

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**THURSDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE NO: 389 OF 2009

Criminal Revision Case filed under Section 397 and 401 of Cr.P.C aggrieved by the Judgment dated 04.03.2009 passed in Cri.A. No. 100 of 2007 on the file of the court of the III Additional Sessions Judge, at Karimnagar, preferred against the Judgment dated: 21-09-2007 passed in S.C.No.1030 of 2006 on the file of the Court of the Assistant Sessions Judge, at Huzurabad.

Between:

Mamidipalli Hanumanthu, S/o. Ellaiah R/o. Yaswada Village, Bejjanki Mandal, Karimnagar District.

...PETITIONER/Appellant/Accused.

AND

The State of A.P., Rep. by Public Prosecutor High Court of A.P. Hyderabad.

...RESPONDENT/Respondent/Complainant.

I.A. NO: 2 OF 2009(CRLRCMP. NO: 534 OF 2009)

Petition under Section 151 CPC 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 and release the petitioner on bail, pending disposal of Criminal Revision Case filed against the Judgment in Cri.A.No. 100 of 2007 on the file of the III Addl. Sessions Judge, Karimnagar.

Counsel for the Petitioner : SRI LEGAL AID Counsel NYSHADHAM CHANDRA SEKHAR

Counsel for the Respondents: PUBLIC PROSECUTOR

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE No.389 OF 2009

ORDER:

This Criminal Revision is filed by the petitioner – accused aggrieved by the Judgment dated 04.03.2009 passed in Crl.Appeal No.100 of 2007 by the learned III Additional Sessions Judge, Karimnagar (for short ‘appellate Court’).

2. Heard. Perused the record.

3. The case of the prosecution is that the revision petitioner – accused has pulled the hand of PW1 – victim while she was going to attend calls of nature around 5.30 AM in the morning. On account of the said act of the accused, the complaint was lodged.

4. During the course of trial, PW1 – victim and PW2 who is the mother of PW1 were examined. PW2 deposed that she viewed the alleged act of pulling the hand of PW1 from a distance of 20 yards. The learned Assistant Sessions Judge, Huzurabad (for short Trial Court) having considered the evidence on record, convicted the accused for a period of five years. In appeal, the appellate Court dealt with the aspect of

shifting of scene by the witnesses. The appellate Court having considered the evidence found that there is no shifting of scene and the evidence given by the witnesses PWs 1 and 2 could be believed.

5. Learned counsel appearing for the revision petitioner has raised the very same ground which was urged before the appellate Court. Adequate reasons are given by the appellate Court to disbelieve the ground of scene being shifted/varied.

6. On the other hand learned Public Prosecutor would submit that the act of pulling hand of PW1 was proved and there is no necessity for PW1 to speak false against the accused. Admittedly, according to PW1 the accused caught hold of her hand and tried to pull her. Apart from the said act there is nothing which is attributed to the accused. It is not the case that PW1 was dragged to an extent or that the accused tried to embarrass her or touched any other part of the body of PW1.

7. In the said circumstances, the act of pulling hand would amount to intruding upon privacy of the woman, which is punishable under Section 509 of IPC. Accordingly, the

accused is found guilty for the offence under Section 509 of IPC. The finding of the courts below that the accused is guilty under Section 354 of IPC is hereby *set aside*. The offence under Section 509 of IPC is punishable upto three years.

8. The incident happened on 01.08.2005. Nearly 20 years have elapsed since then. The accused was in jail at the time of investigation and also when conviction was confirmed by the appellate Court. Since the only overt act attributed to the accused is that he pulled the hand of PW1, this Court deems it appropriate to sentence the accused to the period of imprisonment already undergone.

9. Accordingly, the Criminal Revision Case is partly allowed and the sentence is ordered to be reduced to the period already undergone by the accused. However, the fine shall remain intact.

Miscellaneous Petitions, pending if any, shall stand closed.

Sd/- M.RAMANA KRISHNA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The III Additional Sessions Judge, at Karimnagar.
2. The Assistant Sessions Judge, at Huzurabad.
3. One CC to the Secretary, High Court Legal Service Committee, High Court for the State of Telangana at Hyderabad. [OPUC]
4. Two CC to PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad. [OPUC]
5. One CC to SRI. NYSHADHAM CHANDRA SEKHAR, Advocate [OPUC]
6. Two CD copies.

Cvk/gh

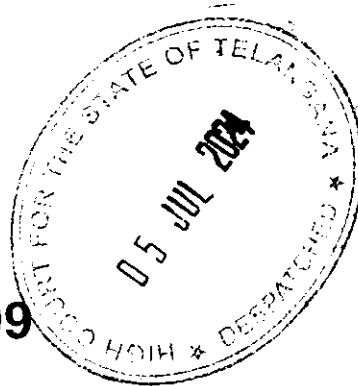


HIGH COURT

DATED:22/02/2024

ORDER

CRLRC.No.389 of 2009



CRL RC IS PARTLY ALLOWED.

⑨
20/06/24
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