

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

Crl.Rev.Pet.No. 275 of 2012 ()

Crl.A 638/2006 OF THE ADDITIONAL SESSIONS COURT-I, PALAKKAD

CC 762/2003 OF THE JUDICIAL MAGISTRATE OF FIRST CLASS, PATTAMBI

REVISION PETITIONER/APPELLANT/ACCUSED:

ASHARUF ALIAS MAYAMI, S/O. MUHAMMED,
AGED 32 YEARS, KANAKKAMTHODI VEEDU,
MOORKKANAD, MALAPPURAM DISTRICT.

BY ADV. SRI.P.K.MOHANAN (PALAKKAD)

RESPONDENT/RESPONDENT/COMPLAINANT & STATE:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-31.

R BY PUBLIC PROSECUTOR SRI.R.GITHESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 02-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

Crl.R.P. No. 275 of 2012

Dated this the 2nd day of December, 2015

ORDER

The first accused in C.C.No.762 of 2003 on the files of the Court of the Judicial Magistrate of First Class, Pattambi, has filed this revision petition challenging the concurrent finding of conviction and sentence passed by the courts below under Section 511 of 420 IPC.

2. Heard.

3. The prosecution allegation is that on 28.7.2003 at about 1 p.m., the revision petitioner and the other accused in furtherance of their common intention, attempted to pledge an imitation gold ornament in the Service Co-operative Bank, Koppam for Rs.14,000/-. However, the appraiser of the bank on verification found that it was an imitation gold.

4. Before the trial court, PW1 to PW5 were examined and Exts.P1 to P8 were marked for the prosecution, besides identifying MO1 and MO2 series. No evidence was adduced on

the side of the revision petitioner.

5. The courts below correctly evaluated the oral and documentary evidence adduced by the prosecution and concurrently found that the revision petitioner committed the offence under Section 511 of 420 IPC, repelling the contentions of the revision petitioner. No circumstance has been brought to my notice to indicate that the appreciation of the evidence or concurrent finding by the courts below is perverse or incorrect. In the said circumstances, the concurrent finding by the courts below that the revision petitioner committed the offence under Section 511 of 420 IPC does not warrant any interference by this court.

6. As regards the sentence, the learned counsel for the revision petitioner has pleaded for leniency. The revision petitioner had been in custody from 29.7.2003 to 2.8.2003. There is no allegation that the revision petitioner was previously convicted in any other offence. The revision petitioner was also not involved in any other offence of similar

nature after the registration of this case.

Considering the facts and circumstances of the case, I am of the view that the sentence awarded by the courts below under Section 511 of 420 IPC can be modified and reduced to the period of detention already undergone by the revision petitioner in connection with this case and a fine of Rs.5000/- to meet the ends of justice and accordingly, I order so. In default of payment of fine, the revision petitioner shall undergo simple imprisonment for one month.

In the result, this revision petition stands allowed in part as above.

Sd/-

B. SUDHEENDRA KUMAR
JUDGE

Scl/2.12.2015

True Copy

PA to Judge

