

**THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA**

**CRIMINAL REVISION CASE No.1717 OF 2003**

**ORDER:**

1     The petitioner who was working as driver in APSRTC was tried by the learned XV Metropolitan Magistrate, Hyderabad in CC No.452 of 2000 for the offence punishable under section 304-A of IPC and the learned Magistrate having assessed the evidence let in by the prosecution during the course of trial came to the conclusion that the petitioner is guilty of the said offence and accordingly convicted and sentenced him to suffer simple imprisonment for six months. Assailing the said judgment dated 17.04.2002 passed by the trial court the petitioner preferred Criminal Appeal No.162 of 2002 and the learned I Additional Metropolitan Sessions Judge at Hyderabad by his judgment dated 10.11.2003, while confirming with the said findings given by the trial court dismissed the said appeal. The same is questioned in this revision.

2     The facts in brief are that on 20.04.2000 at about 7 a.m the deceased Bharat Nivas was going on his scooter bearing No.AP 13 A 9979 from Ayodhya X roads and when passing in front of Sapphire Service Station, the crime vehicle i.e. RTC bus bearing No.AP 9 Z 1243 driven by the petitioner came behind of the deceased and hit him, as a result of which, the deceased fell down on the road and became unconscious. Immediately PW.1 rushed to the spot and shifted the deceased to the hospital for treatment and thereafter lodged a complaint with the police which was registered as a case in Cr.No.175 of 2000 was registered for the offence punishable under section 337 of IPC. During the course of treatment the deceased succumbed to the injuries. Later the section of law was altered from 337 of IPC to 304-A of IPC and an altered FIR was issued and after

completion of investigation the charge sheet was filed.

3 Heard.

4 The learned counsel for the petitioner fairly conceded that this is not a fit case for interference since both the courts below, on facts, have concurrently held that the petitioner is guilty of the said offence but requested this court to take a lenient view in so far as the sentence imposed on the petitioner is concerned.

5 Having regard to the fact that the petitioner is working as driver in APSRTC and he was in jail for some time, and also in view of the fact that the alleged offence relates to the year 2000, this court is of the view that a lenient view may be taken.

6 Accordingly the said sentence of simple imprisonment of six months imposed on the petitioner by the courts below is reduced to that of the period which the petitioner had already undergone. Excepting the above modification, in all other aspects, this revision is dismissed.

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30.09.2010

***Kvsn***