

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937

CRL.A.No. 299 of 2014

AGAINST THE JUDGMENT IN SC 628/2012 of ADDL. SESSIONS COURT,
ERNAKULAM, DATED 26-02-2014

CRIME NO. 488/2007 OF MUNAMBOM POLICE STATION, ERNAKULAM

APPELLANTS/ACCUSED:

1. MANI, AGED 43 YEARS,
S/O.KUMARAN, VADEPPARAMBIL HOUSE,
AYYAMPILLY KARA,
KUZHUPPILLY VILLAGE.
2. PRABHAVATHY, AGED 42 YEARS,
W/O MANI, VADEPPARAMBIL HOUSE, AYYAMPILLY KARA,
KUZHUPPILLY VILLAGE.

BY ADV. SMT.CHINCY GOPAKUMAR

RESPONDENT/RESPONDENT:

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
25-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ab

P.UBAID, J.

Crl.A No.299 of 2014

Dated this the 25th day of September, 2015

J U D G M E N T

The appellants herein challenge the conviction and sentence under Sections 451 and 323 of the Indian Penal Code, in S.C No.628/2012 of the Additional Sessions Court, Ernakulam (Special Court). Pending this appeal the parties settled the whole dispute out of court amicably and compounded the offence. Composition was accepted by the court. The alleged offence was committed on 27.12.2007. As on that date the offence under Section 451 of the Indian Penal Code was compoundable with permission, though it is not compoundable after 2009. I am well satisfied that the composition is genuine.

In the result, this composition is accepted as recorded on Crl.M.A No.6627/2014, and accordingly the conviction and sentence against the appellants in S.C No.628/2012 of the Special Additional Sessions Court, Ernakulam will stand set aside. The appellants will stand released from prosecution on the benefit of acquittal under Section 320(8) of Cr.P.C.

**P.UBAID
JUDGE**

ab