

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE NO: 2342 OF 2013

Criminal Revision Case filed under Section 397 and 401 of CrPC against the Judgment dated 18.10.2013 made in CrI.A.No.105 of 2010 on the file of the court of the IV Additional Metropolitan Sessions Judge, at Hyderabad, preferred against the Order passed CC.No.503 of 2005, dated 10-03-2010 on the file of the Court of the VIII Additional Chief Metropolitan Magistrate, Hyderabad.

Between :

Osman Shareef, S/o.Dawood Shareef, Occ Business, R/o. H.No.17-5-540,
Qasim Bowli, Yakuthpura, Hyderabad.

...Petitioner

AND

The State Of A.P. PP, Rep., by its Public Prosecutor, High Court at
Hyderabad.

...Respondent

Counsel for the Petitioner : Sri A.Hariprasad Reddy

Counsel for the Respondent : Assistant Public Prosecutor

The Court made the following : ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER
CRIMINAL REVISION CASE No.2342 OF 2013

ORDER:

This Criminal Revision Case is filed by the revision petitioner-accused aggrieved by the Judgment passed in CrI.A.No.105 of 2010 on the file of the learned IV Additional Metropolitan Sessions Judge, at Hyderabad, confirming the judgment in C.C.No.503 of 2005, on the file of the learned VIII Additional Chief Metropolitan Magistrate, Hyderabad.

2. Heard learned counsel for the revision petitioner and the learned Assistant Public Prosecutor for respondent-State. Perused the record.

3. The revision petitioner was arrayed as accused No.2 and was tried for the offences under Sections 295 and 297 of IPC. Petitioner and his father accused No.3 trespassed into Muslim graveyard and constructed a compound wall, according to the prosecution, which is

an offence of trespass punishable under Indian Penal Code.

4. The learned trial Judge having examined PWs.1 to 7 and marking Exs.P1 and P9, found that both this petitioner and his father-accused No.3 were guilty and sentenced them to one year imprisonment under both counts.

5. In appeal, the learned Sessions Judge found that no offence under Section 295 of IPC was made out. However, while maintaining the conviction under Section 297 of IPC, set aside the imprisonment of accused No.3 and modified into fine. However, the conviction and sentence was maintained as against this petitioner.

6. Learned counsel appearing on behalf of the revision petitioner would submit that when the allegations against both accused No.2 and 3 were the same. The

relief extended by the learned Sessions Court to accused No.3 ought to have been extended to the petitioner also.

7. Having gone through the record, the allegation is that the petitioner and his father had constructed a compound wall which extended into the graveyard. Adequate evidence was placed on record to substantiate the allegation.

8. However, keeping in view that the incident is of the year 2004 and since 20 years have passed by, while maintaining the conviction, the sentence of imprisonment is set aside, however, the fine component is upheld.

9. With the said modification, this Criminal Revision Case is partly allowed.

//TRUE COPY//

Sd/- K. SAILESHI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The VIII Additional Chief Metropolitan Magistrate, Hyderabad
2. The IV Additional Metropolitan Sessions Judge, at Hyderabad. (with records, if any)
3. One CC to Sri A. Hariprasad Reddy, Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD Copies

Svs/gh

[Signature]

HIGH COURT

DATED:04/10/2024

ORDER

CRLRC.No.2342 of 2013



PARTLY ALLOWING THE CRLRC

8 Copies
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