IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY ,THE NINETEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL REVISION CASE NO: 2231 OF 2012

Revision filed under Section 397 and 401 of Cr.P.C., against the judgment passed in Crl.A.No.96 of 2012,dated 05.11.2012.,on the file of the Court of the I Additional Sessions Judge, Nalgonda, in confirming the judgment dated.19.07.2012, passed in C.C.No.62 of 2009, on the file of the Court of the Additional Judicial First Class Magistrate, Bhongir, Nalgonda District.

Between:

Katikala Suresh, S/o Raja Mallaiah, Occ:Driver of Milk Van bearing No. AP.10V 8062, R/o Rajapeta Village and Mandal, Nalgonda District

...PETITIONER

AND

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

...RESPONDENT

I.A. NO: 2 OF 2012(CRLRCMP. NO: 3366 OF 2012)

Petition under Section 482 of Cr.P.C., praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the Judgment dt.5.11.2012, in Crl.A.No.96 of 2012, on the file of the I Additional Sessions Judge, Nalgonda, in confirming the Judgment dt.19.7.2012, passed in C.C.No.62 of 2009, on the file of the Additional Judicial First Class Magistrate, Bhongir, Nalgonda District.

Counsel for the Petitioner : Ms. Hima Bindu, Advocate for SRI. E VENKATA REDDY

Counsel for the Respondent : Assistant PUBLIC PROSECUTOR (TG)

The Court made the following : ORDER

Retype

THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL

CRIMINAL REVISION CASE No.2231 OF 2012

O R D E R:

The present Criminal Revision Case is filed aggrieved by the judgment dated 05.11.2012 in Criminal Appeal No.96 of 2012 on the file of the learned I Additional Sessions Judge, at Nalgonda (for short, "the appellate Court") in confirming the judgment dated 19.07.2012 in C.C.No.62 of 2009 on the file of the learned Additional Judicial First Class Magistrate, Bhongir (for short, "the trial Court").

2. Heard Ms. Hima Bindu, learned counsel representing Mr. E. Venkata Reddy, learned counsel for the petitioner and Mr. Vizarath Ali, learned Assistant Public Prosecutor appearing for respondent State. Perused the record.

3. The brief facts of the case are that the petitioner/accused was the driver of the milk van bearing No.AP-10-V-8062. The deceased was the cleaner in the said van. During the early hours of 05.12.2008, the accused started from Hyderabad in the said van for supplying milk at Jangaon. While the van was reaching Bhongir, the accused drove the van in a rash and negligent manner and dashed the stationed lorry bearing No.AP 29 T 5840

person in the milk van driven by the accused died. PW7, in his evidence, also stated that one milk van dashed against their lorry which resulted in the death of one person. But, he did not identify the accused. Therefore, from the evidence of PW7, the rash and negligent driving of the van driver was established. Moreover, Ex P9 i.e., the wound certificate also revealed the wounds received by the accused on the date of the alleged incident. The report of Motor Vehicle Inspector also revealed that the condition of the vehicle was proper. In view of the facts and circumstances, the trial Court found that the prosecution established the rash and negligent driving of the accused which resulted in the accident and rendered the judgment cited *supra*.

10. The appellate Court also found that the evidence of PWs.6, 7 and 9, the panchanama and the rough sketch coupled with the evidence of PW10 would establish the case of the prosecution that the accused drove the vehicle in a rash and negligent manner, dashed the stationed lorry and caused the death of the deceased. Further, it was found that the accused drove the vehicle without possessing any valid driving licence. Thus, the learned Judge, found the accused guilty for the offences under

Section 304-A of I.P.C. and Sections.3 r/w 181 of the MV Act and rendered the judgment cited *supra*.

11. A perusal of the record shows that this Court vide order dated 07.11.2012 suspended the sentence alone and enlarged the petitioner on bail on condition of his executing a personal bond for a sum of Rs.5,000/- with one surety for the like sum to the satisfaction of the trial Court. Thereafter, the matter underwent several adjournments.

12. In the present case on hand, both the Courts held that the accused was guilty for the offences under Section.304A of IPC and Section.3 r/w 181 of the MV Act, which finding, in my considered view, does not call for interference, in the exercise of revisional jurisdiction under Section 397 Cr.P.C.

13. There are no grounds much less valid grounds to interfere with the well considered judgments of both the Courts and accordingly, this Revision is liable to be dismissed.

14. Having regard to the submissions made by both the learned counsel and upon considering the fact that the petitioner underwent mental agony by roaming around the trial Court as well as the appellate Court, this Court deems it appropriate to

reduce the sentence imposed against the petitioner for both the offences from six months to two months. The petitioner shall surrender before the trial Court to serve out the remaining period of sentence.

15. Except the above modification, in all other aspects, the Criminal Revision Case stands dismissed.

Miscellaneous Petitions, pending if any, shall stand closed.

Sd/- K.SAILESHI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Court of I Additional Sessions Judge Court at Nalgonda.(with records, if any)
2. The Court of Additional Judicial first Class Magistrate,Bhongir.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
4. One CC to SRI. E VENKATA REDDY Advocate [OPUC]
5. Two CD Copies

Pcsd/gh

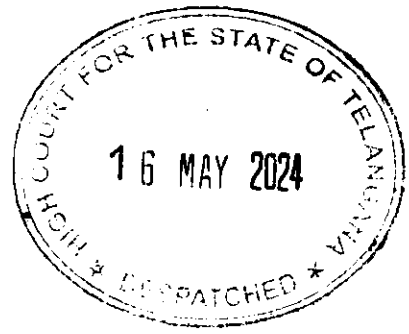
CHR

HIGH COURT

DATED:19/02/2024

ORDER

CRLRC.No.2231 of 2012



DISMISSING THE CRIMINAL REVISION EXCEPT THE MODIFICATION

(8) CHP 8/4/24