

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**MONDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL REVISION CASE NO: 663 OF 2013

Criminal Revision Case under Sections 397 and 401 of Cr.P.C to set aside the Judgment and sentence dt 18-7-2012 passed in CrI.A No.7 of 2012 on the file of the court of the Spl. Sessions Judge for trial of Cases under SCs and STs (POA) Act- cum-Addl. Sessions Judge at Khammam, preferred against the Judgment and sentence dt 28-12-2011 passed in C.C.No.527/2010 on the file of the court of the II Addl. Judicial First Class Magistrate, Khammam.

Between:

1. S.K.Saleem @ Addu, S/o Hameed, Aged about 25 years, Occ: Auto Driver, R/o Vikalangula colony (Ramanagutta) Khammam.
2. Sd.Salman, S/o Rahmathulla, Age 20 years, Occ: Auto Driver, R/o Venugopal Nagar Khanapuram of Khammam Urban Mandal.

...Accused/Petitioners.

AND

The State of AP, Rep by its Public Prosecutor, High Court of AP., Hyderabad through SHO., Khammam Rural PS., Khammam District.

...Complainant/RESPONDENTS

Counsel for the Petitioner: SRI. V BRAHMAIAH CHOWDARY

Counsel for the Respondent: ASST. PUBLIC PROSECUTOR

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE E. V. VENUGOPAL

CRIMINAL REVISION CASE No.663 of 2013

ORDER:

The present criminal revision case is filed under Sections 397 and 401 of Cr.P.C aggrieved by the Judgment dated 18.07.2012 in Crl.A.No.7 of 2012 on the file of the learned Special Sessions Judge for trial of cases under SC/STs (POA) Act-Cum-Additional Sessions Judge at Khammam (for short 'the appellate Court') confirming the Judgment dated 28.12.2011 in C.C.No.527 of 2010 on the file of the learned II Additional Judicial First Class Magistrate at Khammam (for short 'the trial Court').

2. The brief facts of the case are that on 01.08.2010, when the complainant stationed his motor cycle bearing No.AP20P 4450 on the road side near Jinkalathanda X road, in order to attend phone call, three persons in an auto came from opposite direction and beaten the complaint and robbed his motor cycle, mobile phone and cash. Hence, the complaint.

3. During the course of trial, on behalf of the complainant, Pws.1 and 8 were examined and got marked Exs.P.1 to P.5. There is no evidence adduced on behalf of the accused either oral or documentary.
4. After appreciating the oral and documentary evidence on record, the trial Court found that the accused guilty of the offences punishable under Section 392 of IPC and sentenced him to undergo Rigorous Imprisonment for a period of two years with fine of Rs.200/-, in default, to undergo simple imprisonment for a period of one month.
5. Aggrieved by which, the petitioners/appellant Nos.1 and 2 preferred Criminal Appeal No.7 of 2012 before the appellate Court, the learned appellate Court after examining the material facts before it and upon considering the trial Court Judgment in C.C.No.527 of 2010 has dismissed the criminal appeal confirming the Judgment and conviction passed by the trial Court. Challenging the same, the present revision is filed.

6. Heard learned counsel for the petitioners, learned Assistant Public Prosecutor appearing for respondent-State and perused the record.

7. There is concurrent finding of both the Courts below with regard to guilt of the revision petitioners/accused Nos.1 and 2 and the learned counsel for the revision petitioners/accused Nos.1 and 2 did not appear and place anything before this Court, which would discredit the evidence. Therefore, no interference is warranted as far as conviction is concerned, but with regard to the sentence, it may be mentioned that the offence took place in the year 2010 and this revision was filed in the year 2013 and almost 03 years have passed and during this period, the revision petitioners/accused Nos.1 and 2 must have repented for what they did. In these circumstances and in the interest of justice, it is expedient to reduce the sentence of imprisonment to the period already undergone by the revision petitioners/accused

Nos.1 and 2 while maintaining the compensation imposed by the trial Court.

8. The Criminal Revision case is dismissed. The conviction imposed by the trial Court as well as appellate Court is confirmed. However, the sentence imposed by the trial Court to undergo Rigorous imprisonment for a period of two years is set off to the period already undergone by the revision petitioners/accused Nos.1 and 2, while maintaining the fine imposed by the trial Court against them.

Pending miscellaneous applications, if any, shall stand closed.

SD/- B. SATYAVATHI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Spl. Sessions Judge for trial of Cases under SCs and STs (POA) Act-cum-Addl. Sessions Judge at Khammam.
2. The II Addl. Judicial First Class Magistrate, Khammam.
3. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad [OUT]
4. One CC to SRI. V.BRAHMAIAH CHOWDARY Advocate [OPUC]
5. Two CD copies.

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HIGH COURT

DATED: 11/03/2024

ORDER

CRLRC.No.663 of 2013



CRL RC IS DISMISSED.

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