

APHC010051952009



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

[3369]

TUESDAY, THE NINTH DAY OF SEPTEMBER
 TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE T MALLIKARJUNA RAO

CRIMINAL REVISION CASE NO: 1778/2009

Between:

1. ISLAVATH TARU NAIK, S/O RAMULU, DRIVER GUNTUR - I DEPOT,
 GUNTUR DIST.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, Represented by the Public
 Prosecutor, High Court 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 present this memorandum of Crl.R.C., aggrieved by the Judgment dated 22.10.2009 passed in Crl.A.No.259/2008 by the VIII Addl. Dist. & Sessions Judge, Guntur, as confirmed in C.C.No.81 of 2007 on the file of the Court of the VI Addl. Judl. First Class Magistrate, Guntur.

IA NO: 1 OF 2009 (CRLRCMP 2472 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 execution of the sentence dated 22.10.09 passed in Crl.A.No.259/2008 by the VIII Addl. Dist. & Sessions Judge, Guntur, as confirmed in C.C.No.81 of 2007 on the file of the Court of the VI Addl. Judl. First Class Magistrate, Guntur, and release the petitioners on bail, pending disposal of the Crl.R.C.

Counsel for the Petitioner:

1.O KAILASHNATH REDDY

Counsel for the Respondent:

1.PUBLIC PROSECUTOR

The Court made the following ORDER:

1. The Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') is filed on behalf of the petitioner/accused assailing the judgment dated 22.10.2009 passed in CrI.A.No.259 of 2008 on the file of the learned VIII Additional District Judge (Fast Track Court), Guntur (for short, '1st Appellate Court'), whereby the 1st Appellate Court dismissed the appeal, confirming the conviction and sentence imposed against the appellant/accused for the offences punishable under Section 304A of Indian Penal Code, 1860 (for short, 'IPC') *vide* judgment dated 22.07.2008 passed in C.C.No.81 of 2007 on the file of the learned VI Additional Junior Civil Judge, Guntur (for short, 'the Trial Court').

2. The parties to this Criminal Revision Case will hereinafter be referred to as described before the Trial Court for the sake of convenience.

3. The brief facts of the prosecution's case are that:

The accused, driver of APSRTC hired bus No.AP 7X 1255 from Guntur-1 Depot, drove the vehicle rashly and negligently, causing the death of the deceased, who succumbed to injuries at the Government Hospital. The incident was witnessed by relatives and others present. On PW.1's report, a case was registered. PW.11, Sub-Inspector of Police, visited the scene, prepared an observation report and rough sketch, held an inquest, and sent the body for post-mortem. The doctor opined that death was due to haemorrhagic shock from multiple injuries. The Motor Vehicle Inspector confirmed there was no mechanical defect in the vehicle. The accused was arrested on 09.06.2006 and remanded to judicial

custody. On completion of the investigation, the Sub-Inspector filed the charge sheet.

4. The Trial Court took cognizance against the accused under section 304A of IPC. Upon the appearance of the accused, copies of the prosecution documents were furnished to the accused as contemplated under Section 207 Cr. P.C. The accused was examined under Section 251 Cr.P.C. The sum and substance of the charge sheet averments were read over and explained to the accused in Telugu, to which the accused pleaded not guilty for the offences punishable under Section 304 of the IPC and claimed to be tried.

5. During the course of the trial, on behalf of the prosecution, PWs.1 to 11 were examined, and Exs.P1 to P8 were marked. After the closure of the evidence of the prosecution, the accused was examined under Section 313 of Cr.P.C., with reference to the incriminating circumstances appearing in the evidence let in by the prosecution, for which he denied the same and stated that he had no defence witnesses and pleaded not guilty.

6. The Trial Court, after hearing both sides and considering the oral as well as documentary evidence, found the accused guilty of the offence, as stated *supra*, vide its judgment, dated 22.07.2008 in C.C.No.81 of 2007 and convicted the petitioner/accused and sentenced him to undergo suffer Simple Imprisonment for one year and further sentenced to pay a fine of Rs.500/- and in default of payment of fine, to undergo simple imprisonment for one month, for the offence punishable under section 304A of IPC.

