

BAIL SLIP : The Appellant / Accused was directed to be released on bail by the Order of the High Court dated 18-09-2014 made in CrI.R.C.M.P.No.3143 of 2014 in CrI.R.C.No.1886 of 2014

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**TUESDAY, THE TWENTY FIRST DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL REVISION CASE NO: 1886 OF 2014

Criminal Revision Case filed under Section 397 & 401 of Cr.P.C. against the Judgment dated 15-07-2014 made in Criminal Appeal No.496 of 2013 on the file of the Court of the IV Additional Metropolitan Sessions Judge, Hyderabad, preferred against the Judgment passed in C.C.No.20 of 2013 dated 14-05-2013 on the file of the Court of the Special First Class Magistrate for Excise Cases, Hyderabad.

Between:

Thupalli Sudhakar, S/o. T. Yadagiri, Aged about 25 Years, Occ Business, R/o. Plot No. A-68, Vengal Rao Nagar, S.R. Nagar, Hyderabad, N/o. Bibi Nagar(V & M), Nalgonda District

...Petitioner / Appellant / Accused No 2

AND

The State of Telangana, Rep. by its Public Prosecutor High Court, Hyderabad

...Respondent / Complainant

**Counsel for the Petitioner : Sri Yogesh Agarwal
Legal Aid Counsel**

**Counsel for the Respondent : Sri E Ganesh
Assistant Public Prosecutor**

The Court made the following Order :

THE HONOURABLE SRI JUSTICE E. V. VENUGOPAL
CRIMINAL REVISION CASE No.1886 of 2014

ORDER:

The present criminal revision case is filed by the petitioner/accused No.2 against the Judgment in Criminal Appeal No.496 of 2013, dated 15.07.2014 passed by the learned IV Additional Metropolitan Sessions Judge at Hyderabad (for short 'the appellate Court').

2. The brief facts of the case are that on 20.01.2013, on reliable information about running a brothel house at H.No.A-68, Vengalrao Nagar, Hyderabad, police raided the said premises and found Accused Nos.1 and 2 and also A3 in a separate room along with sex workers. On the statements being recorded, police arrested A1 to A3, recovered items from their possession and registered a case in Crime No.45 of 2013 for the offences under Sections 3, 4, 5(1)(d) of the Immoral Traffic (Prevention) Act, 1956 (for short 'the Act') against A1 and A2 and for the offence under Section 7 of the Act against A3 and sent them to judicial custody.

3. In support of its case, the prosecution examined PWs.1 to 7 and got marked Exs.P-1 to P-7 and MOs.1 to 8 were marked before the learned Trial Court in C.C.No.20 of 2013.

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On behalf of the defence, none were examined and no documents were marked.

4. After appreciating the oral and documentary evidences on record, the learned Trial Court found the appellant/accused No.2 guilty for the offence under Section 3(2)(a), 4 and 5 of the Act and he was convicted for the said offences under Section 248(2) of Cr.P.C and sentenced to undergo Simple Imprisonment for a period of two years and to pay a fine of Rs.2,000/-, in default to suffer simple imprisonment for a period of two months for the offence under Section 3(2)(a) of the Act, 1956. Further, the accused was convicted for the offence under Section 4 of the Act and sentenced to undergo Simple imprisonment for a period of six months. Further, the accused was convicted for the offence under Section 5 of the Act and sentenced to undergo Rigorous imprisonment for a period of three years and to pay a fine of Rs.1,000/-, in default to suffer simple imprisonment for a period of two (2) months. Further, directed that all the sentences shall run concurrently. The period of detention if

any undergone by the accused as under trial prisoner, shall be set off under Section 428 of IPC.

5. Aggrieved by which, the petitioner/appellant preferred Criminal Appeal No.496 of 2013 before the appellate Court, the learned appellate Court after examining the material facts before it, has partly allowed the Criminal Appeal by setting aside the conviction and sentence so far as Section 5 of the Act and rest of the conviction and sentence in judgment passed in C.C.No.20 of 2013 dated 14.05.2013 was confirmed.

6. Heard learned counsel for the revision petitioner/accused, the learned Assistant Public Prosecutor appearing for respondent-State and perused the record.

7. Learned counsel for the revision petitioner would submit that the petitioner was initially in judicial custody for certain period and later, he was enlarged on bail granted by the trial Court, appellate Court as well as this Court. He further submits that it is apparent that the petitioner has undergone mental agony during the lengthy and long

proceedings initiated by the trial Court as well as the appellant Court. Hence seeks to allow the present criminal revision case.

8. Though the Appellate Court had set aside the conviction and sentence for the offence under Section 5 of the Act, since all the sentences shall run concurrently, the maximum sentence of imprisonment against the accused remained unaltered. The learned counsel for the revision petitioner/accused did not place anything before this Court, to 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 long back and during this period the revision petitioner/accused must have repented for what he 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 petitioner/accused while maintaining the fine confirmed by the appellate Court.

9. The Criminal Revision Case is dismissed confirming the conviction imposed by the appellate Court. However, the

sentence imposed by the learned trial Court to undergo simple imprisonment for a period of two years for the offence under 3(2)(a) and simple imprisonment for a period of six months for the offence under Section 4 of the Act, which was confirmed by the appellate Court, is set off to the period already undergone by the revision petitioner/accused, while maintaining the fine confirmed by the appellate Court against the petitioner/appellant/accused.

Pending miscellaneous applications, if any, shall stand closed.

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Sd/- T. KRISHNA KUMAR
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The IV Additional Metropolitan Sessions Judge, Hyderabad (with records, if any)
2. The Special First Class Magistrate for Excise Cases, Hyderabad
3. The Member Secretary, High Court Legal Services Committee, High Court for the State of Telangana at Hyderabad
4. The Station House Officer, SR Nagar PS, Hyderabad District
5. The Superintendent, Central Prison, Chanchalguda, Hyderabad
6. Two CCs to the Public Prosecutor, High Court for the State of Telangana, Hyderabad [OUT]
7. One CC to Sri Yogesh Agarwal, Legal Aid Counsel [OPUC]
8. Two CD Copies

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HIGH COURT

DATED:21/01/2025

ORDER

CRLRC.No.1886 of 2014



DISMISSING THE CRLRC

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