



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3560]

THURSDAY, THE 16th DAY OF JULY 2026

PRESENT

THE HON'BLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 91/2009

Between:

- 1.KAMINENI SRINIVASA RAO & 4 OTHERS, S/O. VENKATESWARLU,
R/O. VUPPALAPADU VILLAGE, GUNTUR DISTRICT.
- 2.KAMINENI VENKATA NARAYANA,, S/O. VENKATESWARLU, R/O.
VUPPALAPADU VILLAGE, GUNTUR DISTRICT.
- 3.KAMINENI PADMA,, W/O. SRINIVASA RAO, R/O. VUPPALAPADU
VILLAGE, GUNTUR DISTRICT.
- 4.KAMINENI RAMANA,, W/O. VENKATANARYANA, R/O.
VUPPALAPADU VILLAGE, GUNTUR DISTRICT.
- 5.KAMINENI SEETHAMMA,, W/O. VENKATESWARLU, R/O.
VUPPALAPADU VILLAGE, GUNTUR DISTRICT.

...PETITIONER(S)

AND

- 1.THE STATE HYD, Veldurthi P.S), Rep by Public Prosecutor, High Court
of A.P. Hyderabad.

...RESPONDENT

Revision filed under Section 397/401 of CrPC praying that in the circumstances stated in the affidavit filed in support of the CriminalRevisionCase, the High Court may be pleased toto present this memorandum of Crl. Rc. against the orders of the X Addl. District and Sessions Judge (FTC), Guntur at Narasaraopet, dt. 16-1-2009 that i filed against the judgement of the Asst. Sessions Judge, Gurazala in SC No. 325/05, dt. 13-3-2006 for the following among other

IA NO: 2 OF 2009(CRLRCMP 117 OF 2009)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to dispense with the filing of certified copy of Judgment in SC No. 325/05 on the file of the Assistant Sessions Judge, Gurazala, dated 13-3-2006 and pass

IA NO: 3 OF 2009(CRLRCMP 130 OF 2009)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the Judgment and Sentence in SC No. 325/05, dt.13-3-2006 on the file of the Asst. Sessions Judge, Gurazala as modified by the X Addl. District and Sessions Judge (FTC), Guntur at Narasaraopet, dt. 16-1-2009 in Crl.A.No.109 of 2006 and release the petitioners on bail, pending disposal of the Crl.R.C.

Counsel for the Petitioner(S):

1.PRABHU NATH VASIREDDY

Counsel for the Respondent:

1.PUBLIC PROSECUTOR

The Court made the following:

THE HON'BLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 91/2009

ORDER:

1. Petitioners 1 and 2, along with three other persons, were arrayed as accused before learned trial court and were convicted for the offences punishable under Sections 324 and 306 read with Section 149 of Indian Penal Code, 1860 (for short, '**IPC**'). For the offence punishable under Section 306 read with Section 149 of IPC, they were sentenced to undergo rigorous imprisonment for five years and to pay a fine of Rs.100/- each. For the offence punishable under Section 324 read with Section 149 of IPC, they were sentenced to undergo rigorous imprisonment for two years each and to pay a fine of Rs.100/- each.
2. Aggrieved by the said judgment, all the accused preferred an appeal before learned Sessions Judge. Learned appellate court modified the judgment of conviction by setting aside the conviction and sentence imposed upon A.1 to A.5 for the offence punishable under Section 306 read with Section 149 IPC and acquitted them of the said offence. However, the conviction of all the accused for the offence punishable under Section 324 read with Section 149 IPC was confirmed. Learned appellate court further modified the sentence imposed on A.3 to A.5 by directing them to undergo simple imprisonment for 50 days.
3. From the nominal roll, it appears that A.3 to A.5 had already suffered incarceration more than 50 days during pendency of the criminal

proceedings. Thus, vide docket order dated 09.07.2026, the revision, insofar as petitioners 3 to 5/ A.3 to A.5 are concerned, was disposed of by taking note of their sentence already undergone. Now, petitioners 1 and 2, who are A.1 and A.2, are before this Court for final determination.

4. Learned counsel for petitioners 1 and 2 being A.1 and A.2 submits that both the petitioners have already undergone incarceration for about 90 days during pendency of the criminal proceedings. Thus, the conviction and sentence of the present petitioners may be modified regarding the fact that instant revision case is pending more than two decades.
5. Learned Assistant Public Prosecutor has produced the nominal rolls of petitioners 1 and 2. On perusal of such nominal rolls, it appears that petitioner No.1 was in custody for two months and twenty three days, whereas petitioner No.2 was in custody for two months and nineteen days.
6. Admittedly, the Sessions Case was started in the year 2005. We have already crossed more than 20 years i.e., two decades since commencement of the prosecution and the petitioners have been facing the ordeal of criminal litigation throughout this period.
7. In **Surendran v. Sub Inspector of Police**¹ Hon'ble Supreme Court has held that, the Court may take a lenient view in respect of offence

¹ 2021 Supreme(SC) 298

punishable under Section 324 of IPC, if the litigation is pending for more than two decades.

8. In the light of the aforesaid principle, petitioners 1 and 2 are also entitled to similar leniency. Admittedly, petitioners 1 and 2 have already undergone more than sixty days of imprisonment. Considering long pendency of the litigation, period of incarceration already undergone by petitioners 1 and 2, and the attending facts and circumstances of the case, the conviction of petitioners 1 and 2 for the offence punishable under Section 324 read with Section 149 of IPC, as recorded by learned trial court and affirmed by the learned appellate court, is hereby affirmed.
9. However, the sentence of rigorous imprisonment for two years is modified to the period of imprisonment already undergone by petitioners 1 and 2 during the pendency of the criminal proceedings.
10. Under the above observation, revision case is disposed of.
11. Miscellaneous petitions, if any, pending in this revision shall stand closed.

JUSTICE SUBHENDU SAMANTA

Dt.16.07.2026
BV

Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No