7. Felt aggrieved by the aforesaid conviction and sentence, the unsuccessful accused filed Criminal Appeal No.259 of 2008 before the 1st Appellate Court, and the 1st Appellate Court dismissed the Criminal Appeal. Felt aggrieved by the same, the unsuccessful appellant filed the present Criminal Revision Case, challenging the judgment of the learned Sessions Judge in Criminal Appeal No.259 of 2008.

8. The learned counsel for the petitioner/accused contends that the deceased, being elderly, was herself responsible for the incident by attempting to cross the bus negligently; the testimony of PWs.1 and 3 indicates that passengers had no opportunity to witness the occurrence, while the claims of PWs.2 and 4 as eyewitnesses are also improbable. It is further argued that the accused had no time to avoid the accident, as the deceased suddenly rushed towards the bus. Hence, the judgment of the Trial Court is unsustainable in law.

9. The learned Assistant Public Prosecutor for the State has, while supporting the impugned judgments of conviction and sentence passed by both Courts, submitted that the prosecution has proved its case beyond all reasonable doubts, by letting in valid and cogent evidence and that though the prosecution witnesses are interested witness, their evidence is sufficient to base conviction on the revision petitioner / accused and that therefore, the impugned judgments do not warrant any inference by this Court.

10. I have heard the learned counsel for both parties and perused the material on record, including the oral and documentary evidence adduced by the prosecution before the Trial Court, as well as the judgments of both the Trial Court and the 1st Appellate Court.

11. Now, the points that arise for consideration are:

(I) Whether the revision petitioner / accused has made out any grounds for interference in the impugned judgment of conviction passed by the Trial Court, which was confirmed by the 1st Appellate Court

(II) Does the sentence passed by the 1st Appellate Court warrant any interference?

POINT NO.I:

12. It is settled law as observed by the Hon'ble Supreme Court in ***State of Maharashtra V. Jagmohan Singh Kuldip Sing Anand***¹, that "in exercise of

¹ (2004) 7 SCC 659

revisional powers, this Court need not undertaken in-depth and minutest reexamination of entire evidence, when there is no error in the findings arrived by the Trial Court as well 1st Appellate Court”.

13. As far as the scope of power of this Court while exercising revisionary jurisdiction under Section 397 is concerned, the Hon'ble Apex Court in **Krishnan and another V. Krishnaveni and another**², has held that in case Court notices that there is a failure of justice or misuse of judicial mechanism or procedure, sentence or Order is not correct, it is salutary duty of the High Court to prevent the abuse of the process or miscarriage of justice or to correct irregularities/incorrectness committed by inferior criminal Court in its judicial process or illegality or sentence or Order. The relevant para of the Judgment is reproduced as under:

"8. The object of Section 483 and the purpose behind conferring the revisional power under Section 397 read with Section 401, upon the High Court is to invest continuous supervisory jurisdiction so as to prevent miscarriage of justice or to correct irregularity of the procedure or to mete out justice. In addition, the inherent power of the High Court is preserved by Section 482. The power of the High Court, therefore, is very wide. However, the High Court must exercise such power sparingly and cautiously when the Sessions Judge has simultaneously exercised revisional power under Section 397(1). However, when the High Court notices that there has been failure of justice or misuse of judicial mechanism or procedure, sentence or Order is not correct, it is but the salutary duty of the High Court to prevent the abuse of the process or miscarriage of justice or to correct irregularities/incorrectness committed by inferior criminal Court in its judicial process or illegality of sentence or Order."

14. While exercising revisional jurisdiction, this Court is to examine the correctness, legality, and propriety of the judgment/order passed by the Trial Court as well as the 1st Appellate Court. This Court is not ordinarily required to re-examine and re-appreciate the evidence which is already appreciated by the Trial Court and the 1st Appellate Court unless it is found that there is clear non-appreciation of the evidence already on record or appreciation of

² (1997) 4 Supreme Court Case 241

inadmissible evidence, or that finding has been recorded without any evidence on record. If there is evidence on record on the point of decision formulated by the Courts below for arriving at a conclusion of guilt, this Court is not required to enter into the records again to substitute its view in place of the view taken by the Trial Court and the 1st Appellate Court.

15. It is well-settled law that a revision court does not have the authority to overturn or interfere with the findings of fact made by the lower courts, except in cases where those findings are tainted by perversity or are manifestly erroneous. In other words, interference is only justified if the factual conclusions are irrational, unsupported by evidence, or clearly indicate a serious error in Judgment.

