

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.D.RAJAN

WEDNESDAY, THE 21ST DAY OF OCTOBER 2015/29TH ASWINA, 1937

Crl.Rev.Pet.No. 487 of 2003 ()

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CC 612/1997 of J.M.F.C.-I, THRISSUR DATED 14-01-2002
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REVISION PETITIONER(S)/DE-FACTO COMPLAINANT ::

**HYDROSE, S/O KUNHUMON, NALAKATH HOUSE,
KOLADI PADI, P.O. GURUVAYOOR, TRICHUR DISTRICT.**

**BY ADVS.SRI.U.RAVISANKAR
SRI.PEARLY JOSE**

RESPONDENT(S)/ACCUSED & STATE OF KERALA ::

- 1. RAIMOND, S/O JACOB,
CHAKRANAKKAL HOUSE, THYKKAD VILLAGE, CHAVAKKAD
TRICHUR DISTRICT.**
- 2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.**

**R1 BY ADV. SRI.K.B.GANGESH
R2 BY PUBLIC PROSECUTOR SRI.N.SURESH**

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON
21-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

VS

P.D.RAJAN, J.

Crl.R.P.No.487 of 2003

Dated this the 21st day of October, 2015

ORDER

Revision petitioner is the defacto complainant in C.C.No.612/1997 on the file of Judicial First Class Magistrate Court-I, Thrissur, challenges the order of acquittal of the accused in Crime No.251/1997 chargesheeted by the Sub Inspector of Police, Viyyur police station. The prosecution case is that the revision petitioner was abducted by three persons in his car to a house near Guruvayur, where the accused was waiting for them and thereafter the accused forced the revision petitioner to sign some blank white papers, so as to make a document against the revision petitioner, thereby the accused committed the offence under Sections 365, 347, 323, 468, 506(i) read with 34 of the Indian Penal Code. On the basis of information, Viyyur police registered a crime and after investigation laid charge before the Judicial First Class Magistrate Court-I, Thrissur.

2. To prove the offence, prosecution examined PWs 1 to 7 and marked Exts.P1 to P3. The incriminating circumstances brought out in evidence were denied by the accused while questioning him. He did not adduce any defence evidence. The trial court acquitted the accused, being aggrieved by that revision petitioner preferred this revision petition.

3. Revisional power can be exercised in order to satisfy the correctness, legality or propriety of any finding or sentence or order or irregularity of the proceedings of the court below. I have gone through the judgment of the court below in which it is found that on 24.10.1997, the taxi of PW1 was hired by three persons and they asked him to go to Kottekkad. When they reached at Kottekkad, he was taken to a house by the three persons. In the house, accused was found and he told to PW1 that his son had to pay some amount to the accused and therefore PW1 should sign certain documents. If he did not sign the documents, he will not be released and he will be finished with. After obtaining the signature in certain blank papers

he was released and threatened that if the matter is disclosed to anybody he will be finished. Subsequently he told the incident to his son and gave Ext.P1 statement.

5. Prosecution also examined Pws2 to 7. During examination of those witnesses, it was revealed that there was a property dispute and the father of the accused has filed a suit as O.S.No.253/98 for specific performance of the contract and the case is pending. The father of the accused was examined as PW6. The trial court analyzed the evidence of PW6 and appreciated the evidence in its correct perspective. Therefore the story stated by PW1 was not believed. The other witnesses PWs 2 and 4 did not support the case of PW1. In the absence of valid evidence, trial court acquitted the accused, I find no illegality in the above order.

There is no merit in this revision petition and it is dismissed accordingly.

Sd/-
P.D.RAJAN
JUDGE

VS