

BAIL SLIP : The Petitioner/ Accused was directed to be released on bail by the order of the High Court dated. 28-07-2011 in CRLRC.MP. NO: 2304 OF 2011 in CrI.R.C No.1566 of 2011

[3299]

**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: 1566 OF 2011

Criminal Revision Case filed under Section 397 and 401 of CrPC to set aside the Judgment dated 27.07.2011 made in CrI.A No. 83 of 2009 on the file of the court of the II Additional Sessions Judge (FTC), Khammam and thereby allow the revision by acquitting the revision petitioner in the interest of justice.

Between:

Maligireddy Chenna Reddy, S/o Konda Reddy, Driver of RTC Bus No. AP 11Z 895 Staff No.110516, Miryalaguda Depot, Nalgonda Dist. R/o Pangavanikunta, Anumula Mandal, Nalgonda Dist.

...PETITIONER/ACCUSED

AND

The state of A.P., Represented by its Public Prosecutor, High Court of Andhra Pradesh, Hyderabad.

...RESPONDENT

Counsel for the Petitioner: SRI. G BHANU PRASAD

**Counsel for the Respondents: SRI VIZARATH ALI, ASSISTANT
PUBLIC PROSECUTOR**

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE E. V. VENUGOPAL

CRIMINAL REVISION CASE No.1566/2011

ORDER:

The present criminal revision case is filed against the Judgment in CrI.A.No.83 of 2009, dated 27.07.2011 passed by the learned II Additional Sessions Judge (Fast Tract Court), Khammam.

2. The brief facts of the case are that charge sheet has been filed against the petitioner/accused for the offences punishable under Section 304-A IPC. The case of the prosecution is that on 13.02.2006 the deceased Gudipati Ravi and LW.4 Gantala Veerabrahma Chary came to Gurralapadu and attended work at the house of Dumpala Pedda Pullaiah and at about 4 p.m. the deceased was returning on his Hero Punch Motor Cycle No. AP-5-AG-4024 and when he reached near the house of Chilkuri Nagachary on Khammam-Kodad R & B Road, mean time the accused who is the driver of R.T.C. Bus No.AP 11-Z-895 while proceeding to Miryalagudem drove the said bus in a rash and negligent manner and dashed behind the deceased Hero

Punch, resulting which the deceased fell down on the road and sustained severe injury and the injured was shifted to Cure Hospital Khammam for treatment. The deceased succumbed to injuries while undergoing treatment. After completion of the investigation, the police filed charge sheet which was taken on file as C.C.No.122 of 2006.

4. On appearance of accused, copies of documents as required under Section 207 Cr.P.C. were furnished to him. The accused was examined under Section 251 Cr.P.C. The accusation under Section 304-A of IPC was read over and explained to him in Telugu, for which he pleaded not guilty and claimed to be tried.

5. In support of its case, the prosecution examined PWs.1 to 11 and got marked Exs.P1 to P8.

6. Upon hearing the submissions made by the learned counsel on both sides and after appreciating the oral and documentary evidence on record, the learned II Additional Judicial Magistrate of First Class at Khammam (for short 'the trial Court') took a lenient view against the accused. Hence the accused is convicted under Section 255 (2) Cr.P.C. and

sentenced to undergo Rigorous Imprisonment for one year and to pay fine of Rs.1,000/-, in default to suffer Simple Imprisonment for three (03) months. The remand period already undergone is set off under Section 428 Cr.P.C.

7. Aggrieved by which, the accused preferred an appeal before the learned II Additional Sessions Judge (Fast Tract Court), Khammam, (for short 'appellate Court') the learned appellate Court after considering the facts and circumstances and upon perusing the Judgment in C.C.No.122 of 2006, dated 22.07.2009 has dismissed the appeal confirming the conviction and sentence passed by the learned trial Court.

8. Heard learned counsel for the revision petitioner/accused 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/accused and the learned counsel for the revision petitioner did not place anything before this Court, which would discredit the evidence. Therefore, no interference was 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 2006 and almost 17 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 confirmed by the appellate Court. However, the sentence of rigorous imprisonment for one year for the offence under Sections 304-A I.P.C., is reduced 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/- I. NAGA LAKSHMI
DEPUTY REGISTRAR

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SECTION OFFICER

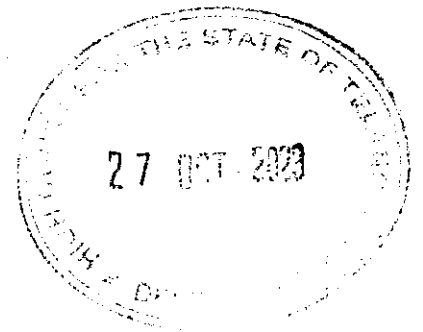
To,

1. The II Additional Judicial Magistrate of I Class, at Khammam
2. The II Additional Sessions Judge (FTC), Khammam
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
4. One CC to SRI. G BHANU PRASAD Advocate [OPUC]
5. Two CD Copies

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HIGH COURT

DATED:20/09/2023



ORDER

CRLRC.No.1566 of 2011

DISMISSING THE CRLRC

8 copies
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16/10/23