

HIGH COURT FOR THE STATE OF TELANGANA

**TUESDAY, THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE NO: 2015 OF 2009

Criminal Revision Petition filed under Sections 397 & 401 Cr.P.C. aggrieved by the Judgment passed in Criminal Appeal No.118 of 2007, dated 23.11.2009 by the I Addl. Sessions Judge, Adilabad which was confirmed the judgment dated 06.12.2007 passed in SC.No. 330/2004 on the file of the Assistant Sessions Judge, Asifabad.

Between:

BITTUPELLY RAJAM, S/o. Muthaiah, Agriculture, R/o. Chilapelly Mandal -
Sirpur- T

... REVISION PETITIONER/APPELLANT/ACCUSED

AND

THE STATE OF A.P., REP BY PP.,, High Court of A.P.,Hyderabad.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner(s): SRI. N MUKUNDA REDDY *Ravi*

Counsel for the Respondents: PUBLIC PROSECUTOR

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE K. SURENDER
CRIMINAL REVISION CASE No.2015 of 2009

ORDER:

The revision petitioner / appellant / Accused No.1 was convicted by the trial Court for the offence punishable under Section 324 of IPC and confirmed in appeal by the Sessions Court. Aggrieved by the confirmation of conviction the revision petitioner has preferred the present Criminal Revision Case.

2. Briefly the case of the prosecution is that the petitioner/ A-1 and A-2, who is father of A-1, were prosecuted for the offence under Section 307 of IPC. According to the victims / PWs.2 and 3 there were land disputes between the accused and PWs.2 and 3. On 20-06-2004, Accused were sowing seeds in the disputed land. For which reason, when the accused were questioned, then A-1 picked up an axe and hit on the head of PW-2. A-1 also beat PW-3 with stick. Both of them went away and lodged complaint. Police having investigated the case filed charge sheet against the petitioner herein / A-1 and his father was arrayed as A-2.

3. Learned Assistant Sessions Judge having examined PW.1 to 11 and marking Exs.P-1 to P-8 found that the allegation of having an intention to murder was not made out. Accordingly, A-2 was acquitted and A-1 – petitioner herein was convicted for the offence punishable under Section 324 of IPC and sentenced him to undergo simple imprisonment for a period of six months. The learned Sessions Judge concurred with the finding of the trial Court and confirmed the conviction.

4. On behalf of accused Sri H. Venugopal, learned senior counsel Sri N. Mukunda Reddy argued that though on facts it is evident that PWs.2 and 3 received simple injuries, deliberately accused was falsely implicated for the reason of their being land disputes. Police were involved in the case by filing false complaint, to settle the civil disputes.

5. As seen from the evidence though it is alleged that PWs.2 and 3 were beaten with axe and stick, the injuries received by them are simple in nature, which is not disputed by learned Public Prosecutor. However, the fact remains that

there was an altercation and the petitioner attacked PWs.2 and 3, resulting in simple injuries.

6. Keeping in view of the fact that the incident is of the year 2004, nearly 20 years have passed by, quarrel was an outcome of civil disputes in between the parties and further there being no other criminal antecedents of the revision petitioner, the sentence of imprisonment of revision petitioner can be reduced to the period of imprisonment already undergone.

7. Accordingly, this Criminal Revision Case is partly allowed reducing the sentence of imprisonment of revision petitioner / accused No.1 to the period already undergone. The bail bonds, if any, shall stand cancelled.

As a sequel, miscellaneous applications, if any, pending shall stand closed.

Sd/- I. NAGA LAKSHMI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

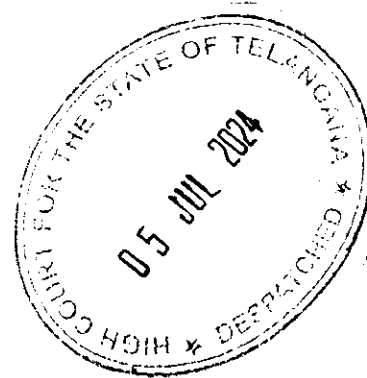
1. The I Addl. Sessions Judge, Adilabad (with records, if any)
2. the Assistant Sessions Judge, Asifabad.
3. One CC to SRI. N MUKUNDA REDDY, Advocate [OPUC]
4. Two CC to THE PUBLIC PROSECUTOR Advocate [OUT]

HIGH COURT

DATED:30/04/2024

ORDER

CRLRC.No.2015 of 2009



PARTLY ALLOWING THE CRLRC

⑧

18/06/24

DM