

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. 1464 of 2012

Criminal revision filed under Section 397 & 401 Cr.P.C. aggrieved by the order dated 30.07.2012 passed in CrI.A.No.150 of 2010 on the file of the II Additional Sessions Judge at Warangal, preferred against the order dated 09.06.2010 passed in C.C.No.329 of 2009 on the file of the I Additional Judicial First Class Magistrate, Warangal.

Between:

Chintala Arjun Kumar @ Arjun, WS/o. Sambaiah, aged 23 years, Occ: Gumastha, R/o. 11-18-1130/2, Vivekananda Colony, Kashibugga, Warangal.

...Petitioner/Appellant/Accused.

AND

State of A.P., rep. by Public Prosecutor, High Court, Hyderabad.

...Respondent/Respondent/Complainant.

I.A. NO: 1 OF 2012(CRLRCMP. NO: 2260 OF 2012)

Petition under Section 397(1) 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 release the petitioner on bail by suspending the operation of the judgments of the courts below.

Counsel for the Petitioner: Sri T.Damodar.

Counsel for the Respondent: The Assistant Public Prosecutor.

The Court made the following: **ORDER**

THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL

CRIMINAL REVISION CASE NO.1464 OF 2012

ORDER:

This Criminal Revision Case is filed by the petitioner /accused under Sections 397 read with 401 of the Code of Criminal Procedure (for short 'Code') aggrieved by the Judgment dated 30.07.2012 passed in Criminal Appeal No.150 of 2010 on the file of the learned II Additional Sessions Judge, Warangal (for short 'Appellate Court') confirming the Judgment of Conviction and modified the sentence dated 09.06.2010 passed in C.C.No.329 of 2009 on the file of the learned I Additional Judicial First Class Magistrate, Warangal (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 the intervening night of 22/23.06.2009 at RNT Road, Warangal the accused gained entrance into the house of LW1 Thota Mahesh and committed theft of Rs.6,96,000/- from storeroom. Basing upon the complaint, a case in Crime No.143 of 2009 for

the offences punishable under Sections 457 and 380 of the Indian Penal Code (for short 'IPC') was registered.

04. The trial Court, upon considering the entire material on record, in the form of oral and documentary evidence i.e., PW1 to PW6 and Exs.P1 to P6 and MOs.1 to MOs.6 and after hearing both sides, found the petitioner/accused guilty for the offences punishable under Sections 457 and 380 of the IPC and accordingly, convicted and sentenced him to undergo Rigorous Imprisonment for one year and to pay a fine of Rs.300/- for each offence and in default, to suffer Simple Imprisonment for a period of two months for each offence. The Appellate Court vide Judgment dated 30.07.2012 passed in Criminal Appeal No.150 of 2010 confirmed the Conviction, however, modified Sentence from one year to six months for both the offences.

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 in the above crime and that there are several investigation lapses and there are no eyewitnesses and independent witnesses and that the ingredients

for the offences under Sections 457 and 380 of the IPC are 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 Sections 457 and 380 of the IPC and the Courts below have rightly convicted and sentenced the petitioner for the said offences 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 came to know about the missing of cash bag containing Rs.6,96,000/- and Airtel recharge coupons through his mother and lodged a complaint. PW2 is the mother of PW1 who stated that by the time she woke up the backside door was broke opened and she informed the same to PW1. She further stated that prior to one month, a cash of Rs.5,000/- was stolen in Harihara Textiles and on suspicion, the accused along with others were removed from job. PW3 stated that he handed over airtel recharge coupons to PW1 and that on 23.06.2009 PW1 informed him that they were stolen. PW4 is the panch witness

for crime details form and PW5 is the panch witness for confessional and recovery panchanama stated that the accused had confessed the commission of offence and also produced cash bag before the Police. PW6 is the Investigating Officer who deposed with regard to the investigation of the case. 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. The evidence of PW1 to PW3 is corroborated with each other. PW1 had expressed his suspicion over the petitioner in complaint itself. The accused himself confessed about commission of offence before panch witness who was examined as PW5 and the said confession also led to recovery. It is also admitted that previously the petitioner worked under PW1 and he was removed by PW1 as he committed theft of some amount along with others.

09. In the light of the above discussion, it is clear that the above said acts of the petitioner clearly attracted the ingredients of Sections 457 and 380 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 are no illegalities or irregularities in the said findings.

10. So far as the sentence of imprisonment imposed by the trial Court and modified 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.

11. 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/- K.SAILESHI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The II Additional Sessions Judge at Warangal.(with records if any)
2. The I Additional Judicial First Class Magistrate, Warangal.
3. One CC to Sri T.Damodar, Advocate [OPUC]
4. One CC to the Public Prosecutor, High Court Buildings, Hyderabad [OPUC].
5. Two CD Copies

JCK
NS

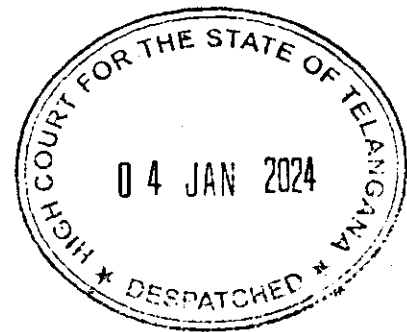
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HIGH COURT

DATED:06/09/2023

ORDER

CRLRC.No.1464 of 2012



Except the modification, this criminal revision is dismissed in all other aspects.

⑧ VVW
23/12/23