16. The prosecution relied on the testimonies of PWs.1 to 7 as eyewitnesses to the accident. The inquestdar (T.Ramabrahmam) was examined as PW.8, while Dr.P.Chandra Sekhara Rao, who conducted the post-mortem examination of the deceased, was examined as PW.9. The Motor Vehicle Inspector, M.P.Raja Kumar, was examined as PW.10.

17. The evidence of PWs.1 to 3 (G.Malleswari, S.Koteswara Rao and N.Yesodha) reveals that they were inside the bus at the time of the incident and did not witness the actual moment of impact. Their testimonies, along with that of PW.4 (N.Gopi), who are all close relatives of the deceased, establish that on 31.05.2006 at around 4:00 PM, they, along with the deceased, proceeded to the Vangipuram bus stop intending to travel to Nadendla. PWs.1 to 4 boarded the bus, while the deceased remained outside. The testimony of PW.7 (N. Chinna Lakshmipathi) further corroborates this version. He stated that the deceased, along with PW.1 and others, had come to their village, Vangipuram, and that the deceased went to the Vangipuram bus stand intending to return to her native village. PW.7 accompanied them to the bus stand. While the deceased was crossing in front of the bus, the driver, without

blowing the horn or noticing her presence, moved the vehicle forward and ran over her.

18. The learned Assistant Public Prosecutor has submitted that the evidence of PWs.1 to 4, 6 and 7 has not been shaken in any manner, which proved the ingredients of rash and negligent driving by the accused.

19. In ***Rathnashalvan V. State of Karnataka***³, the Hon'ble Supreme Court held that:

7. Section 304-A applies to cases where there is no intention to cause death and no knowledge that the act done in all probability will cause death. The provision is directed at offences outside the range of Sections 299 and 300 IPC. The provision applies only to such acts which are rash and negligent and are directly cause of death of another person. Negligence and rashness are essential elements under Section 304-A. Culpable negligence lies in the failure to exercise reasonable and proper care and the extent of its reasonableness will always depend upon the circumstances of each case. Rashness means doing an act with the consciousness of a risk that evil consequences will follow but with the hope that it will not. Negligence is a breach of duty imposed by law. In criminal cases, the amount and degree of negligence are determining factors. A question whether the accused's conduct amounted to culpable rashness or negligence depends directly on the question as to what is the amount of care and circumspection which a prudent and reasonable man would consider it to be sufficient considering all the circumstances of the case. Criminal rashness means hazarding a dangerous or wanton act with the knowledge that it is dangerous or wanton and the further knowledge that it may cause injury but done without any intention to cause injury or knowledge that it would probably be caused.

8. As noted above, "Rashness" consists in hazarding a dangerous or wanton act with the knowledge that it is so, and that it may cause injury. The criminality lies in such a case in running the risk of doing such an act with recklessness or indifference as to the consequences. Criminal negligence on the other hand, is the gross and culpable neglect or failure to exercise that reasonable and proper care and precaution to guard against injury either to the public generally or to an individual in particular, which, having regard to all the circumstances out of which the charge has arisen it was the imperative duty of the accused person to have adopted.

8. PWs.1 to 4 identified the accused as the driver of the crime bus at the time of the accident. As rightly observed by the 1st Appellate Court, the identity

³ 2007 Supreme(SC) 40

of the accused as the driver of the vehicle is not seriously in dispute. The prosecution also examined the conductor of the crime vehicle as PW.6 (G.Sita Ramaiah), who deposed that both he and the accused were on duty as the conductor and driver, respectively, at the time of the accident. The Sub-Inspector of Police, A.V.Siva Prasad, examined as PW.11, who conducted the investigation and seized the service register (SR) from the conductor, which was marked as Ex.P8. It indicates that the accused was the driver of the vehicle on the date of the accident.

9. Furthermore, PW.11 deposed that the accused surrendered before him and was arrested on 09.06.2006. Although the accused has denied the allegations in their entirety, he did not specifically deny his presence as the driver of the crime vehicle. Based on the consistent testimonies of PWs.1 to 4, 6, and 11, along with the documentary evidence in Ex.P8, the prosecution has clearly established that the accused was driving the vehicle at the time of the accident. Both the Trial Court and the First Appellate Court have concurrently upheld this finding.

