

**BAIL SLIP: The Petitioner/Accused was directed to be released on bail by the order of the High Court dated: 05/09/2011, in CRLRC.MP.No.2674 of 2011 in CRL RC.No. 1781 of 2011**

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

**WEDNESDAY THE FIRST DAY OF NOVEMBER  
TWO THOUSAND AND TWENTY THREE**

**PRESENT**

**THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL**

**CRIMINAL REVISION CASE NO: 1781 OF 2011**

Revision filed under Section 397/401 of CrPC against the judgment dated 25.08.2011 in CrI.A.No.90 of 2010 on the file of the Court of the III Addl. Dist. and Sessions Judge, Karimnagar, confirming the judgment dated 29.07.2010 in C.C.No.313 of 2008 on the file of the Judl. First Class Magistrate, Huzurabad, Karimnagar Dist.

**Between:**

1. JULA KOTI, S/o Sailu, R/o Pogullapalli Village, Kothaguda Mandal, Warangal Dist.

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

**AND**

1. THE STATE OF A.P., Represented by its Public Prosecutor, High Court of Andhra Pradesh, Hyderabad.

**...RESPONDENT/COMPLAINANT**

**I.A. NO: 1 OF 2011(CRLRCMP. NO: 2674 OF 2011)**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the sentence of imprisonment made in the judgment dated 25.08.2011 in CrI.A.No.90 of 2010 on the file of the Court of the III Addl. Dist. & Sessions Judge, Karimnagar, which was passed in confirming the conviction and sentence of the imprisonment in judgment dated 29.07.2010 in C.C.No.313 of 2008 on the file of the Judl. First Class Magistrate, Huzurabad, Karimnagar Dist., and release the petitioner on bail, pending disposal of the CrI.R.C.

**Counsel for the Petitioner(s): SRI. A PRABHAKAR RAO**

**Counsel for the Respondents: PUBLIC PROSECUTOR**

**The Court made the following: ORDER**

**THE HONOURABLE SRI JUSTICE E. V. VENUGOPAL****CRIMINAL REVISION CASE No.1781 OF 2011****ORDER:**

The present Criminal Revision Case is filed against the judgment dated 25.08.2011 in CrI.A.No.90 of 2010 on the file of the learned III Additional District and Sessions Judge, at Karimnagar (for short, "the appellate Court") in confirming the judgment dated 29.07.2010 in C.C.No.313 of 2008 on the file of the learned Judicial Magistrate of First Class, at Huzurabad (for short, "the trial Court").

2. Heard Mr. A. Prabhakar Rao, learned counsel for the petitioner and Mr. Vizarith Ali, learned Assistant Public Prosecutor appearing for respondent State.

3. The averments in the charge sheet were that LW1 Perala Kanakaiah was the resident of Gandhinagar of Kothagudem Mandal. On 07.01.2001 at about 8:00 P.M. his brother Perala Sudharshan, sister-in-law Uma, sister Kandakatla Susheela, her grand daughter Devulpalli Kamalkumar and Monika, Mallela Saraiah left for Godavarikhani in the jeep bearing No.AP-36-U-4157 to bring his wife and child from Godavarikhani. The jeep was driven by the petitioner herein, who is accused No.2. On the

same night he came to know that the jeep in which his brother and others were travelling dashed the stationed lorry bearing No.ABV 1899 in the rear side and met with an accident at the outskirts of Kothagattu Village. His brother and five others died on the spot and others were shifted to hospital. Basing on the said facts, the SI of police registered a case in Cr.No.1 of 2001 under Section 304-A and 337 of I.P.C.

4. Learned counsel for the petitioner contended that there was no evidence on record to show that petitioner drove the vehicle in rash and negligent manner and therefore, the trial Court as well as appellate Court erred in convicting the petitioner for the alleged offences. Therefore, seeks to allow the Revision.

5. Learned Assistant Public Prosecutor contended that the appellate Court after careful scrutiny of the oral and documentary evidence on record rightly passed the impugned judgment and hence, the interference from this Court is unwarranted. Therefore, seeks to dismiss the Revision.

6. The trial Court, on behalf of respondent, examined PWs.1 to 25 and marked Exs.P1 to P31. On behalf of petitioner, none

were examined but Exs.D1 and D2 were marked. The trial Court upon appreciation of oral and documentary evidence found that PWs.2 to 9, who were the circumstantial witnesses and relatives deposed the cause of the death of D1 to D6 was due to the accident. PWs.15, 16 and 18 who were the inquest mediators deposed that inquest was conducted over the dead bodies of the deceased D1 to D6 vide Exs.P6 to P11. Even upon cross-examination of the witnesses, no contradiction worth mentioning has been elicited in their evidence so as to disbelieve the evidence on the aspect of death of deceased D1 to D6.

7. A perusal of Exs.P6 to P11 and P16 (photographs) and their corresponding negatives along with Exs.P13 to 15, Exs.P26 to P28 i.e., Post Mortem Examination report of D1 to D6 reveal that deceased D1 to D6 died due to shock and hemorrhage due to head injury in road accident. Therefore, the prosecution successfully proved the death of deceased D1 to D6 beyond reasonable doubt.

