

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. 414 of 2010 (G)

Crl.A 329/2008 OF THE ADDITIONAL SESSIONS COURT, FAST TRACK-II,
PALAKKAD

ST 861/2007 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, PALAKKAD

REVISION PETITIONER/APPELLANT/ACCUSED:-:

GANGADHARAN, S/O.VASU,
S.K.HOUSE, K.N.PUTHUR, KANJIKKODE
PALAKKAD.

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

RESPONDENTS/RESPONDENTS/COMPLAINANT AND STATE:-:

STATE OF KERALA REPRESENTED 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.414 of 2010

Dated this the 15th day of December, 2015

ORDER

The accused in S.T.No.861 of 2007 on the files of the Court of the Judicial Magistrate of First Class-II, Palakkad has filed this revision petition challenging the concurrent finding of conviction and sentence passed by the courts below under Sections 279 and 337 IPC.

2. Heard.

3. The prosecution allegation is that on 9.12.2006 at 7.30 p.m., the revision petitioner drove a Maruthi Omni vehicle in a rash and negligent manner so as to endanger human life along Palakkad - Olavakkod Public Road and when it reached at Sekharipuram Junction, it hit against the motor cycle driven by PW2 and consequently, PW2 and PW3, who was the pillion rider of PW2, were thrown to the road and they sustained injuries.

4. Before the trial court, PW1 to PW8 were examined

and Exts.P1 to P9 were marked for the prosecution. 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 Sections 279 and 337 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 Sections 279 and 337 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. PW2 and PW3 did not sustain any serious injury in the incident. The incident occurred during the year 2006. There is no material before the court to prove that the revision petitioner was convicted in any other offence of similar nature.

Considering the facts and circumstances of the case, including the nature of injuries sustained by PW2 and PW3, I am of the view that the sentence awarded by the courts below can be modified and reduced to a fine of Rs.1,000/- (Rupees one thousand only) and in default to simple imprisonment for ten days under Section 279 I.P.C. and imprisonment till the rising of the court and a compensation of Rs.5,000/- (Rupees five thousand only) and in default to simple imprisonment for one month under Section 337 I.P.C. will be sufficient to meet the ends of justice and accordingly, I order so. In the event of realisation of the compensation, the entire amount shall be given in equal proportion to PW2 and PW3, who were the injured in this case, under Section 357 (3) of the Code.

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

Sd/-

**B. SUDHEENDRA KUMAR
JUDGE**

Scl/15.12.2015

True Copy

PA to Judge