

**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: 1182 OF 2016

Criminal Revision Case filed under Section 397 R/w. Section 401 of Cr.PC against the Judgment dated 19.04.2016 made in CrI.A.No.35 of 2014 on the file of the Court of the Principal Sessions Judge, Adilabad preferred against the Order passed dated 17.01.2014 made in S.C.No. 324 of 2007 on the file of the court of the Principal Assistant Sessions Judge at Mancherial.

Between :

Mukkera Shankar, S/o. Lachaiah, Age 32 years, Occ Mason, R/o. Kothagudem, Chennur Mandal, Adilabad District.

...Petitioner/Appellant/Accused

AND

The State of Telangana, Through Sub Inspector Of Police, Chennur P.S., Adilabad Dist, Rep. by Public Prosecutor, High Court of Judicature at Hyderabad

...Respondent/Respondent/Complainant

Counsel for the Petitioner : Sri S.Surender Reddy

Counsel for the Respondents : Sri E.Ganesh, Assistant Public Prosecutor

The Court made the following : ORDER

THE HON'BLE SRI JUSTICE E.V.VENUGOPAL

CRIMINAL REVISION CASE No.1182 OF 2016

ORDER:

Heard Sri S.Surender Reddy, learned counsel for the petitioner and Sri E.Ganesh, learned Assistant Public Prosecutor appearing for the State.

2. This criminal revision case is filed challenging the judgment dated 19.04.2016 passed in CrI.A.No.35 of 2014 on the file of the Court of the Principal Sessions Judge, Adilabad, dismissed the appeal confirming the judgement dated 17.01.2014 passed in S.C.No.324 of 2007 on the file of the Court of the learned Assistant Sessions Judge, Mancherial, wherein he was found guilty of the offence under Section 307 IPC and was sentenced to undergo rigorous imprisonment for seven years and also to pay fine of Rs.500/-

3. The facts, in brief, as unfolded from the case of the prosecution, are that PW.3-Victim was eking livelihood by selling maize corns at new bus stand, Chennur and that on 19.03.2006 at about 03.00 P.M. the petitioner came to her and questioned her as to why she sat there for which she replied that she was selling maize corn there and asked him to stand away from her,

in that altercation, the petitioner picked up a quarrel with her and brought M.O.1-butcher's knife from the meat shop situated beside her and stabbed on her fore-head with an intention to kill her.

4. P.W.3 gave complaint on the same day at 04.00 P.M. and she was referred to the doctor for examination. P.W.9 who examined and treated P.W.3, gave wound certificate opining that the injury is grievous in nature. Hence the charge.

5. The petitioner was tried for the offence under Section 307 of IPC. During the course of trial, the prosecution examined P.Ws.1 to 9 and got marked Exs.P.1 to P.6 and M.O.1 and that in support of defence, the petitioner examined D.Ws.1 to 5 and got marked Ex.D.1. The learned Assistant Sessions Judge, after appreciating the evidence available on record, both oral and documentary, held that the petitioner was found guilty of the offence under Section 307 of IPC and accordingly convicted and sentenced him to suffer rigorous imprisonment for seven years. Aggrieved thereby, the petitioner preferred CrI.A.No.35 of 2014 on the file of the Court of the Principal Sessions Judge, Adilabad, and the learned appellate Judge, vide judgment dated

19.04.2016, dismissed the appeal. Hence, the present criminal revision case.

6. The accusation was that the petitioner attacked P.W.3 in the public area at day light i.e., at around 03.00 P.M., at new bus stand, Chennur. There is no dispute with regard to the presence of P.W.3 and the petitioner at the scene of offence on the relevant date and time.

7. The evidence of P.W.3 is that while she was selling maize corn at the market in front of Chennur bus stand by sitting by the side of the other vegetable vendors, the petitioner went to her, picked up a quarrel for sitting at the said place to sell maize corn, for which she asked him to stand aside, in that altercation, the petitioner attacked her with M.O.1-butcher's knife with an intention to kill her. Admittedly, the defence could not put forth any previous enmity between the petitioner and P.W.3 so as to take a plea that the petitioner was implicated in a false case, so also, P.W.3 also would not have any reason to lodge a false complaint against the petitioner.

8. The evidence of P.Ws.1, 2, 4 and 5 goes to show that on the particular day they were very much present at the scene of

offence and they witnessed that the petitioner came there and picked up a quarrel with P.W.3 and attacked her. The evidence of P.Ws.1, 2, 4 and 5 is corroborative in nature with regard to the occurrence. The plea of the defence is that the eye witnesses are closely related to PW.3 and they belong to the same village and there is every possibility for PW.3 to win over them. However, the evidence of P.Ws.1, 7 and 9 is corroborative in nature with regard to the occurrence. Merely because the eye-witnesses are closely associated, their evidence cannot *per se* be discarded. When there is allegation of interestedness, the same has to be established. Mere statement that being same villagers and relatives they are likely to falsely implicate the petitioner cannot be a ground to discard the evidence which is otherwise cogent and credible. In the instant case, there is no evidence to show that P.Ws.1, 2, 4 and 5 have any previous acquaintance or enmity with the petitioner to foist a false case against him.

9. The evidence of P.W.9 the doctor is that he found sharp edged injury on the fore-head of PW.3, which is grievous in nature.

10. Both the Courts below have appreciated the evidence available on record in right perspective and have rightly come to the conclusion that the prosecution established the guilt of the accused for the offence punishable under Section 307 IPC, beyond all reasonable doubt.

11. Coming to the quantum of sentence, the offence is of the year 2006. The petitioner was in jail for 76 days during the initial remand period. Thereafter, after pronouncement of the judgement by the appellate Court he was lodged in prison for about a week i.e. from 07.12.2011 to 14.12.2011. So, in total, the petitioner was in jail for a period of nearly three months.

12. Since the offence was of the year 2006, the petitioner has been attending the Courts since 2006. The petitioner might have undergone mental agony for all these years. Therefore, this court is inclined to take a lenient view insofar as the period of sentence is concerned.

13. Therefore, the sentence of seven years rigorous imprisonment imposed on the petitioner is reduced to that of the period of two years.

14. Except the above modification, the criminal revision case, in all other aspects, is dismissed. Miscellaneous petitions if any pending in this criminal petition shall also stand dismissed.

SD/- K. SREE RAMA MURTHY
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Sessions Judge, Adilabad.
2. The Principal Assistant Sessions Judge at Mancherial.
3. One CC to SRI S.SURENDER REDDY Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the state of Telangana, Hyderabad.[OUT]
5. Two CD Copies

svs/PSL

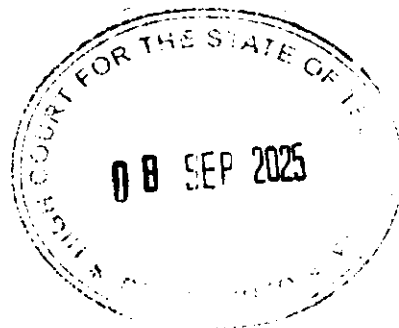
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HIGH COURT

DATED:21/01/2025

ORDER

CRLRC.No.1182 of 2016



DISMISSING THE CRLRC

PA
⑧ 6/8/25