

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

MONDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL REVISION CASE NO: 2275 OF 2012

Between:

DUBBAKA VENKATAIAH, S/o.Narsaiah R/o.Pedda Madugula (V) Madugul
(M) RR Dist., R/o.Plot No.8, Sai Town Ship, M.S.R.Nagar Colony, Mannegua,
RR Dist.

Petitioner

AND

THE STATE OF A.P., Rep. by its PP.,
High Court of A.P., through police Madgul P.S.

Respondent

Revision filed under Section 397 and 401 of Cr.P.C., praying that in the circumstances stated in the affidavit filed in support of the Criminal Revision Case, the High Court may be pleased to file this criminal revision case against the Judgment and sentence passed in CC No.524 of 2006 dt.14th August 2012, U/s. 304-A IPC Sec 66, 181 of M.V Act on the file of Judl. Magistrate of First Class at Kalwakurthy and consequential Judgement in Cri.A.No.66 of 2012 on the file of sessions Judge, Mahaboobnagar dt.8th November 2012 for the following grounds among other.

IA NO: 1 OF 2012

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 grant Interim suspension of Judgment in CC No.524 of 2006 dt. 14th August, 2012 on the file of Judl. Magistrate of First class at Kalwakurthy and consequential Judgment in CriA No.66 of 2012 dated 08-11-2012 on the file of Sessions Judge, Mahaboobnagar enlarge the petitioner on bail, pending disposal of the revision case.

Counsel for the Petitioner: Sri B. Satish, represented by
Sri T. Rajinikanth Reddy

Counsel for the Respondent: Assistant Public Prosecutor

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE E. V. VENUGOPAL

CRIMINAL REVISION CASE No.2275 of 2012

ORDER:

The present Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C., aggrieved by the judgment dated 08.11.2012 in Cri.A.No.66 of 2012 passed by the learned Sessions Judge, Mahabubnagar (for short 'appellate Court') modified the judgment dated 14.08.2012 in C.C.No.524 of 2006 passed by the learned Judicial Magistrate of First Class, Kalwakurthy (for short 'trial Court').

2. The brief facts of the case are that on 22.07.2006 at 10.00 hours., when the complainant/Smt.Anasuya and his brother-in-law Hanumanthu and his wife padma have attended the cradle ceremony at Madgul Village, on 21.07.2006 at 1 P.M. after attending the function, they left Madgul to go to their village Kudhbaksipally with company of deceased/Anasuya and PW.2 and PW.5 in an auto bearing No.AP22U-9578, when the auto reached near Kulkulpally Village, another auto without number came in opposite direction at high speed and dashed against their auto, due to which his deceased wife fell down on the road and sustained injuries and she was shifted to

Hyderabad and got admitted at Owaisi Hospital, Hyderabad, and while undergoing treatment, she died on 21.07.2006. Basing on the complaint of LW.13, Crime No.56 of 2006 for the offences punishable under Sections 304-A, 66 and 181 of M.V.Act. After the completion of investigation and filing of charge sheet, the same was numbered as C.C.No.524 of 2006 passed by the learned Judicial Magistrate of First Class, Kalwakurthy.

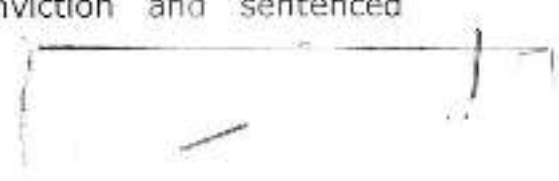
3. During the course of trial, on behalf of the prosecution, PWs.1 to 12 were examined and got marked as Exs.P1 to 6. In defence, there is no evidence adduced on behalf of the petitioner/accused either oral or documentary.

4. After appreciating the oral and documentary evidence available on record, the trial Court convicted petitioner/accused under Section 255 (2) Cr.P.C and sentenced him to undergo simple imprisonment for a period of two (2) years for the offence under Section 304-A IPC and to pay a fine of Rs.500/-, in default of payment of fine, the accused shall suffer further one (1) month simple imprisonment.

5. Aggrieved by the same, the petitioner/accused preferred Criminal Appeal No.66 of 2012 passed by the learned

Sessions Judge, Mahabubnagar, the appellate Court, after re-appreciating of evidence and the material available on record, allowed the appeal in part vide judgment dated 08.11.2012 in Criminal Appeal No.66 of 2012 passed by the trial Court, the appellant/accused sentence to undergo simple imprisonment for a period of two years for the offence under Section 304-A IPC is reduced to a period of six (6) months and the sentence of imposition of fine in respect of offence under Section 181 of M.V. Act needs no interference and it is confirmed. Aggrieved by the same, the petitioner/accused has preferred the present Criminal Revision Case.

6. Learned counsel for the petitioner contended that both the Courts below erred in placing the reliance on the evidence of PWs.3 and 4, who are the circumstantial witnesses and except the deceased none are injured and she fell down on her own but she did not sustain injuries because of the accident. On the other hand, the learned Assistant Public Prosecutor submitted that the trial Court after appreciating the evidence on record in proper perspective, rightly convicted and sentenced the petitioner/accused for the aforesaid offence 304-A IPC and rightly confirmed the conviction and sentenced



recorded by the trial Court and hence no interference is called for by this Court.

7. Heard Mr.B.Satish, learned counsel representing learned counsel for the petitioner/accused and Mr. Vizarath Ali, learned Assistant Public Prosecutor appearing for the respondent/State and perused the record.

8. Learned Assistant Public Prosecutor submitted that the trial Court after careful consideration of the material placed on record passed the impugned order. Therefore, the interference of this Court is unwarranted and therefore seeks to dismiss the revision.

9. A perusal of the record shows that this Court *vide* order dated 15.11.2012 suspended the sentence alone and enlarged the petitioner on bail on condition of his executing a personal bond for a sum of Rs.10,000/- with two sureties each for a like sum to the satisfaction of the trial Court.

10. A perusal of the evidence and the material available on record reveals that there is a concurrent finding of both the Courts below with regard to the revision petitioner/accused about the rash and negligent driving of the auto. Therefore,

this Court is of the considered view that no interference is warranted as far as conviction recorded against the petitioner/accused is concerned. But with regard to the sentence, it is to be seen that the offence took place in the year, 2006 and this revision was filed in the year 2012 i.e. after a lapse of six years. Therefore, taking into consideration the mental agony and hardship suffered by the petitioner/accused for all these years, this Court is inclined to take a lenient view and reduce the sentence of imprisonment to the period already undergone by the revision petitioner/accused.

11. Accordingly, this Criminal Revision Case is disposed of, while confirming the conviction for the offence under Section 304-A IPC, however, the sentence of imprisonment to the period already undergone by the petitioner/accused has been set aside.

Pending miscellaneous applications, if any, shall stand closed.

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Sd/- B. SATYAVATHI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. THE Sessions Judge, Mahaboobnagar
2. The Judicial Magistrate of First Class, Kalwakurthy
3. THE S.H.O., Madgul P.S. (by RPAD) Ranga Reddy District
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
5. One CC to SRI. T RAJINIKANTH REDDY Advocate [OPUC]
6. Two CC COPIES.

HIGH COURT

DATED:18/03/2024

ORDER

CRLRC.No.2275 of 2012



DISMISSING / MODIFYING THE C RL.R.C.

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