10. The evidence of PWs.1 to 4 clearly establishes that the deceased, S.Janakamma, sustained fatal injuries in the said accident; she was immediately shifted to the Government General Hospital, Guntur, by her relatives, where she succumbed to her injuries at 7:30 PM on the same day.

11. PW.9, the doctor, also testified that he conducted the post-mortem examination on the body of the deceased and found fatal injuries, as detailed in the post-mortem report marked as Ex.P4. PW8, who conducted the inquest, supported the prosecution's case by deposing that the inquest was held in his presence and that he prepared the inquest report, marked as Ex.P3. As seen from the record, the defence did not cross-examine PW.8; therefore, it can be inferred that the accused has not disputed the version of PW.8. The evidence of PWs.8 and 9, taken together, establishes that the cause of death of the deceased was the result of injuries sustained in the accident. Specifically, the

testimony of PW.9, supported by the post-mortem report marked as Ex.P4, confirms that the deceased died due to multiple injuries received in the accident. The evidence of PW.10, the Motor Vehicle Inspector, indicates that he examined the crime vehicle and opined that the accident did not occur due to any mechanical or technical defect.

12. Now, the issue to be considered is whether the rash or negligent act of the accused caused the death of the deceased. As per the record, PW.5 (E.Srinivasa Rao) did not support the prosecution's case. However, PWs.1 to 4 and 7 narrated the sequence of events surrounding the accident. PW.6, the conductor of the bus, stated in his evidence that he did not know how the deceased sustained the injuries or who was responsible for the negligence. However, he deposed that the deceased fell to the ground on the right side of the bus, i.e., the driver's side.

13. The accused has taken the defence that the deceased, being an elderly woman, fell under the bus on her own, and that there was no negligence on his part. Upon reading the evidence of PWs.1 to 4, it is clear that they were unable to describe how the accident occurred or whether the accused was driving in a rash or negligent manner. Nevertheless, the testimonies of PWs.2 and 4 indicate that they saw the deceased walking from the right side of the bus toward the front left side. At that moment, the driver started the bus and moved it forward. According to their version, the accused, without observing the presence of the deceased, negligently moved the bus, thereby causing the accident. Further, PW.7, who accompanied PWs.1 to 4 to the Vangipuram bus stop, stated that he witnessed the accident from a closer distance. His testimony indicates that the driver moved the bus without sounding the horn and ran over the deceased. Additionally, the evidence of PW.6 and the contents of Ex.P7 (rough sketch) and Ex.P3 (inquest report) show that the right front portion of the bus bumper hit the deceased, suggesting the point of impact and further corroborating the eyewitness accounts.

14. The evidence of PW.7, that the accused moved the bus without blowing the horn, remains unchallenged during cross-examination. It was elicited during the cross-examination of PWs.1 and 2 that the bus was moved while they were arranging their luggage. The testimony of PW.1 further indicates that the deceased was approximately 75 years old; the scene of the offence was a busy location with frequent bus movement. PW.2 also corroborated that after boarding the bus and organizing their luggage, the deceased was seen crossing in front of the bus from the right side to the left side.

15. The record clearly indicates that the accused commenced the operation of the bus without first verifying the arrival or presence of the deceased. Notably, PW.7 explicitly testified that the accused initiated the bus's movement without sounding the horn, a fact that the accused has not disputed. A thorough examination of the accused's version under Section 313 of the Cr.P.C., alongside the cross-examination of the prosecution witnesses, reveals no indication that the accused exercised the requisite precautions before starting the vehicle. The accused simply responded with 'not true' during the examination under Section 313 of the Cr.P.C.

16. In matters of this nature, particularly involving road traffic accidents, the revision petitioner/accused, being a direct participant in the incident, is expected to provide his version of events, either orally or in writing, at least during the recording of his statement under Section 313 Cr.P.C. The purpose of recording the accused's statement in such cases is not a mere procedural formality, but serves a dual purpose: it offers the accused an opportunity to explain incriminating circumstances and assists the Court in evaluating the defence, if any.

