

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

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

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE NO: 851 OF 2022

Criminal Revision Case filed Under Sections 397 and 401 of Cr.P.C aggrieved by the Judgment dated 08/12/2022 in CrI.Appeal No.56 of 2022 on the file of the Court of the Principal Sessions Judge, at Hanumakonda, (old CrI.A.No.236 of 2019 on the file of the Court of the Principal Sessions Judge, Karimnagar confirming the Judgment dated 03.10.2019 in CC.No. 387 of 2014 on the file of the Court of the I Additional Judicial Magistrate of First Class, Husnabad.

Between:

Bhukya Sammaiah, S/o. Ramaswamy, Aged about 33 years, Occ. Driver, R/o.Errabelli Thanda, H/o.Errabelli, Hanumakonda District

...Petitioner

AND

The State of Telangana, represented by its Public Prosecutor, High Court of Judicature of Telangana, at Hyderabad

...Respondent/State

IA NO: 2 OF 2022

Petition under Section 397 (1) Cr.P.C praying that in the circumstances stated in the Memorandum of grounds filed in support of the Criminal Revision Case, the High Court may be pleased to suspend the sentence of imprisonment made in Judgment dated 08.12.2022 made in Criminal Appeal .No.56 of 2022 on the file of the Court of Principal Sessions Judge, at Hanumakonda, which was passed in confirming the conviction as well as sentence of imprisonment made in Judgment dated

03.10.2019 in CC.No. 387 of 2014 on the file of the Court of the I Additional Judicial Magistrate of First Class, Husnabad, and release the petitioner on bail, pending disposal of the above Criminal Revision Case.

Counsel for the Petitioner: SRI A. PRABHAKAR RAO

Counsel for the Respondent: THE ADDITIONAL PUBLIC PROSECUTOR

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL REVISION CASE No.851 OF 2022****ORDER:**

This Criminal Revision is filed by the petitioner aggrieved by the Judgment dated 08.12.2022 passed in Crl.Appeal No.56 of 2022 (old Crl.Appeal No.236 of 2019 on the file of Principal Sessions Judge, Karimnagar) by the learned Principal Sessions Judge, Hanumakonda, whereby the learned Sessions Judge confirmed the judgment of the learned I Additional Judicial Magistrate of First Class, Husnabad passed in C.C.No.387 of 2014 dated 03.10.2019.

2. Briefly the case of the prosecution is that, the petitioner is an auto driver and the victims PW1 and her daughter PW3 boarded the auto of the accused. In the said Auto while they reached Mallaram Outskirts BT road, the petitioner – Accused allegedly drove the auto in a rash and negligent manner, due to which, the auto turned turtle and PW1 received injury on her left side collar bone. PW2 received injury on her left and right knees. However, one person died while undergoing treatment on the very same day.

3. The trial Court acquitted the petitioner – accused for the offence under Section 304A of IPC, however, found that this

petitioner was guilty for the offences punishable under Sections 337 and 338 of IPC and sentenced accordingly.

4. Heard learned counsel for the petitioner – Accused and learned Additional Public Prosecutor for the respondent-State.

5. On perusal of the material on record, the State has not preferred any appeal against the acquittal of the accused under Section 304A of IPC. Admittedly, the concurrent Courts found that there was no negligent or rash act by this petitioner leading to the death of a person. However, he was found responsible for causing grievous hurt endangering a person's safety.

6. Section 337 of IPC is punishable upto six months or fine and Section 338 of IPC is punishable upto to two years or fine.

7. Learned counsel appearing for the petitioner would submit that lenient view may be taken, since the petitioner is eking out his livelihood by driving an auto and he is the only earning member in the family. Further, his wife and children are dependents upon the petitioner.

8. Keeping in view that the petitioner was not found guilty for the offence punishable under Section 304-A of IPC, however, in the peculiar circumstances of the case, this Court deems it appropriate to reduce the sentence of imprisonment to the period already undergone, subject to the condition that the petitioner shall deposit an amount of Rs.40,000/- before the trial Court within a period of four (04) weeks from the date of this order and upon such depositing the amount, the said amount shall be equally disbursed to the three victims in the said case. However, in the event of the petitioner's failure to deposit the amount of Rs.40,000/- before the trial Court within a period of four (04) weeks from the date of this order, the petitioner-Accused shall undergo sentence of imprisonment for a period of six (06) months.

9. Accordingly, the Criminal Revision is partly allowed.

Miscellaneous Petitions, pending if any, shall stand closed.

Sd/- A.V.S.S.C.S.M.SARMA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Sessions Judge, at Hanumakonda.
2. The I Additional Judicial Magistrate of First Class, Husnabad.
3. Two CCs to the Additional Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to SRI A. PRABHAKAR RAO, Advocate [OPUC]
5. Two CD Copies

PSR

HIGH COURT

KS, J

DATED:19/12/2022

ORDER

CRLRC.No.851 of 2022



CRIMINAL REVISION CASE IS PARTLY ALLOWED

7
[Signature]
22/12/2022