APHC010246492019

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3521]
(Special Original Jurisdiction)

FRIDAY, THE 30th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL REVISION CASE NO: 872/2019

Between:

1. ABBADASARI BALU PRASAD @ BALU, S/O. SHOWRY, HINDU, R/O. NEW COLONY, NEAR OLD GANGAMMA TEMPLE, PERAMPETA VILLAGE, JANGAREDDIGUDEM MANDAL, WEST GODAVARI DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, Represented by its Public Prosecutor, High Court of Andhra Pradesh at Amaravathi.

...RESPONDENT

Counsel for the Petitioner:

1. KONDETI RANGA SRINIVAS

Counsel for the Respondent:

1. PUBLIC PROSECUTOR (AP)

The Court made the following:

ORDER:

Criminal Revision Case has been filed under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for brevity, 'the Cr.P.C.'), challenging the order dated 19.07.2019 passed by the learned IX Additional District and Sessions Judge, Tanuku, in Crl.A. No.14 of 2018, confirming the judgment dated 29.12.2017 passed by the learned Judicial First Class Magistrate, Jangareddigudem, in C.C. No.34 of 2016.

2. There was no representation on behalf of the petitioner quite long time. As this Criminal Revision Case is one of the oldest pending matters before this Court, Mr. Kondeti Ranga Srinivas, learned counsel is appointed as Legal Aid Counsel for the petitioner. The Secretary, High Court Legal Services Committee, was directed to issue the necessary proceedings in that regard.

3. Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor.

4. The petitioner has suffered concurrent findings of conviction for the offences punishable under Sections 457 and 380 of the Indian Penal Code, 1860 (for brevity 'the IPC'). The learned Assistant Public Prosecutor submits that the petitioner is suffering from severe ill-health due to Acquired Immuno deficiency Syndrome (AIDS). In support thereof, medical reports and a medical certificate have been placed on record.

5. Since the petitioner did not appear before this Court and there was no representation on his behalf for a considerable period, this Court issued a

Non-Bailable Warrant (NBW). Pursuant to its execution, the Station House Officer concerned visited the petitioner and found him bedridden and incapable of movement. Photographs evidencing his condition have also been placed on record.

6. The petitioner was about 20 years of age at the time of commission of the offence. The learned Trial Court convicted the petitioner for the offence punishable under Section 380 of 'the IPC' and sentenced him to undergo simple imprisonment for a period of one year and to pay a fine of Rs.500/-. The fine amount has already been paid. The record further discloses that the petitioner remained in judicial custody from 24.10.2014 to 05.12.2014. The learned Appellate Court, upon reappraisal of the evidence, confirmed the conviction and sentence imposed by the Trial Court.

7. Having regard to the facts and circumstances of the case, the nature of the of evidence available on record, the concurrent findings recorded by the Courts below, and his present serious medical condition, this Court is of the considered view that the conviction recorded against the petitioner for the offence punishable under Section 380 of 'the IPC' warrants no interference as the grounds urged in the Revision Case have been thoroughly considered, adequately and appropriately addressed by the learned Appellate Court through cogent and convincing reasons. This Court does not find any perversity, misreading of evidence, material irregularity, or miscarriage of

justice warranting interference in the exercise of revisional jurisdiction in regard to conviction.

8. Accordingly, while confirming the conviction of the petitioner for the charge punishable under Section 380 of ‘the IPC’, the sentence of imprisonment is modified and reduced to the period already undergone by him.

9. Consequently, the Criminal Revision Case is disposed of. There shall be no order as to costs.

As a sequel, interlocutory applications, if any pending, shall stand closed.

_____

DR. Y. LAKSHMANA RAO, J

Date: 30.10.2026
VMM/PGV

135

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL REVISION CASE NO: 872/2019

Date: 30.10.2026
VMM/PGV