

**IN THE HIGH COURT OF ANDHRA
PRADESH AT AMARAVATI**



[3368]

(Special Original Jurisdiction)

**WEDNESDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

CRIMINAL REVISION CASE No: 268/2017

Between:

1.T.MADHU, CHITTOOR DT.,, S/O KRISHNAIAH, AGED
ABOUT 39YRS, R/O PATRAPALLI VILLAGE,SARAKALLU
POST, TAVANMPALLI MANDAL, CHITTOOR DISTRICT.

...PETITIONER

AND

1.THE STATE OF AP REP PP, rep by its Public Prosecutor,
High Court of Judicature at Hyderabad For the State of
Telangana and the State of A.P.

...RESPONDENT

Counsel for the Petitioner:

1.D PURNACHANDRA REDDY

Counsel for the Respondent:

1.PUBLIC PROSECUTOR (AP)

The Court made the following:

THE HON'BLE SRI JUSTICE B.V.L.N. CHAKRAVARTHI**CRIMINAL REVISION CASE No.268 OF 2017****ORDER:**

The Criminal Revision Case is filed by the petitioner/A-1 U/secs.397 and 401 of Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.P.C.') to set aside the judgment dated 17.07.2015 passed in C.C.25/2013 on the file of IV Addl.Junior Civil Judge, Tirupati, confirmed by the VI Addl.District & Sessions Judge, Tirupati, vide judgment dated 31.01.2017 passed in CrI.A.No.245/2015.

02. Heard Sri D.Purnachandra Reddy, learned counsel for the petitioner/A-1 and Sri C.P.Somayaji, learned Additional Public Prosecutor representing the State/respondent.

03. The learned Magistrate convicted the revision petitioner/A-1 for the offence U/secs.304-A, 279 IPC and U/s.134(b) r/w.187 of M.V.Act, and sentenced the revision petitioner/A-1 to suffer simple imprisonment for one year for the offence U/s.304-A IPC, simple imprisonment for six months for the offence U/s.279 IPC and also sentenced him to pay fine of Rs.500/- (Rupees Five Hundred only) for the offence U/s.134(b) r/w.187 of M.V.Act.

04. Hence, the revision petitioner preferred appeal before VI Addl.Sessions Judge, Chittoor at Tirupati. But, the appeal was dismissed, confirming the conviction and sentence ordered by the learned Magistrate.

05. Learned counsel for the revision petitioner/A-1 would submit that both the Magistrate and Sessions Judge failed to appreciate the evidence of P.W-1, P.Ws-5 to 8 and 10 in proper perspective. Therefore, they came to an erroneous opinion that the prosecution proved the offence.

06. He would submit that the prosecution case is that the accused drove the crime vehicle at the time of accident. The revision petitioner disputed the same. The Magistrate and the Sessions Judge did not consider the said aspect properly. He would further submit that P.W-1, P.Ws-5 to 8 and 10 in their statements made earlier to the police did not say anything regarding the identification of the accused. They identified the revision petitioner first time in the Court only. Therefore, it is not useful to convict the revision petitioner/A-1. Hence, both the Courts committed error.

07. The learned Additional Public Prosecutor representing State would submit that both the Courts below on facts concurrently found that P.W-1, P.Ws-5 to 8 and 10 are the eye witnesses. They identified the revision petitioner/A-1 as driver of the crime vehicle and there are no grounds to disbelieve their testimony. In that view of the matter, there are no grounds to interfere with the judgments of the Courts below.

08. In the light of above rival contentions, the point that arose for consideration in this Criminal Revision Case is as under:

“Whether the judgment of the Appellate Court Below and trial Court warrants interference of this Court and liable to be set aside as prayed for?”

09. **POINT:**

The case of the prosecution is that on 23.11.2012 at about 01.30 p.m. the accused drove the crime vehicle i.e., lorry without license, as a result, he could not control the lorry and dashed the cycle of the deceased. The deceased fell down and sustained injuries and died. The revision petitioner ran away from the place of accident without intimating to the police. P.W-1 presented a report to the police. Police registered case in Cr.No.127/2012

and investigated into. After conclusion of investigation, laid charge sheet before the Magistrate.

10. During the course of trial, prosecution has examined 14 witnesses as P.Ws-1 to 14 respectively, and filed 9 documents as Exs.P-1 to P-9.

11. The case of the accused is denial. He pleaded that he did not drove the crime vehicle at the time of accident. No evidence is placed for the offence.

12. The parties are arraigned as referred in the judgment of the trial Court.

13. The prosecution case is rested on the evidence of P.W-1, P.Ws-5 to 8 and 10. They deposed that they witnessed the accident. They also deposed about the manner in which the accident occurred. They identified the A-1 as driver of the crime vehicle at the time of accident.

14. The Courts below appreciated the evidence and concurrently found that the evidence of the eye witnesses would establish that the accident was occurred due to rash driving of

A-1. They identified the accused as driver of the crime vehicle at the time of accident.

15. Perusal of the evidence of the above witnesses would show that they witnessed the occurrence of accident. No material contradictions were elicited during the cross-examination to discredit their testimony. They categorically deposed that A-1 drove the vehicle at the time of accident. They also deposed that A-1 drove the vehicle speedily, could not control the lorry. Therefore, he dashed the cycle of the deceased from the behind. Hence, the deceased fell down. The lorry ran over the deceased. The deceased suffered serious injuries and died. The driver of the lorry ran away from the place of accident. Nothing was elicited during their cross-examination to doubt the veracity of the above witnesses regarding identification of A-1, as driver of the crime vehicle. Their evidence also would establish that he drove the crime vehicle very fast and therefore, he could not control the vehicle and dashed the cycle of the deceased.

16. The accused No.1 did not produce any license to show that he was having license to drive a lorry at that point in time. Therefore, driving a motor vehicle without holding a license would amount to violation of law. If it results in accident, it can be

treated as an act of negligence on the part of the driver of the crime vehicle. In that view of the matter, the accused No.1 committed act of rashness as well as negligence, though one of them is sufficient to prove the offence.

17. In the light of foregoing discussion, this Court do not find any grounds to interfere with the judgments passed by the Courts below.

18. The learned counsel for the revision petitioner/A-1 would submit that if the Court comes to a conclusion that there are no grounds to interfere in this matter, a lenient view may be taken on quantum of sentence and imprisonment imposed for the offence U/s.304-A IPC. It may be reduced to six months, from one year.

19. Considering the facts and circumstances of the case, this Court is of the opinion that the sentence of imprisonment imposed for the offence U/s.304-A IPC can be reduced to six months, from one year, while the sentence of imprisonment imposed for the offence U/s.279 IPC and U/s.134(b) r/w.187 of M.V.Act would remain same.

20. In the result, the Criminal Revision Case is partly allowed. The sentence of imprisonment imposed against the revision

petitioner/A-1 for the offence U/s.304-A IPC is reduced to six (06) months from one year. There is no modification of sentence of imprisonment imposed for the offence U/s.279 IPC and U/s.134(b) r/w.187 of M.V.Act. This order by certified to the lower Court as per section 405 of Cr.P.C.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE B.V.L.N. CHAKRAVARTHI

18.02.2026

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Date: 18.02.2026

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