

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

**CRIMINAL REVISION CASE No.304 OF 2006**

**DATED 31<sup>st</sup> JANUARY, 2013.**

BETWEEN :

I.Deniya @ Dena

.. Petitioner-accused

and

The State of A.P.

..Respondent

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

**CRIMINAL REVISION CASE No.304 OF 2006**

**ORDER:**

Petitioner-accused filed this Criminal Revision Case by invoking the provision under Sections 397 and 401 of the Criminal Procedure Code (in short 'Cr.P.C.') being aggrieved by the judgment dated 06.02.2006 rendered in Criminal Appeal No.111 of 2002 by the I Additional District & Sessions Judge, Mahabubnagar.

Initially, petitioner herein was prosecuted in C.C.No.110 of 2001 by the Judicial Magistrate of First Class, Mahabubnagar, wherein vide judgment dated 09.07.2002 accused was convicted under Section 255 (2) Cr.P.C. for the offence punishable under Section 304-A of Indian Penal Code (in short 'I.P.C.') and sentenced to undergo rigorous imprisonment for six months and to pay fine of Rs.2,000/-. Challenging the same, petitioner preferred Criminal Appeal No.111 of 2002.

While dismissing the said appeal, the learned Appellate Judge confirmed the conviction and sentence imposed by the trial Court but however modified the rigorous imprisonment to simple imprisonment. Aggrieved over the same, present revision has been preferred.

Heard and perused the entire material on record.

Allegations against the accused are of driving the crime vehicle

i.e. tractor bearing No.AP-22/U-772/773 in a rash and negligent manner and causing death of one Lokaiah.

This is a case where both the Courts below gave concurrent findings against the accused by adducing proper reasons and the prosecution is also able to prove the rash and negligent driving of the accused with the oral evidence of PWs 1 to 7 and documentary evidence of Exs.P.1 to P.9. Hence, this Court is not inclined to interfere with the conviction imposed on the revision petitioner. However, considering the nature of allegations and also the offence pertains to the year 2001, this Court is of the view that the sentence of imprisonment imposed on the revision petitioner can be reduced to some extent.

Therefore, the conviction imposed on the revision petitioner by the trial Court and confirmed by the appellate Court is hereby confirmed. However, the sentence of imprisonment imposed on the revision petitioner is hereby reduced to that of the period already undergone by him in prison. Further, the revision petitioner shall pay an additional fine amount of Rs.5,000/- (Rupees Five Thousand only) before the trial Court on or before 30.03.2013 failing which he shall undergo simple imprisonment for two months.

Accordingly, the Criminal Revision Case is disposed of.

Miscellaneous petitions filed in this revision, if any, shall stand closed.

---

**JUSTICE RAJA ELANGO**

Date : 31.01.2013  
sur