

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

**MONDAY, THE SECOND DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE NO: 943 OF 2007

Criminal Revision Case under Section 397 (1) and 401 of CrPC, aggrieved by the Order dated 28-09-2006 in CrI.A.No. 53 of 2006 on the file of learned 1st Additional Session Judge, Karimnagar, Karimnagar District vide Judgment Dated 01-03-2006 passed in S.C. No. 663 of 2002 on the file of the Assistant Session Judge, Peddapally, Karimnagar District.

Between:

Botuku Sadaiah S/o. Madhunaiah, Age: 25 Years, Occ: Coolie, R/o. Ankampally (M), Karimnagar District.

...PETITIONERS/ACCUSED

AND

The State of A.P., rep. by Its Public Prosecutor, High Court of A.P., Hyderabad.

...RESPONDENT

I.A. NO: 3 OF 2007(CRLRCMP. NO: 1361 OF 2007)

Petition under Section 397 (1) of CrPC praying that in the circumstances stated in the affidavit filed herewith, the High Court may be pleased to suspend the execution of sentence in CrI.A.No. 53 of 2006, dt. 28-9-2006 on the file of the Court of the 1 Addl. Sessions Judge, Karimnagar District in confirming the Judgment in SC.No. 663 of 2002, dt. 1-3-2006 on the file of the Court of the Asst. Sessions Judge, Pedapally and release the petitioner on bail pending disposal of the Criminal Revision Case in this Hon'ble Court.

Counsel for the Petitioner: SRI. G TUHIN KUMAR

Counsel for the Respondent: PUBLIC PROSECUTOR

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE No.943 OF 2007

ORDER:

The petitioner – Accused filed the present Criminal Revision Case questioning the correctness of the concurrent findings of the trial Court and appellate Sessions Court in convicting the petitioner – Accused for the offences under Sections 354 and 506 of Indian Penal Code, under both counts.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State. Perused the record.

3. Briefly the case of the prosecution is that on 31.05.2002 when the victim-PW1 went to attend calls of nature in the outskirts of Pegadapalli Village near Manchi Neella Baavi, the accused went there and caught hold of her hand and dragged her asking her to cohabit with him, however, she escaped. Thereafter, the accused threatened her that he would kill her and her husband, if she did not surrender herself.

4. Learned Assistant Sessions Judge, Peddapalli before whom the trial was conducted examined witnesses i.e. PWs 1 to 3 and marking the complaint as Ex.P1 found that the version of PW1 is to be convincing and accordingly, convicted the petitioner for the offences under Sections 354 and 506 of IPC. On appeal preferred by the Accused, the learned Sessions Judge confirmed the conviction of the lower Court.

5. On perusal of record, PW1 except stating that the petitioner caught hold of her hand and dragged her, there is no allegation or statement made by PW1 that such an act of catching hold of her hand and dragging her hand in any manner outraging her modesty. However, the offence alleged falls within the ingredients of Section 509 of IPC for intruding upon the privacy of a woman.

6. For the said reasons, the conviction under Section 354 of IPC is hereby *set aside* and the petitioner is convicted for the offence under Section 509 of IPC. The conviction under Section 506 of IPC is also maintained. For the reason of the incident occurring in the year 2002 and since more than 20 years have elapsed since the

date of incident, this Court deems it appropriate to reduce the period of sentence to the period already undergone.

7. Accordingly, the Criminal Revision Case is partly allowed.

Miscellaneous Petitions, pending if any, shall stand closed.

Sd/- T. KRISHNA KUMAR
DEPUTY REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The 1st Additional Session Judge, Karimnagar, Karimnagar District
2. The Assistant Session Judge, Peddapally, Karimnagar District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana Hyderabad.
4. One CC to SRI. G TUHIN KUMAR Advocate [OPUC]
5. Two CD Copies

VH

NJB



HIGH COURT

KS, J

DATED: 02/01/2023

ORDER

CRLRC.No.943 of 2007



PARTLY ALLOWING CRL.R.C

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