

SUPREME COURT OF INDIA

State of A.P

Vs.

Pituhuk Sreenivanasa Rao

Crl.A.No.259 of 2000

(K. T. Thomas and M. B. Shah, JJ.)

06.03.2000

ORDER

1. Leave granted.

2. No one is appearing for the respondent in spite of service of notice to show cause why the impugned judgment of the High Court shall not be set aside and the matter remitted back to the High Court for disposal of the revision afresh in accordance with law.

3. In this case respondent was convicted under Section 304A of the Indian Penal Code and he was sentenced to undergo rigorous imprisonment for a period of 2 years and to pay a fine of Rs. 5,000/-. He filed an appeal before the Sessions Court wherein the conviction and sentence were confirmed and appeal was dismissed. But when respondent preferred a Criminal Revision before the High Court of Andhra Pradesh a learned single Judge (N. Y. Nanumanthappa, J.) heard the revision and disposed it of in the following words :

"Heard both sides.

In the absence of establishment of rash and negligent driving on the part of the petitioner by the prosecution the Courts below committed mistake in convicting and sentencing the petitioner as aforesaid. Hence the reasoning adopted by the Courts below is arbitrary and unacceptable. Accordingly, the Criminal Revision case is allowed and the convictions and sentences ordered by the Courts below against the petitioner are set aside. The fine amount, if paid shall be refunded to the petitioner."

4. We have extracted above the very words of the learned single Judge as nothing more is needed to highlight the hollowness of the order, for, it was without any reference to the evidence on record or the findings entered by the trial Court and the Appellate Court regarding the evidence. If a revision is to be disposed of by upsetting the concurrent findings of two Courts below in the aforesaid fashion it would amount to abdication of the judicial function of the High Court. We are a little perturbed that it has happened like that in certain other cases disposed of by the learned single Judge. We make the said observation not with a pleasing mind but we hope that this observation would reach the learned Judge so as to help him to remind himself of the need to give reasons for dissenting from the findings concurrently made by the fact finding Courts. It is redundant to remind that revisional jurisdiction is basically supervisory in nature.

5. In the result, we set aside the impugned order of the High Court and direct the Registrar of the High Court to board the Revision in the hearing list, so that, it can be disposed of afresh in accordance with law.

6. Appeal is accordingly disposed of.

Order accordingly.