

HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE No.1728 OF 2007

ORDER:

This Criminal Revision Case is filed under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner-accused No.3 to set aside the judgment dated 28.08.2007 passed in CrI.A.No.19 of 2006 on the file of Court of III Additional District and Sessions Judge (Fast Track Court), Mahabubnagar at Gadwal, confirming the Judgment dated 28.12.2005 passed in C.C.No.127 of 2002 on the file of Court of Judicial Magistrate of I Class, Atmakur.

2. The case of the prosecution is that this petitioner and two others were responsible for exhibiting obscene untitled movie in Swapna Talkies. For the said reason the police visited the premises and found that this petitioner and two others were complicit of exhibiting such blue films.

3. The learned Magistrate having examined the witnesses PWs.1 to 6 and exhibits P1 to P4 and also film reels which are Mo.1 to Mo.4 found that these petitioners and two others were responsible for committing the offence and accordingly convicted all the three accused.

4. On appeal, it was was partly allowed setting aside the order of conviction under Section 6 of Indecent Representation of Women (Prohibition) Act, 1986. However, conviction for the offence under section 292 of IPC was confirmed.

5. Learned counsel for the petitioner would submit that the petitioner was aged around 19 years when the alleged incident took place and he has nothing to do with the exhibition of said obscene films. The incident is of the year 2001 since nearly 22 years have lapsed for which reason without going into the facts, this Court deems it appropriate to reduce the sentence of imprisonment to the period already undergone. No minimum punishment is prescribed under Section 292 of IPC.

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

Miscellaneous applications pending, if any, shall stand closed.

K.SURENDER, J

Date: 06.01.2023
PSW

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