

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

THURSDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL APPEAL NO: 849 OF 2023

Crl.Appeal Under Section 374 (2) of CrI.P.C. against the Judgment dated 11-09-2023 in S.C.No. 239 of 2019 on the file of the Court of the Special Judge for Trial of Cases Under Essential Commodities Act cum III Additional Metropolitan Sessions Judge, Hyderabad

Between:

1. T. Balram, S/o T. Narayana Aged 57 year Occ. Private Service R/o H.no.13-4-239/17, Sabjimandi, Jiyaguda, Hyderabad.
2. T. Chandrakanth, S/o T. Yadagiri Aged 36 years Occ. Vegetable Vendor r/o H.No. 13-4-239/9/33, Kargil nagar, Karwan, Asifnagar, Hyderabad.

...APPELLANTS/ Accused 2 & 3

AND

The State of Telangana, Rep. by Public Prosecutor, High Court, Hyderabad

...RESPONDENT/ Complainant

IA NO: 1 OF 2023

Petition under Section 389 (1) of Cr.P.C. praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the sentence passed in the judgment in SC.No.239/2019 dt.11/9/2023 on the file of learned Special Judge for Trial of cases under Essential Commodities Act cum III Addl. Metropolitan Sessions Judge, Hyderabad (to the extent of it went against the appellants) convicting the appellants/Accused 2 and 3 and sentenced to undergo Simple Imprisonment for Six (6) months and to pay fine of Rs.1,000/- each, in default of payment of fine amount the appellants/accused nos. 2 and 3 shall suffer simple imprisonment for a period of three months each for the offence punishable under sec. 324 of IPC. and enlarge the petitioners on bail pending disposal of appeal in the interest of justice

Counsel for the Appellant: SRI. SUBHASH SINGH

Counsel for the Respondent: THE PUBLIC PROSECUTOR

The Court delivered the following Judgment :

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL APPEAL No.849 OF 2023

JUDGMENT:

Assailing the judgment dated 11.09.2023 in Sessions Case No.239 of 2019 passed by the learned Special Judge for Trial of Cases under Essential Commodities Act-cum-III Additional Metropolitan Sessions Judge, Hyderabad, the appellants, who are Accused Nos.2 and 3 in the said case, preferred the present Criminal Appeal.

2. Vide aforesaid judgment, the Trial Court convicted the appellants/Accused Nos.2 and 3 for the offence under Section 324 I.P.C. The Trial Court directed that the appellants/Accused Nos.2 and 3 are sentenced to undergo Simple Imprisonment for a period of six months and to pay a fine of Rs.1,000/- each and in default of payment of fine to undergo Simple Imprisonment for a period of three months each for the offence punishable under Section 324 I.P.C.

3. The case of the prosecution is that Accused No.1 (died) went along with these appellants, who are Accused Nos.2 and 3, and assaulted the injured PWs 2 and 3.

4. Learned counsel appearing for the appellants would submit that even according to the case of the prosecution and the evidence adduced during the course of trial, it was Accused No.1, who beat PWs 2 and 3 with spanner and caused injuries. The appellants were only present at the scene and no specific overt acts are attributed to the appellants regarding the assault.

5. On the other hand, learned Additional Public Prosecutor would submit that since these appellants were present, it is apparent that all the three accused have conspired to cause injuries to the victims. Accordingly, the conviction cannot be set aside.

6. Since the witnesses, who were examined, did not narrate about any specific overt acts of the appellants in causing injuries to PWs 2 and 3 and in fact, they accompanied Accused No.1 when the assault had taken place, this Court deems it appropriate to reduce the sentence of imprisonment maintaining the conviction against the petitioners for the offence punishable under Section 324 I.P.C.

7. Accordingly, the Criminal Appeal is partly allowed. The sentence imposed on the appellants/Accused Nos.2 and 3 in Sessions Case No.239 of 2019, dated 11.09.2023, by the Special Judge for Trial of Cases under Essential Commodities Act-cum-III Additional Metropolitan Sessions Judge, Hyderabad, is reduced to the period of imprisonment already undergone by the appellants. The bail bonds of the appellants/Accused Nos.2 and 3 shall stand cancelled.

8. Pending miscellaneous applications, if any, shall stand closed.

Sd/- B.S. CHIRANJEEVI,
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Special Judge for Trial of Cases Under Essential Commodities Act cum III Additional Metropolitan Sessions Judge, Hyderabad
2. The XVI Additional Chief Metropolitan Magistrate, Hyderabad,
3. The Station House Officer, Kulsumpura Police Station, Hyderabad,
4. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
5. One CC to SRI. SUBHASH SINGH, Advocate [OPUC]
6. Two CD Copies

kul



HIGH COURT

KSJ

DATED:05/10/2023



JUDGMENT

Criminal Appeal .No.849 of 2023

PARTLY ALLOWING THE CRL. APPEAL

97 Copies

Em
12/12/23