaiah at Mambojipally Village, due to which said N.Bangaiah, succumbed to injuries while undergoing treatment in Gandhi Hospital, Secunderabad.

3. On a perusal of the entire evidence, both oral and documentary, the trial Court found the accused guilty of the offence punishable under Section 304-A of I.P.C. and accordingly convicted and sentenced him to undergo simple imprisonment for six months.

4. In an appeal preferred by the revision petitioner/accused the appellate Court, on reappraisal of the entire evidence, confirmed the conviction and sentence recorded by the trial Court. Aggrieved by the same, the revision petitioner/accused preferred this criminal revision case.

5. Heard learned Counsel for the revision petitioner/accused, the learned Assistant Public Prosecutor for respondent-State and perused the material available on record.

6. The revisional jurisdiction of the High Court is limited and only in cases where there appears a manifest illegality or injustice, or the order suffers from any error of law, the High Court would be justified in exercising its revisional jurisdiction.

7. In the instant case, there is a concurrent finding of both the Courts below that the revision petitioner was the driver of the crime vehicle and he drove the vehicle in a rash and negligent manner and dashed against the deceased cyclist, as a result of which, the deceased received fatal injuries and died while undergoing treatment. Therefore, no interference is warranted as far as the conviction is concerned. But with regard to the sentence, it may be noticed that the offence took place in the year 2005 and almost 17 years have passed. In the circumstances of the case, the ends of justice will be met if the revision petitioner/accused is sentenced to pay a fine of Rs.5,000/- for the offence punishable U/s.304-A of I.P.C. in lieu of simple imprisonment for six months.

8. Hence, confirming the conviction of the revision petitioner/accused for the offence punishable under Section 304-A of I.P.C. and the sentence of one year simple imprisonment is set-aside and the accused is sentenced to pay a fine of Rs.5,000/-, in default to suffer simple imprisonment for six months. Further, the revision petitioner shall also deposit a sum of Rs.10,000/- towards costs within a period of four weeks

from the date of receipt of a copy of this judgment. Out of which Rs.5,000/- shall go to the Director, Sainik Welfare Fund, Hyderabad and Rs.5,000/- shall go to the Telangana High Court Advocates' Association.

9. With the above modification, the Criminal Revision Case is disposed of.

10. Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE G. SRIDEVI

22.03.2022
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