

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

Crl.Rev.Pet.No. 197 of 2013 ()

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Crl.A 457/2010 of ADDL.SESIONS COURT (ADHOC-III),NORTH PARAVUR  
CC 226/2009 of J.M.F.C.-II, ALUVA

REVISION PETITIONER(S)/APPELLANT/ACCUSED:

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MARIMUTHU @ VELUSWAMI, AGED 32 YEARS  
S/O. SUBBAYYA PANDIAN, KALATHINADUTHU, VADAKKUTHERUVIL  
THEKKU PANAVADALI SATHRAM VILLAGE SANKARAN KOVIL TALUK  
THIRUNELVELI DISTRICT, TAMILNADU.

BY ADV. SMT.ANITHA MATHAI MUTHIRENTHY

RESPONDENT(S)/RESPONDENT/COMPLAINANT:

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STATE OF KERALA  
REPRESENTED BY THE SUB INSPECTOR OF  
POLICE, KALAMASSERY POLICE STATION  
THROUGH THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA -682 031.

BY PUBLIC PROSECUTOR, SHRI.V.S.SREEJITH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON  
08-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**B.SUDHEENDRA KUMAR, J.**

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Crl.R.P. No.197 of 2013  
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Dated this the 8<sup>th</sup> day of December 2015

O R D E R

The accused in C.C.No.226 of 2009 on the files of the Court of the Judicial Magistrate of First Class-1I, Aluva has filed this revision petition challenging the concurrent finding of conviction and sentence passed by the courts below under Sections 454, 461 and 380 I.P.C.

2. Heard.

3. When this matter has been taken up for hearing, the learned counsel for the revision petitioner has submitted that he is not arguing the revision petition on merits and that the revision petitioner needs only leniency in the

matter of sentence. Suffice it to say that having gone through the relevant inputs, I do not find any infirmity in the concurrent finding by the courts below that the revision petitioner committed the offence under Sections 454, 461 and 380 I.P.C., warranting interference by this Court.

4. The learned counsel for the revision petitioner has pleaded for leniency in the matter of sentence. It has been submitted that the revision petitioner was initially arrested on 3.2.2002 and thereafter, 18 cases were charged against him. However, the revision petitioner was acquitted in 14 cases. He was convicted in the remaining four cases. There is no material before the court to hold that the revision petitioner committed any offence after the year 2002. It has been submitted by the learned counsel for the

revision petitioner that the revision petitioner is now settled in Tamil Nadu with his wife and children. Considering the facts and circumstances of the case, including the fact that the revision petitioner was not involved in any other offence after the year 2002, I am of the view that the sentence awarded by the courts below can be modified and reduced to simple imprisonment for 1½ years and a fine of Rs.2,000/- and in default to simple imprisonment for one month under Section 454 I.P.C., simple imprisonment for 1½ years and a fine of Rs.2,000/- and in default to simple imprisonment for one month under Section 380 I.P.C. and simple imprisonment for three months under Section 461 I.P.C., to secure the ends of justice. Accordingly, I order so. The substantive sentence of imprisonment shall run

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concurrently.

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

The revision petitioner is entitled to set off under Section 428 Cr.P.C. for the period of his detention in connection with this case.

Sd/-  
**B.SUDHEENDRA KUMAR,**  
**JUDGE**

*dl/.15.12.2015*

*// True Copy //*

*PA to Judge*