

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

Crl.Rev.Pet.No. 1886 of 2009 ()

Crl.A 411/2004 OF THE ADDITIONAL SESSIONS COURT (FAST TRACK-III),
THIRUVANANTHAPURAM

CC 454/2001 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
NEDUMANGAD

REVISION PETITIONER(S)/APPELLANT/ACCUSED::

SREEKUMAR, S/O.GOPALAN NAIR,
SREEJA BHAVAN, PERAYAM, ANADU MURI
PALODU VILLAGE, THIRUVANANTHAPURAM DISTRICT.

BY ADVS.SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENT/RESPONDENT/COMPLAINANT::

STATE OF KERALA, REP.BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.R.GITESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 15-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

Crl.R.P. No.1886 of 2009

Dated this the 15th day of December, 2015.

ORDER

The accused in C.C.No.454 of 2001 on the files of the Court of the Judicial Magistrate of First Class-I, Nedumangad has filed this revision petition challenging the concurrent finding of conviction and sentence passed by the courts below under Section 324 IPC.

2. Heard.

3. The prosecution allegation is that on 16.8.2001 at 7.30 p.m., the revision petitioner hit PW2 on his left shoulder with a stone wrapped in a towel, causing injury on him.

4. Before the trial court, PW1 to PW8 were examined and Exts.P1 to P5 were marked for the prosecution. Exts.D1 and D2 were marked for the revision petitioner.

5. The courts below correctly evaluated the oral and documentary evidence adduced by the parties and

concurrently found that the revision petitioner committed the offence under Section 324 IPC, repelling the contentions of the revision petitioner. No circumstance is available before the court 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 324 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 incident occurred during the year 2001. There is nothing before the court to indicate that the revision petitioner was convicted in any other offence either prior to or subsequent to the registration of the crime in this case. PW2 sustained contusion over his left shoulder in the incident.

Considering the facts and circumstances of the case, including the nature of injury sustained by PW2, I am of the

view that the sentence awarded by the courts below under Section 324 IPC can be modified and reduced to imprisonment till the rising of the court and a compensation of Rs.15,000/- (Rupees fifteen thousand only) to PW2 under Section 357 (3) Cr.P.C., to meet the ends of justice and accordingly, I order so. In default of payment of compensation, the revision petitioner shall undergo simple imprisonment for two months.

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

The revision petitioner shall surrender before the court below on **14.1.2016** to suffer the sentence.

Sd/-

**B. SUDHEENDRA KUMAR
JUDGE**

Scl/15.12.2015

True Copy

PA to Judge