17. The Hon'ble Apex Court, in the case of ***Ravi Kapur v. State of Rajasthan***⁴, has held in paragraph No.39 as follows:

⁴ MANU/SC/0659/2012

39. It is true that the prosecution is required to prove its case beyond reasonable doubt but the provisions of Section 313 CrPC are not a mere formality or purposeless. They have a dual purpose to discharge, firstly, that the entire material parts of the incriminating evidence should be put to the accused in accordance with law and, secondly, to provide an opportunity to the accused to explain his conduct or his version of the case. To provide this opportunity to the accused is the mandatory duty of the Court. If the accused deliberately fails to avail this opportunity, then the consequences in law have to follow, particularly when it would be expected of the accused in the normal course of conduct to disclose certain facts which may be within his personal knowledge and have a bearing on the case.

18. The established legal standard mandates that, before setting a bus in motion, the driver must diligently observe the surroundings to ensure safety. This duty of care is especially critical at a bus stop, where the presence of passengers and pedestrians demands heightened vigilance. While it is acknowledged that the bus could not have been travelling at a significant speed at the bus stop, the driver's obligation to sound the horn as a precautionary measure remains unequivocal. It must be noted, however, that if the deceased suddenly crossed the path of the bus while it was in motion, the driver might not have had adequate time to avoid the accident. Even in such circumstances, it is incumbent upon the driver, who is generally the most knowledgeable witness regarding the accident, to explain the sequence of events leading to the unfortunate incident.

19. In the present case, the accused failed to offer any substantive statement or explanation during his examination under Section 313 Cr.P.C., that might clarify how the accident occurred or demonstrate any precautionary measures taken. The absence of such a defence or clarification further undermines the accused's stand and strongly suggests negligence or a failure to meet the standard duty of care expected from a vehicle operator. The accused driver failed to exercise the highest degree of caution required of a public bus operator. While the deceased also acted imprudently and contributed to the accident, the accident is deemed to be the result of contributory negligence.

20. In *Ponnuswami, In re.In Re*⁵, the High Court of Madras held that:

Contributory negligence, in the strict sense of the term, has no place in criminal law. If the petitioner was not guilty of negligence, he would certainly not be liable under section 304-A, Indian Penal Code. The fact that the victim also contributed a little by his negligence is absolutely immaterial when there is ample proof that the petitioner had brought about the accident by his own negligence and rash driving, and attempt to overtake at that point. He could and should have avoided the accident by his care and caution.

The main thing for consideration in a criminal case, under section 304-A, Indian Penal Code, is whether the accused in the case has caused the death of any person by doing any rash or negligent act not amounting to culpable homicide. Once that is proved, the little contributory negligence on the part of the victim and the accused's good military record are irrelevant except for the purpose of sentencing.

21. This Court is of the view that the doctrine of contributory negligence does not apply to criminal actions. Contributory negligence of the victim is no defence against a charge under 304A of the IPC. The accused will be liable even though there has been a degree of negligence on the part of the victim. A driver must anticipate reasonably foreseeable negligent acts of road users.

22. The petitioner-driver was obligated to sound the horn, wait a reasonable period, or seek assistance from the conductor before moving the bus. Failure to adopt such precautions constitutes negligence. It is neither the testimony of PW.6 that he signalled the driver to proceed, nor is it the accused's stand that he moved the bus after taking all necessary precautions.

23. It is well settled that, in the absence of perversity or manifest error, a revision court is not expected to interfere with concurrent findings of fact by the courts below. In the present case, there is no material on record to question the credibility of PWs.1 to 11 or to disbelieve the contents of Exs.P.1 to P.8.

24. Upon a careful examination of the evidence on record, both the Trial Court and the 1st Appellate Court concurrently held that all the ingredients to

⁵ 1949 Supreme(Mad) 338

constitute an offence under section 304A of the IPC have been proved and established. This Court has also gone through the evidence and finds no reason to take a view different from that of the Trial Court, as well as the 1st Appellate Court.

25. In view of the overall facts and circumstances of the case, this Court finds that both the Trial Court and the 1st Appellate Court have rightly appreciated the evidence and correctly assessed the materials placed before them. The findings were arrived at after a thorough and correct evaluation of the case from all relevant perspectives. Consequently, there is no justification to interfere with the concurrent findings of both courts regarding the conviction of the accused for the offence punishable under Section 304A of the IPC. Accordingly, *Point No.I* is answered.

