APHC010154592009

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3560]
(Special Original Jurisdiction)

TUESDAY, THE 3rd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 2047 OF 2009

Between:

1. NALLURI RAMESH, GUNTUR., S/O. VENKATESWAR RAO BUSINESS R/O. V LANE, BALAJI NAGAR, NEAR MANI HOTEL CENTRE,

...PETITIONER

AND

1. THE STATE OF A P REP BY P P HYDERABAD, Rep. by the Public Prosecutor High Court of Andhra Pradesh, Hyderabad.

...RESPONDENT

Counsel for the Petitioner:

1. YATTAPU BHARATH KUMAR REDDY
2. LEGAL AID

Counsel for the Respondent:

1. PUBLIC PROSECUTOR

The Court made the following:

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 2047 OF 2009

ORDER:

1. State is directed to place nominal roll of the petitioner/accused by virtue of order, dated 11.09.2026.

2. It appears from the nominal roll that the petitioner was in incarceration in connection with this case for a total period of 26 days.

3. Instant Criminal Revision Case has been preferred against the Judgment, dated 25.11.2009 in Crl.A.No.251 of 2009, passed by learned I Additional Sessions Judge, Guntur wherein and where under he confirmed the calendar and judgment of conviction, dated 23.06.2008, in C.C.No.1 of 2008, passed by learned VI Additional Junior Civil Judge, Guntur for the offence punishable under section 380 of the Indian Penal Code.

4. Present petitioner was arrayed as Accused No.1 before learned Trial Court. He was charged for the offence punishable under sections 408, 380 and 381 of the Indian Penal Code.

5. Prosecution has placed as many as six (06) witnesses as well as different documents ad Ex.P.1 to Ex.P.4 and Material Object No.1 – Technova Plates 4 (four) in number.

6. No oral or documentary evidence adduced on behalf of defence.

7. After hearing the parties, on perusal of evidences, learned Trial Court found the petitioner to be guilty for an offence punishable under section 380 of the Indian Penal Code only, and he was acquitted for the charge under sections 408 and 381 of the Indian Penal Code. Accordingly, he was sentenced to suffer simple imprisonment for six (06) months.

8. Said order of conviction was proceeded to appeal, but, it was dismissed. Hence, this Revision case has been preferred.

9. Learned counsel for petitioner submits that the Calendar Case has been started in the year 2008. Since then 20 years has elapsed. There are some discrepancies in the prosecution evidences. Therefore, some leniency has to be shown to the petitioner.

10. Sri P.Somayaji, learned Additional Public Prosecutor for the State submits that the charge against petitioner for the offence under section 380 of the Indian Penal Code has been sufficiently proved by the prosecution, there are direct witnesses for such offence, thus, there is no illegality in the order.

11. From brief reading of the prosecution case, it appears that, the present petitioner was Ex-Security Guard and Accused No.2 was working as Security Guard in Maddala Industries situated in Auto Nagar, Guntur. On 21.08.2007 in the night hours, both accused, inpursuance of their plan, made an attempt to commit theft of four (04) boxes of Technova

Plates. After commission of theft, they were shifting those properties into an auto bearing registration No. AP 7 TT 806 owned by P.W.4. The staff noticed the theft and caught hold both the accused persons red-handedly and gave information to P.W.1 who is Proprietor of Maddala Industries. P.W.1 immediately rushed to the place of occurrence and handed over the petitioner, accused No.2 to police along with stolen articles, on the basis of which, crime was registered, after investigation charge sheet was filed, trial has been started.

12. On thorough perusal of the impugned Judgment and Order of conviction passed by learned Trial Court as well as confirmed by learned Appellate Court, it appears that P.W.4 is the driver of the Auto who also supported the prosecution case. Moreover, petitioner being the person who committed theft has caught red-handedly. Police seized the stolen articles at the spot and arrested the petitioner.

13. Considering the entire aspect, I find no justification to interfere with the order of conviction passed by learned Trial Court, confirmed by learned Appellate Court. However, as the criminal litigation is pending since about two (02) decades, the order of sentence is hereby modified, to three (03) months instead of six (06) months.

14. Period of incarceration, if any, undergone by petitioner during investigation, trial or appeal of this case, shall be given set off under

section 428 of the Criminal Procedure Code (corresponding section 468 of B.N.S.S, 2023).

15. With the above modification of sentence, instance Criminal Revision Case is dismissed.

16. Petitioner is directed to appear before learned Trial Court or before concerned jail authorities to serve out remaining portion of sentence, failing which, the learned Trial Court shall issue necessary order of warrant of arrest against the petitioner to comply the order.

17. Since the petitioner is not represented, State is directed to intimate about this order to the petitioner.

18. Let a copy of this order be served upon the trial court for ready reference.

19. Accordingly, Criminal Revision Case is dismissed and disposed of.

20. Consequently, pending miscellaneous applications, if any, shall stand closed.

JUSTICE SUBHENDU SAMANTA

Date: 03.11.2026
KS

67

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 2047 OF 2009

DATE: 03.11.2026

KS