

BAIL SLIP : The Petitioner/ Accused was directed to be released on bail by the order of the High Court dated 01-12-2010 in CrI.R.C.M.P.No.3313 of 2010 in CrI.R.C No.2223 of 2010.

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL REVISION CASE NO: 2223 OF 2010

Revision Case under Sections 397 & 401 of Cr.P.C. against the Judgment dated 25-10-2010 passed in CrI.A.No.107 of 2009 on the file of the Court of the IV Additional District and Sessions Judge, Mahaboobnagar (FTC), preferred against Judgment dated 27-08-2009 passed in S.C.No.547 of 2008 on the file of the Court of the Assistant Sessions Judge, Nagarkurnool.

Between:

Vanarasi Anjaneyulu, S/o. Hussain, Age:33 years, Occ: .Coolie, R/o. Taddoor Village & Mandal Mahaboobnagar District.

...Petitioner/Appellant/ Sole Accused

AND

The State of A.P. through SHO PS Thadoor rep. by the Public Prosecutor, High Court of A.P. Hyderabad.

...Respondent/Respondent/Complainant

Counsel for the Petitioner: Sri M. Praveen Kumar

**Counsel for the Respondent: Sri Jithender Rao Veeramalla,
Additional Public Prosecutor**

The Court made the following: ORDER

THE HONOURABLE SMT.JUSTICE TIRUMALA DEVI EADA

CRIMINAL REVISION CASE No.2223 of 2010

ORDER:

This Criminal Revision Case is filed by the petitioner-accused against the judgment dated 25.10.2010 passed in Cr. A. No.107 of 2009 by the IV-Additional District & Sessions Judge, Mahaboobnagar (FTC), confirming the judgment dated 27.08.2009 passed in S.C. No.547 of 2008 by the Assistant Sessions Judge Nagarkurnool, Mahaboobnagar.

2. In spite of the matter being posted under the caption for dismissal, no one represented the petitioner. Hence, the matter is treated as heard and the orders are being passed.

3. Heard Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor for the respondent-State.

4. The case of the prosecution is that the deceased was the father-in-law of the accused. On 31.07.2008, the deceased wanted to invite his relatives for the 11th day delivery function of his daughter and he was proceeding to STD booth to call them, meanwhile, the accused came there and stopped him in a fit of anger mood and stated that there is no need to invite anybody as nobody happened

to visit his wife after her delivery at the hospital, for which the deceased did not care the words of the accused and tried to call his relatives over phone. Due to which, the accused grew wild, picked up a stick and beat on the head of the deceased, and in the meanwhile, PW.1, wife of the deceased tried to rescue her husband from the hands of accused, as a result of it, she received injury on her right hand elbow and the deceased received injury on his head and collapsed on the floor and started vomiting. Immediately, the deceased was shifted to a hospital at Nagarkurnool, from there to the Government Hospital, Mahabubnagar, where he died on 02.08.2008 at about 5.30 pm, while undergoing treatment.

5. The prosecution examined PWs.1 to 15 and marked Exs.P1 to P7 and MO1. On behalf of the defence, no oral evidence was adduced, but Ex.D1, a portion of the statement PW.3 under Section 161 Cr.P.C., was marked.

6. Based on the evidence and the material on record, the trial court has convicted the accused and sentenced him to undergo rigorous imprisonment for five years and to pay fine of Rs.2,000/-. Challenging the same, an appeal was preferred and the appellate court dismissed the appeal and confirmed the conviction and

sentence passed by the trial court, against which the present revision case is filed.

7. Perused the record.

8. The trial court has convicted the accused for the offence under Section 304-II IPC and sentenced to undergo rigorous imprisonment of five years and also to pay fine of Rs.2,000/- vide judgment dated 27.08.2009 in SC No.547 of 2008. The alleged offence occurred in 2008 and the sentence was passed in 2009 by the trial court and against the said judgment of conviction and sentence, an appeal was preferred in 2009. The appellate court has confirmed the conviction and sentence recorded by the trial court against the petitioner vide judgment dated 25.10.2010 in Crl.A. No.107 of 2009 against which the present revision case is filed. Since 15 years the matter is pending. It is to be observed that the deceased was the father-in-law of the accused and the accused in a fit of anger beat the deceased with a stick. The trial court and the appellate court have rightly held that the accused had no intention to cause the death of the deceased. However, the act of beating with stick resulted in an injury and the deceased fell down. Further, it is pertinent to take note of the fact that PW.1, who is the wife of the deceased and mother-in-law of the accused, has initially deposed

supporting the case of the prosecution and that when she was recalled after a period of four months, she turned hostile and stated that the deceased was suffering with Epilepsy, as such, he fell down and sustained injury. The trial court and the appellate court have ignored the evidence of PW.1 in the second instance holding that she must have turned hostile just because the accused is her son-in-law. The strength of the relationships also cannot be ignored. However, it is only based on the evidence that the courts can look into the guilt of the accused whether established or not. In the present case, both the courts have held that the offence under Section 304-II IPC has been established. Section 304-II IPC reads as follows:

"304. Punishment for culpable homicide not amounting to murder.—

Whoever commits culpable homicide not amounting to murder shall be punished with imprisonment for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine, if the act by which the death is caused is done with the intention of causing death, or of causing such bodily injury as is likely to cause death, **or with imprisonment of either description for a term which may extend to ten years, or with fine, or with both, if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death, or to cause such bodily injury as is likely to cause death."**

9. The offence under Section 304-II IPC is punishable with imprisonment which may extend to 10 years or with fine or with both. Thus, in view of the facts and circumstances of the case and that considering the fact borne out by the record that the accused is the son-in-law of the deceased and was 30 years of age as on the date of offence, and now he must be aged about 47 years and running a family on whom the entire family would be dependent, taking a lenient view, the conviction is upheld, but the sentence is converted into that of payment of only fine of Rs.5,000/-.

10. Hence, the Criminal Revision Case is allowed in part, confirming the conviction recorded against the petitioner, but converting the sentence to that of payment of fine of Rs. 5,000/-.

Miscellaneous Petitions, if any pending, shall stand closed.

S/- T. VIJAY KUMAR
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The IV Additional District and Sessions Judge, Mahabubnagar (FTC)
2. The Assistant Sessions Judge, Nagarkurnool.(with records if any)
3. The Judicial Magistrate of First Class, Nagarkurnool.
4. The Superintendent, Cherlapally Central Prison at Moula Ali.
5. The Station House Officer, Tadoor Police Station, Mahabubnagar District.
6. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
7. One CC to Sri M. Praveen Kumar, Advocate [OPUC]
8. Two CD Copies

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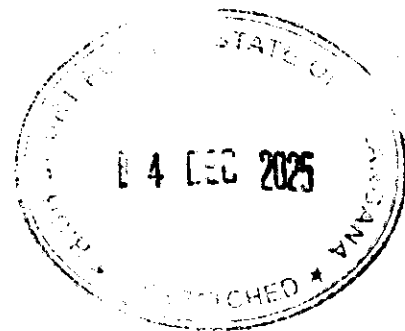


HIGH COURT

DATED:27/10/2025

ORDER

CRLRC.No.2223 of 2010



**THE CRLRC IS
ALLOWED IN PART**

⑪ MT
25/11/25