

BAIL SLIP : The Petitioner/ Accused was directed to be released on bail by the order of the High Court dated 29.04.2011 in CrI.RC.M.P.No. 1491 of 2011 in CrI.R.C.No. 1012 of 2011.

[3299]

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

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

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL REVISION CASE NO: 1012 OF 2011

Criminal Revision Case filed under Section 397 (1) R/w 401 of Cr.P.C., aggrieved by the Judgment dated 19.04.2011 passed in CrI.A.No. 272 of 2010 on the file of the MSH, Hyderabad confirming the Judgment dated 16.07.2010 passed in C.C.No. 300 of 2008 on the file of the XVII Additional Chief Metropolitan Magistrate, Hyderabad.

Between:

A.Chandrasekhar @ Shekar, S/o late A.Bala Raju, Age: 30 years, R/o H.No.1-7-1002/38, Ramnagar, Hyderabad.

**...REVISION PETITIONER/
APPELLANT/ACCUSED**

AND

1. The State of A.P., Represented by its Public Prosecutor, High Court of Andhra Pradesh, Hyderabad. Through the Sub-Inspector of Police, Musheerabad P.S., Hyderabad.
2. Syed Zahaib Mohammed, S/o. Syed Mohammed, Age: 21 years, Occ: Student R/o. H.No. 1-7-631/2/1/B, Second Floor, Flat No. 202, Gemini Colony, Musheerabad, Hyderabad.

...RESPONDENT/DEFACTO COMPLAINANT

Counsel for the Petitioner : Sri A. SAMEER KUMAR

**Counsel for Respondent No.1 : Sri VIZARATH ALI, ASSISTANT PUBLIC
PROSECUTOR**

Counsel for Respondent No.2 : None appeared

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL

CRIMINAL REVISION CASE NO.1012 OF 2011

ORDER:

This Criminal Revision Case is filed by the petitioner /accused under Sections 397 (1) read with 401 of the Code of Criminal Procedure (for short 'Code') aggrieved by the Judgment dated 19.04.2011 passed in Criminal Appeal No.272 of 2010 on the file of the learned Metropolitan Sessions Judge, Hyderabad (for short 'Appellate Court') confirming the Judgment of Conviction and Sentence dated 16.07.2010 passed in C.C.No.300 of 2008 on the file of the learned XVII Additional Chief Metropolitan Magistrate, Hyderabad (for short 'trial Court').

02. Heard learned counsel for the petitioner and Sri Vizarith Ali, learned Assistant Public Prosecutor representing the learned Public Prosecutor for the State-respondent and perused the record.

03. The main accusation against the petitioner is that on 29.09.2007 at about 2100 hours Mr. Syed Zohaib Mohammed-PW1 parked his Bajaj Pulsar Motorcycle bearing No. AP 9 BK 4734 near a temple in Gemini Colony, and at about 2300 hours

he found his vehicle was missing. Basing upon complaint, Police registered a crime and took up investigation.

04. The trial Court upon considering the entire material on record in the form of oral and documentary evidence i.e., PW1 to PW3 and Exs.P1 to P3 and MO.1 and after hearing both sides, found the petitioner/accused guilty for the offence punishable under Section 411 of the Indian Penal Code (for short 'IPC') and accordingly, convicted and sentenced him to undergo Rigorous Imprisonment for six months and to pay a fine of Rs.100/- in default to suffer Simple Imprisonment for a period of 20 days. The Appellate Court vide Judgment dated 19.04.2011 passed in Criminal Appeal No.272 of 2010 confirmed the Conviction and Sentence passed by the trial Court against the petitioner.

05. Aggrieved by the concurrent findings of both the Courts below, the petitioner filed the present Criminal Revision Case alleging that the prosecution case lacks evidence and that the accused was falsely implicated the above crime and that there are several investigation lapses and the seizure of vehicle from the petitioner is not proved and prayed to allow this Criminal Revision Case.

06. On the other hand, the learned Assistant Public Prosecutor for the State submitted that the prosecution proved the guilt of the petitioner for the offence under Section 411 of IPC and the Courts below have rightly convicted and sentenced the petitioner for the offence under Section 411 of IPC and that there is no illegality or irregularity in the findings given by the Courts below and prayed to dismiss this Criminal Revision Case as there are no merits.

07. As seen from the Judgments of the trial Court and Appellate Court, PW1 is the complainant, PW2 is the panch witness and PW3 is the Investigating Officer. PW1 stated that his Bajaj Pulsar Motorcycle bearing No. AP 9 BK 4734 was parked near a temple in Gemini Colony, later he found his vehicle was missing and he lodged a complaint with Police, PW2 was the panch witness before whom the petitioner confessed to have committed the offence and the evidence of PW3 is with regard to the investigation. The evidence of PW1 and PW2 is corroborated by the evidence of PW3 in all respects. It is also stated that the petitioner is a habitual offender. Moreover, the accused never claimed himself as the owner of the bike and failed to give any proper response with regard to the bike which is in his

possession. During the course of cross-examination of the above witnesses on behalf of the petitioner did not gain any support to defeat the case of the prosecution.

08. In the light of the above discussion, it is clear that the petitioner the above said act of the petitioner clearly attracted the ingredients of Section 411 of IPC and accordingly, both the Courts below have rightly convicted the petitioner. The findings of both the Courts below are made on careful and meticulous scrutiny of the entire material available on record and the same does not require any interference by this Court as there is no illegality or irregularity in the said findings.

09. So far as the sentence of imprisonment imposed by the trial Court and confirmed by the Appellate Court is concerned, since from the date of inception of litigation, the petitioner/accused is roaming around the Courts by facing trauma and mental agony and in that view of the matter, this Court takes a lenient view by reducing the sentence of imprisonment to that of period already undergone by the petitioner/accused. However, the fine amount imposed by the trial Court remains unaltered.

10. Accordingly, except the above modification in respect of period of sentence of imprisonment, this Criminal Revision Case in all other aspects is dismissed. The bail bonds of the petitioner shall stand cancelled.

As a sequel, interlocutory applications, if any pending, shall also stand dismissed.

Sd/- M. MANJULA
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The XVII Additional Chief Metropolitan Magistrate, at Hyderabad.
2. The Metropolitan Sessions Judge, Hyderabad.
3. The Station House Officer, Musheerabad Police Station, Hyderabad.
4. The Superintendent, District Jail, Chanchalguda Jail, Hyderabad
5. One CC to Sri A. SAMEER KUMAR, Advocate [OPUC]
6. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
7. Two CD Copies

Njb

VH

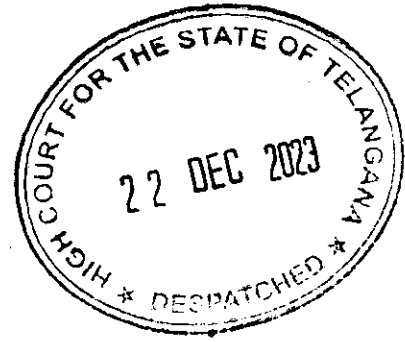


HIGH COURT

DATED:06/09/2023

ORDER

CRLRC.No.1012 of 2011



DISMISSING THE CRLRC

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RMA
06/12/2023