

BAIL SLIP : The Petitioner/ Accused was directed to be released on bail by the order of the High Court dated.25.07-2011,in Crl.RC.M.P.No.2230 of 2011 in Crl.R.C No.1529 of 2011.

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: 1529 OF 2011

Revision filed under Section 397 & 401 of Cr.P.C., aggrieved by the order and sentence dt.16-6-2011,passed by the Metropolitan Sessions Judge, Cyberabad, at L.B.Nagar,Hyderabad,in Crl.A.No.41 of 2010 of 2011, confirming the Judgment and order of conviction passed by the II Metropolitan Magistrate for Railways at Secunderabad,dt.19-3-2010,in C.C.No.11 of 2009.

Between:

MOHAMMED RASHEED,S/o Mohd. Shajahan. Business, R/o H.No.1-8-1-41/J/39, Samatha Colony, Toli Chowki, Hyderabad.

...PETITIONER(S)

AND

1. The State of A.P., Rep. By its Public Prosecutor, High Court of A. P., at Hyderabad.
2. Inspector of Police, Railway Protection Force, Moula Ali.

...RESPONDENTS

Counsel for the Petitioner :SRI M.KARUNA SAGAR

Counsel for the Respondent No.1 : PUBLIC PROSECUTOR (TG)

Counsel for the Respondent No.2 : NONE APPEARED

The Court made the following : ORDER

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE No.1529 of 2011

ORDER:

This Criminal Revision case is filed against the Judgment dated 16.06.2011 passed in CrI.A.No.41 of 2010 on the file of the Metropolitan Sessions Judge, Cyberabad at L.B.Nagar, by which the conviction imposed against the petitioner/accused for the offences punishable under Sections 154 and 161(b) of the Railways Act, 1989 (for short, the Act, 1989) vide Judgment dated 03.01.2008 in C.C.No.11 of 2009 on the file of the II Metropolitan Magistrate for Railways, Secunderabad, was confirmed.

2. Heard learned counsel for the petitioner as well as learned Assistant Public Prosecutor and perused the record.

3. The allegations against the revision petitioner is that on 18.11.2007 he has driven his car bearing No.AP-11B-4719 and dashed against the running train No.594 (Manmad-Kachiguda Passenger) while it was passing through unmanned level crossing near Kuchavaram Railway Station between Manoharabad and Medchal Railway Stations. On account of the act of the revision petitioner none sustained injuries, however, some of the coaches and foot boards of the train and rail barricade were damaged.

4. The Railway Police arrested the revision petitioner and also conducted investigation. During the course of investigation panchanama was conducted at scene of offence. According to the Railway Police, the total loss incurred was estimated about Rs.15,000/-. Accordingly, the petitioner was found guilty under Sections 154 and 161(b) of the Act, 1989 and he was sentenced to under simple imprisonment for a period of three months and also to pay fine of Rs.2,000/- for each count, in default of payment of fine amount, he shall undergo simple imprisonment for two months and also.

5. In appeal, learned Sessions Judge while confirming the conviction passed by the trial Court, reduced the sentence of imprisonment from three (03) months to one (01) month under both the counts. The said sentences shall run concurrently.

6. Having gone through the record, this Court is of the considered opinion that there are no reasons to interfere with the findings of the Courts below regarding the manner in which the vehicle was driven resulting in which the damage was caused to the railway property. However, keeping in view of the fact that the accident was occurred in the year 2007 and nearly 17 years have been passed. Therefore, this Court deems it appropriate to reduce the sentence of imprisonment to the

period already undergone by the revision petitioner, which upholding the conviction under both counts.

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

Pending miscellaneous petitions, if any, shall stand closed.

Sd/- T. KRISHNA KUMAR
DEPUTY REGISTRAR

//TRUE COPY//

JK
SECTION OFFICER

To,

1. The Court of the Metropolitan Sessions Judge, Cyberabad, at L.B.Nagar, Hyderabad,
2. The Court of the II Metropolitan Magistrate for Railways at Secunderabad.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT].
4. The Inspector of Police, Railway Protection Force, Moula Ali.
5. One CC to SRI M. KARUNA SAGAR, Advocate [OPUC]
6. Two CD Copies

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HIGH COURT

DATED:09/09/2024

ORDER

CRLRC.No.1529 of 2011



PARTLY ALLOWING THE CRIMINAL REVISION
CASE

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