

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE P.BHAVADASAN**

**TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937H**

**CRL.A.No. 502 of 2009 ( )**  
-----

**AGAINST THE JUDGMENT IN SC 158/2008 of SESSIONS COURT, PATHANAMTHITTA  
DATED 07-02-2009**

**APPELLANT(S)/ACCUSED:**  
-----

**RAVEENDRAN NAIR @ MADU RAVI,  
S/O.KUNJIKRISHNA PILLAI, CHELANILKUNNATHIL VEEDU  
THATTEKKADU MURI, KOIPURAM VILLAGE, KADAPRA  
PATHANAMTHITTA.**

**BY ADV. SRI.AJITH MURALI**

**RESPONDENT(S)/COMPLAINANT:**  
-----

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

**BY PUBLIC PROSECUTOR SMT. LILLY LESLIE**

**THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 27-10-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**P.BHAVADASAN, J.**

-----  
Crl.A. No. 502 of 2009  
-----

Dated this the 27<sup>th</sup> day of October, 2015

**J U D G M E N T**

The accused was prosecuted for the offence punishable under Section 302 of IPC. He was found guilty for the offence punishable under Section 304(1) of IPC and was directed to undergo rigorous imprisonment for ten years. He was also directed to pay compensation of ₹1 lakh to PW9 and PW1 in equal proportion with a default clause of two years simple imprisonment. Set off as per law was allowed.

2. This Court on 15.09.2015 passed an order as follows:

“Learned counsel appearing for the appellant submits that he is given to understand that the Government has remitted the sentence of the appellant and the period of imprisonment has been undergone by him.

Registry to ascertain from the Superintendent of Jail where the accused was lodged whether he has been released after

serving out the sentence. The report should reach this Court within a period of 15 days.”

3. A communication has been received from the Superintendent, Open Prison, Nettukaltheri which reads as follows:

“On perusal of records, it is submitted that C.No.3070 Raveendran Nair @ Mad Ravi S/o. Kunjukrishna Pillai, an inmate of t his prison was originally convicted in SC 158/2008 and sentenced to undergo imprisonment for 10 Years rigorous imprisonment and pay fine of Rs. 1,00,000/- (One Lakh Only) i/d SI for 2 years u/s 304(1) IPC, by the Hon'ble Sessions Judge, Pathanamthitta dt: 10.02.2009.

He was admitted in this prison on 15.12.2013 as C.No.3070 by transfer from Central Prison, Thiruvananthapuram. 559 days set off was allowed. He earned remission for 02 years 10 months and 18 days. Pay fine of Rs.1,00,000/- (One Lakh Only) was not remitted by the prisoner. His substantive sentence has completed on 01.09.2014. As such the prisoner not paid the compensation, now he is undergoing the default sentence of 2 years and it will complete by 01.09.2016.”

4. The learned counsel appearing for the appellant contended that considering the age of the accused and also considering the passage of time, this Court may consider reducing the default clause to one year so that the accused may not have to suffer further detention.

5. After having heard the learned counsel for the appellant and the learned Public Prosecutor and also considering the various facts, the request made by the learned counsel for the appellant seems to be reasonable. In the communication received from the Superintendent, Open Prison, Nettukaltheri which is referred to above, it is seen that the substantive sentence has been completed on 01.09.2014 and since the compensation has not been paid, he is suffering the default clause of two years which will extend upto 01.09.2016.

6. After having given anxious consideration to various aspects, it is felt that it is only appropriate to reduce the default clause to one year.

7. In the result, while confirming the conviction for the offence punishable under Section 304(1) of IPC, the substantive sentence awarded is confirmed and also confirming the quantum of compensation payable to PW9 and PW1, the default clause to undergo simple imprisonment for two years is set aside and instead, it is directed that the accused shall, in case of default of paying compensation, suffer simple imprisonment for a period of one year.

Communicate this order to the Superintendent, Open Prison, Nettukaltheri and if one year of default sentence has been served out, the accused shall be released forthwith.

Sd/-  
**P.BHAVADASAN**  
**JUDGE**

ds

//True copy//

P.A. to Judge