

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.D.RAJAN

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

Cr1.Rev.Pet.No. 2912 of 2003 ()

AGAINST THE ORDER/JUDGMENT IN CC 709/1999 of J.M.F.C., THALASSERY
DATED 19-07-2003

REVISION PETITIONER(S)/DEFACTO COMPLAINANT:

VIJAYAN, S/O. GOVINDAN,
CHAITHANYA,
ERUVETTI,
VENDUTTAI,
KANNUR (DIST).

BY ADVS.SRI.P.V.SURENDRANATH
SMT.BINDUMOL JOSEPH

RESPONDENT(S)/ACCUSED AND STATE:

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1. THATTIYOTT VASU,
S/O. CHANDUKUTTY,
MADAPPURACHALIL HOUSE,
ERUVETTI,
VEINDUTTAI,
KANNUR DISTRICT.
 2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

R,R1 BY ADV. SRI.T.A.RAMADASAN
PUBLIC PROSECUTOR ADV. SMT. MADHUBEN.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 10-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

acd

P.D. RAJAN, J.

Crl.R.P.No.2912 of 2003

Dated this the 10th day of April, 2015

ORDER

The defacto complainant in C.C.No.709/1999 of the Judicial First Class Magistrate Court, Thalassery, which was filed for offence punishable u/s.323, 324, 325 IPC is the revision petitioner.

2. The allegation was that on 4.9.1995 at about 18.45 hours, the accused with an intention to hurt, attacked PW1 with wooden stick and bitten on the middle finger of left hand causing grievous hurt and thereby committed the offence. On the basis of information, Dharmadom Police registered Crime No.146/1999. After investigation, laid charge in the trial Court.

2. To prove the allegation, PWs 1 to 6 were examined and Exts.P1 to P4 were marked. The incriminating circumstances brought out in evidence were denied by the accused while questioning u/s.313 Cr.P.C. Ext.P1 was marked from his side. The trial Court after considering the evidence, acquitted the 1st respondent for the offence u/ss.323, 324, 325 IPC. Against that, the defacto complainant preferred this revision.

3. During the pendency of the revision, the Sub Inspector of Police, Dharmadom Police Station filed a report stating that the 1st respondent is no more and he produced a Death Certificate issued from the Secretary, Pinarayil Grama Panchayat. Since the accused is no more, there is no further scope for proceeding with this revision. But, in view of the Apex Court decision in **State of Kerala v. Narayani Amma Kamala Devi & ors.** [AIR 1962 SC 1530],

there is no provision for abatement in a revision.

I have considered whether there is any illegality or irregularity in the finding of the Court below. The lower court examined PWs 1 to 6 and analysed the defence evidence given by DW1 before passing the above order. I do not find any illegality or irregularity in the finding recorded by the Court below. Therefore, there is no merit in this revision and it is dismissed accordingly.

P.D. RAJAN, JUDGE.

acd

