

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL APPEAL No.1076 OF 2023

JUDGMENT:

1. The accused Nos.1 and 2 have preferred the present appeal questioning the judgment of finding them guilty dated 28.06.2023 in S.C.No.38 of 2023, passed by the Assistant Sessions Judge, Medchal-Malkajgiri District at Kukatpally. They are found guilty for the offence punishable under Section 324 r/w 34 of IPC and each of them sentenced to suffer Rigorous Imprisonment for a period of two years.

2. Briefly the case against the appellants is that these appellants injured PW1 who is the victim. The reason of the altercation is that while PW1 and others were waiting at Nizampet U Turn, these appellants went there and questioned them as to where they had to go. Appellant No.1 went near them, took the mobile phone and thereafter, there was an altercation. Appellant No.1 attacked with a knife, which was marked as MO2, on the left hand, right hand and right side of chest. Due to the said attack, PW1 received grievous injuries.

3. Learned Assistant Sessions Judge having examined PWs 1 to 10 and marking Ex.P1 to P4 and MOs 1 and 2 found that the appellants were not guilty of offence under Section 307 r/w 34 of IPC however, they were found guilty for causing grievous injuries and punished them to undergo two years of imprisonment under Section 324 r/w 34 of IPC.

4. In the evidence of PWs 1, 2, 3, 4 and 5, they have stated regarding the attack of the appellants. Having gone through their cross examination, I do not find any infirmity with the finding of the learned Assistant Sessions Judge. It was proved by the prosecution beyond reasonable doubt that these appellants had inflicted injuries on PW1.

5. Learned counsel for the appellants would submit that the appellants have been falsely implicated due to previous enmity. However, this Court may consider reducing the sentence of imprisonment since the appellants have undergone 14 months of imprisonment.

6. As seen from the record, the appellants were in jail since 26.10.2022. It is almost 14 months since they are in detention. Since the imprisonment is for a period of two years, this Court

deems it appropriate to reduce the sentence of imprisonment to the period already undergone.

7. Accordingly, the Criminal Appeal is partly allowed. The appellants shall be set at liberty forthwith if they are not required in any other cases.

Miscellaneous applications pending, if any, shall stand closed.

K.SURENDER, J

Date: 22.12.2023
gvl

Note: Dispatch judgment forthwith

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL APPEAL No.1076 OF 2023

22.12.2023