

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

Cr1.Rev.Pet.No. 1791 of 2003 ()

CRA 133/1997 of ADDITIONAL SESSIONS JUDGE-II, MAVELIKKARA DATED
02-07-2003 IN CC 614/1991 of J.F.C.M.COURT-I, HARIPAD DATED
28-07-1997

REVISION PETITIONER/APPELLANT/ACCUSED NO.1:

RAMAKRISHNAN,
S/O.MADHAVAN, KAIMMOTTIL PADEETTATHIL VEEDU,
(ALSO KNOWN AS KOLLANTE KIZHAKKETHIL)
PUTHUPPALLY VADAKKUM MURI,
PUTHUPPALLY VILLAGE, KAYAMKULAM

BY ADVS.SRI.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR

RESPONDENTS/RESPONDENT/COMPLAINANT & STATE:

- 1) STATE OF KERALA, REPRESENTED BY THE DIRECTOR OF PUBLIC
PROSECUTIONS, HIGH COURT OF KERALA, ERNAKULAM.
- 2) THE SUB INSPECTOR OF POLICE, KAYAMKULAM

BY ADV. PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 02-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Crl.R.P. No. 1791 of 2003

Dated this the 2nd day of September, 2015

ORDER

The revision petitioner is the 1st accused in CC No.614/1991, on the files of Judicial Magistrate of First Class-I, Harippad. The courts below convicted the revision petitioner under section 324 IPC and sentenced him thereunder to simple imprisonment for six months and a fine of Rs.1,000/- with a default clause for simple imprisonment for 15 days. The appellate court confirmed the above conviction and sentence, as per judgment in Crl.Appeal - 133/1997.

2. The prosecution allegation is that on 01.07.1991, at about 5.30pm, the revision petitioner and the other accused attacked PW1 with a scooter chain on various parts of his body, causing injuries on him.

3. Before the trial court, PW1 to PW4 were examined and Exts.P1 to P4 were marked for the prosecution. No

evidence was adduced on the side of the defence. The courts below relied on the evidence of PW1 and the medical evidence of PW2 and Ext.P2 wound certificate, to enter into a finding that the revision petitioner committed the offence under section 324 IPC. Both the courts below appreciated the oral and documentary evidence, including the evidence of PW1 and PW2 and entered into a finding on facts with regard to the guilt of the revision petitioner. Since there is concurrent finding on facts, this Court will not be justified in re-appreciating the evidence particularly when the finding is not perverse or incorrect. In the said circumstances, I do not find any reason to interfere with the finding of the courts below that the revision petitioner committed the offence under section 324 IPC.

3. As regards the sentence, the learned counsel for the revision petitioner has pleaded for leniency. It is borne out from the evidence that PW1 did not sustain any serious injury in the incident. The incident was in the year 1991. Considering the facts and circumstances of the case,

including the fact that the revision petitioner is presently aged 60 years, and also taking into consideration of the nature of injuries sustained by PW1, I am of the view that the sentence awarded by the courts below can be modified and reduced to imprisonment till the rising of the court and a fine of Rs.10,000/-, to meet the ends of justice and accordingly I order so.

In the result, this revision petition stands allowed in part, confirming the verdict of guilty and conviction passed by the courts below. The sentence awarded by the courts below stands modified and reduced to imprisonment till the rising of the court and a fine of Rs.10,000/- with a default clause for simple imprisonment for two months. In the event of realisation of the fine amount, the entire amount shall be given to PW1 as compensation under Section 357 (1)(b) Cr.P.C.

Sd/-

B.SUDHEENDRA KUMAR
JUDGE

sm/