

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

Cr1.Rev.Pet.No. 2641 of 2009 ()

JUDGMENT IN Cr1.A 326/2004 OF THE ADDITIONAL SESSIONS COURT, NORTH
PARAVUR

JUDGMENT IN CC 1587/2000 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT-I, ALUVA

REVISION PETITIONER/APPELLANT/ACCUSED NO.5:

SABU, AGED 42 YEARS,
S/O.MARIYAN, KANJIRATHINGAL HOUSE, KARUMALLOOR
MANJALI, ERNAKULAM DIST.

BY ADVS.SRI.M.J.SANTHOSH
SRI.K.V.SOHAN

RESPONDENT(S)/RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REP.BY GOVERNMENT PLEADER, ERNAKULAM.

R, BY PUBLIC PROSECUTOR V.S.SREEJITH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 16-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

Crl.R.P. No. 2641 of 2009

Dated this the 16th day of November, 2015

ORDER

The revision petitioner is the fifth accused in C.C.No.1587 of 2000 on the files of the court of the Judicial Magistrate of First Class-I, Aluva.

2. The revision petitioner was convicted by the trial court under Section 411 IPC and sentenced him thereunder to simple imprisonment for one year. The appeal filed against the said conviction and sentence was dismissed by the appellate court. Aggrieved by the said conviction and sentence, this revision petition has been filed.

3. Heard.

4. The prosecution allegation is that on 28.7.1999 at about 2 p.m., the accused Nos.1 to 3 in furtherance of their common intention, committed theft of Jeep bearing registration No.KLO 6935 belonging to PW1, which was parked

on the side of the road in front of the house of PW1. Thereafter, the first accused sold the said jeep to the fourth accused, who in turn sold the same to the fifth accused. Thereafter, the fifth accused sold the same to the sixth accused with the knowledge that the said jeep was a stolen property.

5. Before the trial court, PW1 to PW7 were examined and Exts.P1 to P7 were marked for the prosecution. No evidence was adduced on the side of the revision petitioner.

6. The courts below, after evaluating the oral and documentary evidence adduced by the prosecution, concurrently found that the revision petitioner committed the offence under Section 411 IPC. Since there is concurrent finding on facts, this court will not be justified in interfering with the same, unless the finding is perverse or incorrect. No circumstance has been brought to my notice to indicate that the 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 411 IPC does not call for any interference by this Court.

8. Considering the nature of the sentence, the sentence awarded by the courts below also does not warrant any interference by this court.

In the result, this revision petition stands dismissed.

Sd/-
B. SUDHEENDRA KUMAR
JUDGE

Scl/7.11.2015

True Copy

PA to Judge