
(2011) 01 AP CK 0052

In the Andhra Pradesh High Court

Case No : Criminal Revision case. No. 860 of 2004

Medam Rami Reddy

APPELLANT

Vs

The State of Andhra Pradesh

RESPONDENT

Date of Decision : 27-01-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 324, 447, 506(2)

Citation : (2011) 8 RCR(Criminal) 2124

Hon'ble Judges : K.G. Shankar, J

Bench : Single Bench

Advocate : Srinivasa Reddy, for the Appellant; Public Prosecutor, for the Respondent

Judgement

K.G. Shankar, J.—The prosecution laid a case against two accused for the offences under Sections 447, 324 and 506 (2) I.P.C. Both the accused faced trial before the Judicial First Class Magistrate, Podili. Through judgment, dated 01.07.2000, the learned Judicial Magistrate of First Class, Podili, acquitted A.2 of the offences leveled against her. He found A.1 guilty for the offence u/s 324 I.P.C. and sentenced him to suffer Rigorous Imprisonment for a period of three months and to pay a fine of Rs. 2,000/- with appropriate default sentence. A.1 was also convicted for the offence u/s 447 I.P.C. and was sentenced to pay a fine of Rs. 200/- together with appropriate default sentence.

2. Aggrieved by the same, A.1 preferred Criminal appeal No. 117 of 2000 before the v. Additional Sessions Judge Ongole. Through the impugned judgment dated 30.04.2004, the learned v. Additional Sessions Judge, Ongole, confirmed the conviction for the offence u/s 324 I.P.C. The learned Sessions Judge, however, acquitted A.1 for the offence u/s 447 I.P.C. and thus, allowed the criminal appeal No. 117 of 2000 partly.

3. So far as the sentence recorded by the trial Court against A.1 for the offence u/s 324 I.P.C. is concerned, the punishment recorded by the trial Court was confirmed by the appellate Court. Aggrieved by the same, A.1 preferred the

present revision.

4. Sri Ch. Srinivasa Reddy, learned Counsel representing A.1 contended that the dispute is a civil dispute and that this case was foisted against the accused to wreck vengeance against the accused. P.W.1 is the injured in this case. P.W.3 is his wife. P.W.5 is the brother of P.W.3. Indeed P.W.5 was not an eyewitness. However, the evidence of P.W.1 is supported by another eyewitness. The evidence of P. Ws. 1 and 2 primarily and the evidence of P. Ws. 1 to 3 and 5 is consistent on all material aspects.

5. Medical evidence supports the case of the prosecution story. A.1 allegedly attacked P.W.1 with an Axe. However, he caused only two simple bleeding injuries i.e. one injury to the little finger of the left palm and an injury to the left elbow of P.W.1. In view of the simple injuries caused with an axe, which is established by the evidence of P. Ws. 1 and 2, as corroborated by P.W.4 medical officer, the guilt of A.1 for the offence u/s 324 I.P.C. is proved beyond reasonable doubt. To the extent of the conviction recorded by the trial Court against the accused, the contention of the learned Counsel for the accused is not correct. The conviction against the accused deserves to be upheld. The finding of the trial Court and the finding of the appellate Court that A.1 is guilty of the offence u/s 324 I.P.C. is proved beyond reasonable doubt in view of the evidence of P. Ws.1 and 2 corroborated by other witnesses. The conviction, therefore, deserves to be confirmed.

6. Regarding quantum of punishment to be imposed against A.1, who is the revision Petitioner herein, the learned Counsel for the revision Petitioner contended that the fine amount of Rs. 2,000/- was already paid by the revision Petitioner and that he was in jail for a period of "15" days in all. The revision Petitioner - A.1 presently is on suspended sentence. The offence occurred way back on 08.11.1998 i.e. more than "12" years ago. Learned Counsel for the revision Petitioner further contended that no incidents occurred in the village between A.1 and P.W.1 after the incident in the instant case. I hope and trust that the revision Petitioner has learnt to behave himself as a law-abiding citizen.

7. The revision Petitioner was described to be "25" years old by about 2000 when the judgment was delivered by the trial Court. In view of the nature of the offence alleged namely causing two simple injuries upon the left little finger and the left elbow of P.W.1, in view of the incident occurring more than "12" years ago and in view of the fact that the Petitioner has been on suspended sentence as on today, I consider that it would be unjust to send him back to jail to serve the remaining sentence. Where the accused was not involved in any other incident after the incident in this case, it is a fit case where the sentence of imprisonment suffered by the revision Petitioner should be considered to be sufficient sentence. Consequently, the award of sentence imposed by the trial Court and confirmed by the appellate Court at three months deserves to be reduced to the imprisonment already undergone. The sentence regarding the fine imposed by the trial Court and confirmed by the appellate Court needs to be

maintained. The conviction recorded by the appellate Court against the revision Petitioner however deserves to be confirmed.

8. The Criminal Revision Case, therefore, is allowed to the extent of reducing the sentence of imprisonment recorded by the trial Court to the imprisonment already undergone by him, but confirming the conviction for the offence u/s 324 I.P.C.