

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

**WEDNESDAY, THE THIRTY FIRST DAY OF JULY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE NO: 1431 OF 2010

Criminal Revision Case filed under Section 397 and 401 of CrPC to against the Judgment dated 18.06.2010 made in CrI.A.No. 68 of 2009 on the file of the court of the Special Sessions Judge for SC/ST Cases-cum- VII Additional Sessions Judge, at Warangal preferred against the Order passed CC.No.824 of 2008 dt.20.03.2009 on the file of the Court of the V Addl. Judicial First Class Magistrate, Warangal.

Between:

Ponnam Rambadram, S/o. Venkatram Narsaiah, Driver, R/o. Chalvai Village,
Govindaraopet Mandal, Warangal District.

...Petitioner/Appellant/Accused No.1

AND

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

...Respondent

Counsel for the Petitioner : Sri G.Arun Kumar

Counsel for the Respondents : Public Prosecutor

The Court made the following : ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE No.1431 OF 2010

ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner/accused No.1 to set aside the judgment dated 18.06.2010 passed by the learned Spl. Sessions Judge for SC/ST Cases-cum-VII Addl. Sessions Judge at Warangal in CrI.A.No.68 of 2009, confirming the sentence passed by the V Addl. Judicial First Class Magistrate, Warangal in C.C.No.824 of 2008 dated 20.03.2009.

2. Heard Sri G. Arun Kumar, learned counsel for the appellant/accused No.1 and learned Public Prosecutor for the respondent/State. Perused the record.

3. The revision petitioner/accused No.1 was sentenced to suffer rigorous imprisonment for a period of one year and pay fine of Rs.500/-, in default to suffer simple imprisonment for one month for the offence under Section 304-A of IPC and also, he is sentenced to pay fine of Rs.500/-, in default to suffer simple imprisonment for 15 days for the offence under Section 181 of M.V.Act.

The said conviction passed by the Trial Court was questioned before the Sessions Court. The Sessions Court confirmed the conviction recorded by the Trial Court. Aggrieved by the same, the present revision is preferred.

4. Briefly, the case of the prosecution against the accused is that while he was driving DCM van which is offending vehicle bearing No.AHH 3999, he ran over father of PW1 who was on a bicycle. The said accident was witnessed by PW2. According to PW2, on 27.12.2005 around 11am, while he was on the road, the offending vehicle ran over the deceased in a rash and negligent manner. The accident happened within five yards from PW2. Immediately after running over the deceased, the driver stopped the van and he had seen the driver. PW2 identified the accused as the driver of the DCM van before the Magistrate Court.

5. On the basis of the eye witness account of PW2 and other corroborating evidence filed by the prosecution, the Trial Court has convicted the accused. In appeal, conviction was confirmed by the Appellate Court.

6. The learned counsel for the revision petitioner/accused would submit that both the Trial Court and Appellate Court have not appreciated the facts in correct perspective. There is no proof of rash and negligent driving by the accused. Though there is eye witness PW2, his evidence cannot be believed since he is stranger to the accident and there is no Test Identification Parade which has taken place. For the said reason, the conviction recorded has to be set aside.

7. Having gone through the record, both the trial Court and appellate Court mainly placed reliance on the eye witness PW2. PW2 is an independent witness who was present at the scene. Even according to the prosecution, he was the person who called ambulance and also son of the deceased who is PW1. According to him, after the accident, the van was stopped and he has seen the driver who is accused.

8. During the course of cross examination, nothing was elicited to discredit the evidence of identity of accused. Further, the trial Court found that the accused was not holding license to run DCM van. Accordingly, convicted under Section 181 of the M.V.Act. The evidence

placed by the prosecution is convincing regarding complicity of the accused. Accordingly, the conviction is upheld.

9. Keeping in view that the accident is of the year 2005 and nearly 20 years have passed by, this Court deems it appropriate to reduce the sentence of imprisonment of one year for the offence under Section 304-A of IPC to three months. However, the sentence of fine shall remain unaltered. The trial Court shall cause appearance of the accused and send him to prison to undergo the sentence imposed.

10. Accordingly, the Criminal Revision Case is partly allowed.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- M. RAMANA KRISHNA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Special Sessions Judge for SC/ST Cases-cum- VII Additional Sessions Judge, at Warangal.
2. The Vth Additional Judicial First Class Magistrate, Warangal.
3. One CC to Sri G.Arun Kumar, Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD Copies

Svs/DL

HIGH COURT

DATED:31/07/2024

ORDER

CRLRC.No.1431 of 2010



PARTLY ALLOWING THE
CRLRC

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