

THE HON'BLE SRI JUSTICE GOPALA KRISHNA

TAMADA

CRIMINAL REVISION CASE No.636 of 2004

JUDGMENT:

After investigation, a charge sheet was filed against the petitioner herein in Crime No.96 of 1997 of Krosur Police Station for the offence punishable under Section 326 IPC. The Additional Munsif Magistrate, Sattenapalli, took cognizance of the said offence and numbered it as C.C.No.87 of 1998. During the course of trial, on behalf of the prosecution, P.Ws.1 to 9 were examined and Exs.P-1 to P-8 were marked. On behalf of the defence, none was examined nor any documents were marked. The learned Judge having analysed the entire evidence, both oral and documentary, came to the conclusion that the accused is guilty of the offence punishable under Section 326 IPC and accordingly, by his judgment, dated 09.10.2011, convicted and sentenced him to suffer rigorous imprisonment for two years and to pay a fine of Rs.1,000/-, in default to suffer simple imprisonment for three months for the said offence. The said judgment was questioned by the petitioner-accused by filing Criminal Appeal No.543 of 2001 and the learned IX Additional Sessions Judge, (Fast Track Court), Guntur, vide judgment dated 29.03.2004, while concurring the findings recorded by the trial Court, dismissed the appeal. Challenging the said judgment, the petitioner approached this Court and filed this Revision.

The case of the prosecution in brief is as follows: -

On 11.12.1997 at about 7 pm., when P.Ws.1 and 2 were answering the calls of nature towards the western side of the village, the accused armed with a stoutstick

went there and to wreck his vengeance beat on the head of P.W-1 and caused bleeding injury and ran away. Later, on a report given by P.W-1 a case was registered and after completion of investigation, the Police filed the charge sheet.

When the matter is taken up for hearing, learned counsel for the petitioner fairly conceded that it is not a fit case for interference, but, however, submitted that the petitioner was in jail for quite some time and requested this Court to take a lenient view.

Heard learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent-State.

In the light of the said submission, this Court looked into the record. The petitioner-accused was arrested by the Police on 07.08.1998 and subsequently, by virtue of the bail granted by the trial Court he was released on bail. Subsequently, he was taken into custody on the date of dismissal of the said Criminal Appeal on 29.03.2004 and immediately, the petitioner was sent to jail to suffer the imprisonment imposed on him. Subsequently, by virtue of the bail granted by this Court on 02.04.2004, he was released from the jail. Thus, it is evident that the petitioner was in jail for quite some time, and that apart, as the said offence is alleged to have taken place in the year 1997, i.e., about 13 years ago, this Court is of the view that a lenient view can be taken.

Accordingly, the sentence of simple imprisonment for two years imposed on the petitioner by both the Courts below for the offence punishable under Section 326 IPC is reduced to that of the period already undergone by him. However, the fine is enhanced from Rs.1,000/- to

Rs.3,000/- (Rupees three thousand only), which shall be payable by the petitioner-accused within a period of four weeks from the date of receipt of a copy of this judgment, failing which, he shall suffer the sentence of imprisonment imposed on him by both the Courts below.

Except the said modification in the sentence of imprisonment, in all other aspects, this Criminal Revision Case stands dismissed.

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JUSTICE GOPALA KRISHNA TAMADA

*31<sup>st</sup> March 2011*  
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