



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

[3560]

FRIDAY, THE FIRST DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 3074/2017

Between:

1. KOTI SREENU, S/O. KRISHNA, 2ND LANE, GOPALNAGAR,
ONGOLE TOWN, PRAKSAM DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, rep by its Public Prosecutor,
High Court of Judicature at Hyderabad for the State of Telangana and
the State of Andhra Pradesh, Hyderabad.

...RESPONDENT

Revision filed under Section 397/401 of CrPC praying that in the circumstances stated in the affidavit filed in support of the Criminal Revision Case, the High Court may be pleased to call for entire records connected to Calendar and Judgment dt. 07.04.2017 passed in C.C.No. 879 of 2014 on the file of the Court of Learned II Addl. Judicial Magistrate of First Class, Ongole as was confirmed by the Judgment dt. 19.06.2017 passed in CrI.A No. 110 of 2017 on the file of the court of Learned VII Addl. District and Sessions Judge, Ongole, examine the same and set aside both judgments and consequently acquit the petitioner for the offence for which he was convicted and sentenced pending disposal of the main Criminal Revision Case.

IA NO: 1 OF 2017(CRLRCMP 4988 OF 2017)

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 condone the delay of (72) days in filing the present Criminal Revision Case as

against the Judgment dt. 19.06.2017 passed in Crl.A No. 110 of 2017 on the file of the court of Learned VII Addl. District and Sessions Judge, Ongole and to receive the main Criminal Revision Case on file in the interest of justice.

IA NO: 2 OF 2017(CRLRCMP 4989 OF 2017)

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 copies of Calendar and Judgment dt.07.04.2017 passed in C.C.No. 879 of 2014 on the file of the Court of Learned II Addl. Judicial Magistrate of First Class, Ongole as was confirmed by the Judgment dt. 19.06.2017 passed in Crl.A No. 110 of 2017 on the file of the court of Learned VII Addl. District and Sessions Judge, Ongole, and to receive the main Criminal Revision Case on file in the interest of justice.

IA NO: 3 OF 2017(CRLRCMP 4990 OF 2017)

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 enlarge the petitioner on bail, by suspending the conviction and sentence imposed by Calendar and Judgment dt.07.04.2017 passed in C.C.No. 879 of 2014 on the file of the Court of Learned II Addl. Judicial Magistrate of First Class, Ongole as was confirmed by the Judgment dt. 19.06.2017 passed in Crl.A No. 110 of 2017 on the file of the court of Learned VII Addl. District and Sessions Judge, Ongole, pending disposal of the main Criminal Revision Case.

Counsel for the Petitioner:

- 1.NIMMAGADDA SATYANARAYANA

Counsel for the Respondent:

- 1.PUBLIC PROSECUTOR (AP)

The Court made the following:

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA**CRIMINAL REVISION CASE NO: 3074/2017****ORDER:**

The petitioner was convicted by concurrent findings of the learned trial Court for the offence punishable under Section 324 of IPC.

2. The peculiar facts suggest that the petitioner was charged for an offence punishable under Section 498-A read with Section 324 of IPC.

3. The brief facts of the prosecution case:

The petitioner was working as a labour. On the fateful day dated 06.07.2024 at about 8.30 hours, petitioner was intoxicated with alcohol and asked money from her wife (injured L.W.1) to purchase alcohol. When denied, L.W.1 was beaten by an aluminum scale used for mason work on her head, resultant thereby L.W.1 sustained a severe bleeding injury.

4. During trial, six witnesses were examined and five documents were marked. Later, learned trial Court acquitted the accused for the offence punishable under Section 498-A of IPC, but convicted under Section 324 of IPC.

5. Learned counsel for the petitioner submits that initially, after filing of this case, there was reconciliation between the petitioner and L.W.1. They started rejoining together as husband and wife. At that time, L.W.1 committed suicide, thereby, a case was registered under Section 306 IPC read with 498-A IPC. In that case, the petitioner was convicted for the offence punishable under

Section 498-A IPC and served punishment for two (2) years imprisonment. The present case is the older one. Petitioner having three children and already undergone sentence for three (3) months eight (8) days in connection with this case in remand period, a lenient view may be obtained.

6. Sri K.Sandeep, learned Assistant Public Prosecutor, submits that the prosecution has successfully bring home the charge against the present petitioner by bringing several documentary evidence. Substantial evidence is submitted, P.W.1 is the child witness who witnessed the incident. The wound certificate has also been placed on record. It is not been denied by the defence counsel that L.W.1 is not sustained injury by an assault by petitioner.

7. Having heard learned counsel for the parties and considering the material on record, it appears that though the prosecution has been charged the petitioner for causing assault upon L.W.1, no material object was seized in connection with this case. Though the prosecution case has clearly stated it was an aluminum scale used for mason work; though wound certificate was placed by I.O.; but no Doctor was examined. The wound certificate was placed by the Investigating Officer, which was recorded by learned trial Court. Considering the entire aspects and also considering the fact that the petitioner has already undergone sentence for three months eight days, in my view the petitioner deserves lenience.

8. Considering the facts and circumstances of this case, in my view, the order of conviction and sentence passed by the learned trial Court, confirmed

by the learned Appellate Court, is maintainable. However, the order of conviction is modified to the period already undergone by the petitioner during the remand period.

9. Accordingly, this Criminal Revision Case is disposed of.

As a sequel, miscellaneous application(s) pending, if any, shall stand closed.

SUBHENDU SAMANTA, J

Date: 01.05.2026
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THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

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Date: 01.05.2026
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