8. On coming to the cause of death of deceased D1 to D6, PW11 who is the passenger in the jeep and an eye witness to the accident categorically deposed that on 07.01.2001 at 11:00 P.M. while proceeding to Godavarikhani and when the jeep reached

near Kothagattu the driver of jeep drove it at a high speed in rash and negligent manner and dashed the stationed lorry on road, due to which, the deceased D1 to D5 died on the spot and D6 died while undergoing treatment at hospital. P11 stated that the accident occurred due to rash and negligent driving of accused No.2 and negligence of accused No.1, who stopped the lorry without taking any precautionary measures. Therefore, the evidence of PW11 remained unshaken and it corroborated with the evidence of PWs.2 to 9.

9. The Motor Vehicle Inspector inspected the lorry as well as the jeep and issued Ex P12 report and deposed that the accident occurred, not due to any mechanical defects, of the said vehicle. His evidence also supports the evidence of PW11. PWs.1 to 9 and these circumstances suggest that the lorry was not parked on the left side of the road and the jeep was being driven by petitioner at a high speed. Therefore, the trial Court observed that the prosecution successfully brought home the guilt of accused Nos.1 and 2 beyond reasonable doubt.

10. Therefore, the trial Court, vide judgment dated 29.07.2010 in C.C.No.313 of 2008 convicted the accused No.1 and sentenced to undergo simple imprisonment for a period of three

months and also to pay a fine of Rs.400/-, in default, to suffer simple imprisonment for 15 days for the offence under Section 304-A of I.P.C. and further sentenced him to pay fine of Rs.100/- in default, to suffer simple imprisonment for three days for offence under Section 337 of I.P.C.

11. Further, petitioner/accused No.2 was convicted and sentenced to undergo simple imprisonment for a period of six months and pay a fine of Rs.500/-, in default, to suffer simple imprisonment for 15 days for the offence under Section 304-A of I.P.C. and further the petitioner is sentenced to pay a fine of Rs.500/- in default, to suffer simple imprisonment for 15 days for the offence under Section 337 of I.P.C.. Both the sentences were to run concurrently and the remand period if any, undergone by both the accused Nos.1 and 2 persons was directed to be set off under Section 428 of Cr.P.C.

12. The appellate Court upon re-appreciating the evidence on record also observed that the death of six persons was caused due to the accident that occurred on 07.01.2001, due to the rash and negligent driving of petitioner/accused No.2 and found no infirmities in the judgment passed by the trial Court.

Therefore, dismissed the appeal and confirmed the judgment passed by the trial Court.

13. As held by the trial Court and the appellate Court, the mode of accident and the identity of the petitioner are proved by the evidence of PWs.2 to 9 and 11. The rash and negligent driving of the petitioner is clinchingly proved by the evidence PW20-Motor Vehicle Inspector, who issued Ex.P.12- MVI report and the cause of death of the deceased persons is being proved by the evidence of PW21-Doctor, who conducted postmortem examination on the dead bodies of the deceased persons and issued Exs.P13 to 15 postmortem report and Exs.26 to 28.

14. This Court while admitting the revision on 05.09.2011, granted interim suspension of the sentence of imprisonment alone, by directing that the petitioner shall be enlarged on bail on his executing a personal bond for a sum of Rs.5,000/- with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate of First Class, Huzurabad, Karimnagar.

15. In the present case on hand, both the Courts have concurrently held that the petitioner is guilty of the offences under Sections.304-A and 337 of I.P.C., which finding, in my

considered view, does not call for interference of this Court in the exercise of revisional jurisdiction under Section 397 Cr.P.C.

16. There are no grounds much less valid grounds to interfere with the well considered judgments of the Courts below and accordingly, this Revision is liable to be dismissed.

17. However, as the petitioner, suffered mental agony and hardship during the course of litigation before the trial Court as well as the appellate Court and as twelve long years have elapsed from the date of filing this Revision, this Court is inclined to take a lenient view and modify the sentence imposed by the appellate Court, while confirming the guilt of the accused for the alleged offences.

18. Therefore, the petitioner/accused No.2 is sentenced to undergo simple imprisonment for a period of three (3) months instead of six months simple imprisonment for both the offences i.e., under Section 304-A and 337 of I.P.C. while giving set off to the period of imprisonment already undergone. The petitioner shall surrender before the trial Court to serve out the remaining period of sentence forthwith. The bail bonds of the petitioner shall stand cancelled.

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19. Except the above modification, the Criminal Revision Case in all other aspects, stands dismissed.

Miscellaneous Petitions, pending if any, shall stand closed.

SD/- M.RAMANA KRISHNA  
DEPUTY REGISTRAR

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SECTION OFFICER

To,

1. The III Addl. Dist. and Sessions Judge, Karimnagar
2. The Judl. First Class Magistrate, Huzurabad, Karimnagar Dist.
3. One CC to SRI. A PRABHAKAR RAO Advocate [OPUC]
4. Two CCs to the PUBLIC PROSECUTOR,(TG),TSHC at Hyderabad [OUT]
5. Two CD Copies

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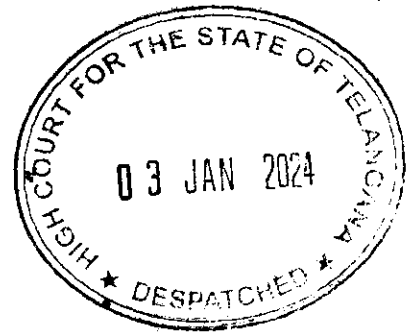
**HIGH COURT**

**EVVJ**

**DATED: 01/11/2023**

**ORDER**

**CRLRC.No.1781 of 2011**



**THE CRIMINAL REVISION  
CASE IS DISMISSED**

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