

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE No.1216 OF 2011

JUDGMENT:

This revision is filed by the petitioner/Accused No.2 challenging the Judgment of the Principal Sessions Judge, Warangal, in Crl.A.No.216 of 2010, dt.06.06.2011, confirming the conviction imposed by the VI Additional Judicial Magistrate of First Class, Warangal in CC. No.218 of 2010 (Crime No.168/2010 of Hanamkonda Police Station).

2. Briefly, the case of the prosecution is that the Police have recovered M.O.1 which is a motorcycle pursuant to the confession made by this petitioner in a theft case. The said recovery of M.O.1 is admissible under Section 27 of the Indian Evidence Act.

3. Learned Counsel for the petitioner submits that the witnesses to the panchanama are stock witnesses and they were taken by the Police in number of cases; and that mechanically, the panchas have affixed the signatures on the 'panchanama' without there being any such confession and consequent seizure taking place.

4. Though, the witnesses are stock witnesses, the evidence of the Investigating Officer cannot be brushed aside. For the said

reason, when there is a recovery pursuant to the confession which is admissible under Section 27 of the Indian Evidence Act, this Court does not find any infirmity in the concurrent findings of the Courts below.

5. Further, the incident is of the year 2010. When the petitioner was convicted for three months, at this length of time, counsel for petitioner pleads to reduce the sentence of imprisonment. As seen from the record the petitioner has already undergone 18 days of imprisonment.

6. In the said circumstances, I deem it appropriate to reduce the sentence of imprisonment from three months to the period already undergone.

7. Accordingly, the Criminal Revision Case is partly allowed reducing the sentence of imprisonment of the petitioner to the period already undergone.

Miscellaneous applications pending, if any, shall stand closed.

Dt.:04.01.2023
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K.SURENDER, J

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