

Bail Slip: The Petitioner / Accused / Appellant was directed to be released on bail by the order of the High Court dated 10-06-2011 in Crl.R.C.M.P.No. 1858 of 2011 in Crl.R.C.No. 1299 of 2011

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

**WEDNESDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL REVISION CASE NO: 1267 OF 2011

Crl. Appeal Under Section 397 & 401 of Cr.P.C. against the Judgment dated 10-06-2011 in Crl.A.No. 80 of 2009 on the file of the Court of the I Additional District Judge at Nizamabad preferred against the order dated 26-08-2009 in C.C.No. 31 of 2004 on the file of the Court of the Judicial Magistrate of First Class, Armoor.

Between:

Thitla Madhu Babu, S/o. Javaram Cashier, Sriram Grameena Bank, R/o. Armoor Village and Mandal, Nizamabad District.

...PETITIONER/ Accused / Appellant

AND

The State Of A.P., Rept. by Public Prosecutor, High Court, Hyderabad.

...RESPONDENT/ Complainant

Counsel for the Petitioner: SMT. D. SANGEETHA REDDY

Counsel for the Respondent: THE PUBLIC PROSECUTOR

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE E. V. VENUGOPAL

CRIMINAL REVISION CASE No.1267/2011

ORDER:

The present criminal revision case is filed against the Judgment in CrI.A.No.80 of 2009, dated 10.06.2011 passed by the learned I Additional District Judge at Nizamabad.

2. The brief facts of the case are that charge sheet has been filed against the petitioner/accused/appellant for the offences punishable under Section 409 IPC. The case of the prosecution is that on 29.11.2022 the complainant by name Boddu Ram Gopal Reddy, Branch Manager of Sri Rama Grameena Bank, Armoor went to the police station and lodged written complaint stating that himself and accused are the joint custodian of Sri Rama Grameena Bank, Armoor Branch and on 26.01.2022 the accused attended cash functions of receipts and payments for the whole day and while closing the cash, found shortage of Rs.4,32,000/- and when enquired with the accused, disclosed that he paid excess amount one of the account holder by name Sri S. Gangareddy having account No.120 and on the same day at

9:00 p.m. left the bank on the pretext that he is going to get back the amount from the account holder but did not return and hence sought for necessary action.

3. Basing on the above complaint, the Sub Inspector of Police has registered the crime and investigated the matter and recorded detailed statements and also seized the original documents pertaining to the cash transactions dated 26.11.2022. On 04.12.2022, the Sub Inspector has arrested the accused and forwarded to the Court for judicial remand. After completion of the investigation the police filed charge sheet which was taken on file as C.C.No.31 of 2004.

4. In support of its case, the prosecution examined PWs.1 to 5 and got marked Exs.P1 to P11.

5. After closure of the prosecution evidence, the accused was examined U/s.313 Cr.P.C. wherein he denied the incriminating circumstances appearing against himself in the evidence on record and pleaded false implication. But, however, did not choose to lead any evidence in defence.

6. After appreciating the oral and documentary evidence on record, the learned Magistrate is not inclined to invoke

P.O. Act. But however, inclined to take lenient view while imposing sentence. The accused found guilty of the offence punishable under Section 409 IPC and he is convicted under Section 248(ii) Cr.P.C. and sentenced to undergo Rigorous Imprisonment for two years and a fine of Rs.3,000/-. In default of payment of fine, the accused shall suffer simple imprisonment for a period of two months.

7. Aggrieved by which, the accused preferred an appeal before the learned I Additional District Judge at Nizamabad, the learned appellate Court after considering the facts and circumstances and upon perusing the Judgment in C.C.No.31 of 2004, has dismissed the appeal and reduced the sentence imposed by the trial Court from two years to one year and in other aspects, the judgment of trial Court holds good. Challenging the same, the present criminal revision case is preferred.

8. Heard learned counsel for the revision petitioner/ accused/appellant as well as the learned Assistant Public Prosecutor appearing for respondent-State. Perused the record.

9. There is concurrent finding of both the Courts below with regard to guilty of the revision petitioner and the learned counsel for the revision petitioner did not place anything before this Court, which would discredit the evidence. Therefore, there is no interference warranted as far as conviction is concerned, but with regard to the sentence, it may be mentioned that the offence took place in the year 2002 and almost 21 years have passed and during this period the revision petitioner must have repented for what he did. In these circumstances and in the interest of justice, it is expedient to reduce the sentence of imprisonment to the period already undergone by the revision petitioner while maintaining the fine imposed by the trial Court.

10. The Criminal Revision Case is dismissed confirming the conviction imposed by the trial Court, which was modified by the appellate Court. However, the sentence imposed by the trial Court to undergo Rigorous Imprisonment for two years and a fine of Rs.3,000/-. In default of payment of fine, the accused shall suffer simple imprisonment for a period of two

months, which was modified by the appellate Court, is set off to the period already undergone by the revision petitioner/accused while maintaining the sentence of fine imposed by the trial Court against the petitioner/appellant/accused.

Pending miscellaneous applications, if any, shall stand closed.

Sd/- T. SRINIVAS
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The I Additional District Judge at Nizamabad.
2. The Judicial Magistrate of First Class, Armoor, Nizamabad.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
4. One CC to SRI. D. SANGEETHA REDDY, Advocate [OPUC]
5. Two CD Copies

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PR



HIGH COURT
DATED: 20/09/2023

ORDER

CRLRC.No.1267 of 2011



DISMISSING THE CRL.R.C.

8
~~11/10/2023~~
17/10/2023