

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

CRL.A.No. 12 of 2006

AGAINST THE JUDGMENT IN SC 619/2003 of ADDL.DISTRICT & SESSIONS
COURT FAST TRACK (ADHOC-I), KOZHIKODE DATED 29.11.2005

APPELLANTS/ACCUSED:

1. PURUSHOTHAMAN, S/O.RAMUNNI NAIR, (DELETED)
ETTEKARU VEEDU, POOVANMALA, KEDAVOOR AMSOM.
2. SAJEENDRAN, S/O.BALAKRISHNAN NAIR,
ETTEKARU VEEDU, POOVANMALA, KEDAVOOR AMSOM.

(NAME OF THE 1ST APPELLANT, PURUSHOTHAMAN,
S/O.RAMUNNI NAIR, ETEKARU VEEDU, POOVANMALA,
KEDAVOOR AMSOM IS DELETED AS PER ORDER IN
CRL.M.A.93/06 IN CRL.A.12/06 DATED 6/1/06)

BY ADVS.SRI.P.S.SREEDHARAN PILLAI
SRI.P.GOPINATH MENON
SRI.C.S.SUNIL
SMT.C.G.PREETHA
SRI.M.PRAVEESH

RESPONDENT/COMPLAINANT:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY SMT. LILLY LESLIE, PUBLIC PROSECUTOR.

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON
03-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.BHAVADASAN, J.

Crl. Appeal No.12 OF 2006

Dated this the 3rd day of December, 2015.

J U D G M E N T

Two persons were prosecuted for the offence punishable under Section 55(a) of Abkari Act. This appeal is by the 2nd accused who was found guilty of the offence alleged against him. He was therefore convicted and sentenced to suffer rigorous imprisonment for two years and to pay a fine of Rs.1 lakh with default clause of simple imprisonment for six months. Set off as per law was allowed.

The appeal filed by the 1st accused has already been allowed by judgment dated 06.11.2015 in Crl. Appeal No.7/2006. There is no reason to take a different view in this case. The principles adopted for allowing the appeal filed by the 1st accused is adopted for this purpose also.

In the result, this appeal is allowed. The conviction and sentence passed by the court below for the offence under Section 55(a) of Abkari Act are set aside and it is held that the

accused is not guilty of the offence under Section 55(a) of Abkari Act. He stands acquitted of the charges levelled against him. His bail bond shall stand cancelled and he is set at liberty.

Sd/-

**P.BHAVADASAN
JUDGE**

smp

// True Copy //

P.A to Judge.