

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**THURSDAY, THE TWENTY NINTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL REVISION CASE NO: 376 OF 2013

Criminal Revision Case under Section 397 & 401 of Cr.P.C. against the Judgment dated 08/02/2013 made in CC No.326 of 2012 on the file of the Court of the Special Magistrate Court No.III Kukatpally, at Miyapur.

Between:

Mr. Kathi Venkata Subbaiah, S/o. Mr. Subba Rayudu R/o.Mariyapuram,
Nabikota, Kadapa.

...PETITIONER/ACCUSED

AND

The State of A.P., rep. by its Public Prosecutor, High Court of A.P. Hyderabad.

...RESPONDENT/COMPLAINT

Counsel for the Petitioner: SRI. G TIRUPATHI REDDY

Counsel for the Respondent: PUBLIC PROSECUTOR

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL**CRIMINAL REVISION CASE No.376 OF 2013****ORDER:**

The present Criminal Revision Case is filed aggrieved by the docket order dated 08.02.2013 in C.C.No.326 of 2012 on the file of the learned Special Magistrate Court No.III Kukatpally, at Miyapur (for short, "the trial Court").

2. Heard Mr. G. Tirupathy Reddy, learned counsel for the petitioner and Mr. Vizarith Ali, learned Assistant Public Prosecutor appearing for respondent State. Perused the record.

3. The brief facts of the complaint are that while Mr. Racherla Ramesh Babu/complainant was going to BHEL on his motor cycle, along with his son, a private bus bearing No.AP 29 TB 0567 came from behind and dashed his motor cycle. Due to which, his son fell down and sustained grievous injuries. Later, he was admitted in Mythri Hospital for treatment. Basing on the said facts, the present crime was registered.

4. The trial Court vide order cited *supra* found the petitioner guilty of the offence under Section 338 of I.P.C. and sentenced him to undergo imprisonment till rising of the Court and pay

compensation of Rs.30,000/- to the injured namely R. Durga Sai Basavaraju, in default, to undergo simple imprisonment for three months. Assailing the same, the present Revision.

5. Learned counsel for the petitioner submitted that the compensation awarded by the trial Court would not amount to fine and punishment in default of payment of the compensation ought not to have been imposed by the learned Judge. Therefore, he seeks to set aside the impugned order.

6. Learned Assistant Public Prosecutor contended that the trial Court upon appreciating the material available on record rightly passed the impugned order and the interference of this Court is unwarranted. Therefore, he seeks to dismiss the Revision.

7. A perusal of the record shows that this Court vide order dated 21.02.2013 granted interim stay of the impugned order with regard to the payment of compensation of Rs.30,000/-, subject to the petitioner depositing a sum of Rs.10,000/- on or before 25.02.2013. Thereafter, the matter underwent several adjournments.

8. In the present case on hand, upon admission of guilt by the petitioner, the trial Court rightly held him guilty of the offence under Section 338 of I.P.C., which finding, in my considered view, does not call for interference, in exercise of revisional jurisdiction under Section 397 Cr.P.C.

9. Having regard to the submissions made by both the learned counsel and upon considering the fact that the petitioner suffered mental agony and hardship during the course of litigation before the trial Court and as eleven long years have elapsed from the date of filing this Revision, this Court is inclined to take a lenient view with regard to payment of compensation and directed him to pay a sum of Rs.10,000/- to the victim as compensation, within a period of three months from the date of receipt of a copy of this order.

10. Except the above modification, the Criminal Revision Case in all other aspects, stands dismissed.

Miscellaneous Petitions, pending if any, shall stand closed.

**SD/- T. SRINIVAS
DEPUTY REGISTRAR**

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SECTION OFFICER

To,

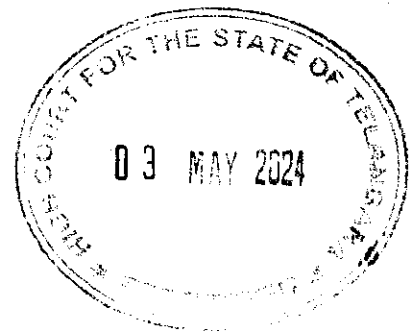
1. The Special Magistrate Court No.III Kukatpally, at Miyapur.
2. One CC to SRI. G TIRUPATHI REDDY Advocate [OPUC]
3. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad [OUT].
4. Two CD Copies



HIGH COURT

DATED:29/02/2024

ORDER



CRLRC.No.376 of 2013

CRLRC IS DISMISSED

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for