

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL APPEAL NOS.589 AND 620 OF 2010****COMMON JUDGMENT:**

These two Criminal Appeals are filed under Section 374(2) of Code of Criminal Procedure (for short "Cr.P.C.") by the appellants/accused Nos.1 and 2 aggrieved by the conviction recorded by the learned III Additional Metropolitan Sessions Judge, Hyderabad in Sessions Case No.544 of 2009 dated 30.03.2010 convicting the accused Nos.1 and 2 for the offence punishable under Section 382 of Indian Penal Code and sentence of rigorous imprisonment for a period of six months each.

2. Since the appellants are Accused Nos.1 and 2 in the same Sessions Case No.544 of 2009, both the criminal appeals are heard together and disposed off by this common judgment.

3. The case of the prosecution is that Accused Nos.1 and 2 on 10.02.2009 allegedly snatched the hand bag of the *de facto* complainant namely Divya. In the said hand bag there was an amount of Rs.200/-. When the appellants snatched the bag and were trying to flee in the auto, the persons on the road caught hold of the appellants and handed over in the police station.

4. Learned Sessions Judge having examined the witnesses PWs 1 to 3, marking Exs.P1 to P4 on behalf of the prosecution and MOs 1 and 2, found the appellants/Accused Nos.1 and 2 guilty of the offence under Section 382 of IPC.

5. The victim/*de facto* complainant namely Divya was not examined before the Court, however, the learned Sessions Judge came to the conclusion that the appellants were guilty for the offence under Section 382 of IPC for the reason of they being caught at the scene and were handed over to the police on the very same day. In the said circumstances, the learned Sessions Judge found that the evidence of bystander PW1 was consistent with the case of prosecution and the evidence of PW1 that these appellants were caught after they snatched hand bag of the complainant namely Divya cannot be suspected.

6. The learned Sessions Judge having gone through the evidence on record and the way in which the incident occurred, found that the appellants were not guilty for the offence under Section 354 of IPC.

7. As seen from the evidence on record, no grounds are made out to find fault with the order of acquittal under Section 354 of IPC.

Further, the prosecution has not preferred any appeal against the acquittal of the appellant under Section 354 of IPC.

8. Admittedly there was an incident which occurred on the said date and the appellants were caught while trying to flee from the scene, after snatching the bag from the complainant namely Divya.

9. For the said reasons, I do not find any illegality in the order of the learned Sessions Judge convicting the appellants for the offence under Section 382 of IPC. However, the incident is of the year 2009, nearly fourteen (14) years have elapsed since the date of incident. The police seized Rs.100/- as the amount which was allegedly committed theft by the appellants. However, keeping in view the distance of time since the date of incident and the appellants underwent imprisonment during the course of investigation, this Court deems it appropriate to reduce the sentence of imprisonment of the appellants to the period already undergone.

10. Accordingly, both the Criminal Appeals are partly allowed reducing the sentence of imprisonment of the appellants to the period already undergone.

Miscellaneous applications, if any pending in these criminal appeals, shall stand closed.

Date: 10.10.2022
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K.SURENDER,J