POINT NO.II:

26. Learned counsel for the petitioner/accused submits that the petitioner is the sole breadwinner of his family, and that he has no prior criminal record, including any violations of traffic rules. It is further submitted that in similar cases involving a higher number of deaths and injuries, this Court has, on multiple occasions, reduced the sentence of imprisonment.

27. It is a well-established principle of sentencing policy that the punishment imposed must be proportionate to the gravity of the proven offence. The sentence should be neither nominal nor excessive. What constitutes a proportionate sentence must be determined on a case-by-case basis, having due regard to the specific facts and circumstances of each matter.

28. While ordering the sentence, the facts and circumstances of each of the case before the Court has to be appreciated on its own merits and the circumstances in one criminal case cannot be taken as a binding precedent in so far as the order on sentence in another case, unless the facts and circumstances of each of the cases corresponds to each other or exactly

tallies. But always, the Court must bear in mind the cardinal principle that the sentence ordered must be proportionate to the gravity of the proven guilt, and it should not be excessive or exorbitant.

29. True that in the instant case, the petitioner / accused has been found guilty of offences punishable under Section 304A of the IPC for driving rashly and negligently, which unfortunately resulted in the loss of a precious human life. However, it is pertinent to note that there is no allegation that the accused was under the influence of liquor or any other substance impairing his ability to drive at the time of the accident. The act was one of rash and negligent driving simpliciter, and not one involving inebriation, a factor which, if present, would have constituted an aggravated and despicable offence warranting a stricter and more severe sentence.

30. The record reflects that the petitioner was about 26 years of age at the time of the accident, which occurred on 31.05.2006, nearly 19 years ago. It is evident that immediately after the accident, the accused shifted the injured to the Government General Hospital, Guntur, where she succumbed to the injuries on the same day. The testimony of the material witnesses corroborates this fact. In light of these mitigating circumstances, a reduction in the sentence is fully justified. Although the doctrine of contributory negligence does not apply to criminal law, it may be considered as a mitigating factor when sentencing the offender.

31. Considering the nature of the offence committed by the accused, his age, economic condition, the passage of time since the accident, and the absence of any prior criminal antecedents, this Court finds that the sentence imposed against the accused for the offence punishable under section 304A of the IPC is on the higher side and can be considered excessive. Therefore, this Court finds it necessary to interfere with the impugned judgment of the 1st Appellate Court only to the limited extent of reducing the quantum of sentence, to ensure that the punishment remains reasonable and

proportionate to the proven guilt. In light of the above, the sentence of simple imprisonment for one year imposed against the petitioner/accused under Section 304A of IPC by the Trial Court, and upheld by the 1st Appellate Court, is hereby reduced to three months, in the interest of justice. Considering the overall facts and circumstances, this Court deems it appropriate to allow the Criminal Revision Case partly. Accordingly, *Point No.II* is answered.

32. The Criminal Revision Case is ***partly allowed***. The conviction of the accused under Section 304A of IPC, as affirmed by the judgments of the VI Additional Junior Civil Judge, Guntur (dated 22.07.2008 in C.C.No.81 of 2007), and the VIII Additional District Judge (Fast Track Court), Guntur (dated 22.10.2009 in Criminal Appeal No.259 of 2008), is upheld. However, the sentence of simple imprisonment for one year imposed against the petitioner/accused for the offence under Section 304A of the IPC is hereby reduced to three months. The period of imprisonment, if any, already undergone shall be set off under Section 428 of Cr.P.C. The petitioner/accused shall surrender before the VI Additional Junior Civil Judge, Guntur, within three (03) weeks to serve the remaining sentence, if any. Failing such surrender, the Trial Court shall take necessary steps to enforce the remaining sentence. The rest of the 1st Appellate Court's judgment remains undisturbed. The Registry shall forward a copy of this order and the relevant records to both the Trial Court and the 1st Appellate Court forthwith.

Interim orders, if any, granted earlier shall stand vacated, and all pending miscellaneous petitions, if any, shall stand closed.

JUSTICE T.MALLIKARJUNA RAO

Date: 09.09.2025
SAK

THE HON'BLE SRI JUSTICE T. MALLIKARJUNA RAO

Criminal Revision Case No.1778 OF 2009

DATE: 09.09.2025

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