

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE NO: 1350 OF 2010

Between:

Thota Raghu, S/o Komuraiah, Occ:Business R/o H.No.11-25-928,
Kothawada, Warangal Dist.

...Petitioner/ Appellant/ Accused

And

The State of A.P., Represented by its Public Prosecutor, High Court of Andhra Pradesh, Hyderabad.

...Respondent

Revision filed under Section 397 & 401 of Cr.PC praying that in the circumstances stated in the affidavit filed in support of the CriminalRevisionCase, the High Court may be pleased to present this memorandum of CrI.R.C., being aggrieved by the Judgment dated 23.07.2010 in CrI.A.No.73 of 2010 on the file of the Court of the V Addl. Sessions Judge (II-FTC), Warangal, which was passed in confirming the sentence of imprisonment and conviction made in the Judgment dated 10.03.2010 in C.C.No.514 of 2008 on the file of the Court of the V Addl. Judl. First Class Magistrate at Warangal.

I.A. NO: 2 OF 2010(CRLRCMP. NO: 1953 OF 2010)

Petition under Section 397(1) of CrPC 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 Judgment dt. 23-07-2010 in CrI. Appeal No. 73 of 2010 on the file of the Court of the V Additional Sessions Judge, (II F.T.C.) Warangal, which was passed in confirming the conviction and sentence of imprisonment made in Judgment dt. 10-03-2010 in C.C. No. 514 of 2008 on the file of the Court of the V Additional Judicial I Class Magistrate at Warangal, and release the petitioner on bail, pending disposal of the above CrI.R.C.

Counsel for the Petitioner: SRI A. PRABHAKAR RAO

Counsel for the Respondent: PUBLIC PROSECUTOR

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE K.SURENDER
CRIMINAL REVISION CASE No.1350 of 2010

ORDER:

This Criminal Revision case is filed against the Judgment dated 25.10.2010 in CrLA.No.73 of 2010 on the file of the V Additional Sessions Judge (II-Fast Track Court), Warangal, whereby the conviction recorded against the petitioner/accused for the offences under Sections 304A, 338, 337 and 279 of the Indian Penal Code, 1860 *vide* Judgment dated 03.01.2008 in C.C.No.514 of 2008 on the file of the V Additional Judicial Magistrate of the First Class, Warangal, was confirmed.

2. Heard learned counsel for the revision petitioner as well as learned Assistant Public Prosecutor appearing for the respondent-State and perused the record.

3. Briefly, the case of the prosecution is that on 13.01.2006 one Sri Aluvala Ramesh (hereinafter referred as to 'the deceased') after purchasing bakery items at Warangal, started to Kazipet by boarding an auto bearing No.AP-36V-1387 and when the said auto reached near Mandi Bazar, the driver of the lorry bearing No.AP-36W-2589, who is the petitioner herein, drove the same in a rash and negligent manner at high speed and dashed against the said auto from the opposite side resulting in which the deceased

sustained head injury and severe injuries all over the body. While the deceased was undergoing treatment at M.G.M.Hospital, Warangal, he succumbed to the injuries.

4. Learned Trial Judge had examined PWs.1 to 25 and also Ex.P.1 to P.22 were marked. All the injured in the said accident specifically stated that the driver of the lorry drove the same in a speed and rash manner resulting in which lorry dashed the autos, pan shop and transformer. Having considered the said evidence, the Courts below found that the lorry was driven in a rash and negligent manner resulting in death of one person and injuries to seven persons.

5. The manner in which the accident has taken place clearly indicates that the driving of the petitioner herein was in a rash and negligent manner due to which the lorry dashed against two autos, shops on the road and one transformer resulting in which one person died and several persons sustained injuries.

6. In the said circumstances, there are no grounds to interfere with the findings of the Courts below.

7. Learned counsel appearing on behalf of the petitioner would submit that the petitioner is doing business and he has to look after the welfare of his wife, children and old aged parents.

8. Keeping in view of the fact that there are no other cases which are registered against the petitioner and further he has

dependants to look after, this Court deems it appropriate to reduce the sentence of imprisonment to the period already undergone by the revision petitioner and to enhance the fine component. The petitioner/accused shall pay an amount of Rs.2,20,000/- (Rupees two lakhs and twenty thousand only) as fine before the trial Court under all the counts. In the event of failure by the petitioner to deposit the fine amount within eight (08) weeks from the date of this Order, he shall undergo default sentence for six (06) months.

9. Accordingly, this Criminal Revision Case is allowed in-part.

Pending miscellaneous petitions, if any, shall stand closed.

**SD/-M.RAMANA KRISHNA
DEPUTY REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The V Additional Sessions Judge (II-Fast Track Court) Warangal
2. The V Additional Judicial Magistrate of the First Class, Warangal
3. The Superintendent, Central Jail, Warangal
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad[OUT]
5. One CC to Sri A. Prabhakar Rao, Advocate [OPUC]
6. Two CD Copies



HIGH COURT

DATED:09/09/2024

ORDER

CRLRC.No.1350 of 2010



CRIMINAL REVISION CASE IS ALLOWED IN PART

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05/12/24
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