

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

Cr1.Rev.Pet.No. 1215 of 2010 ()

AGAINST THE JUDGMENT IN CRA 409/2008 of ADDITIONAL SESSIONS
JUDEGE, ADHOC-1), MANJERI DATED 29-01-2010

AGAINST THE JUDGMENT IN CC 80/2006 of C.J.M.,MANJERI DATED
10-12-2008

REVISION PETITIONER(S)/APPELLANT/ACCUSED:

ABDUL GAFOOR, S/O.AHAMMED,
KALLUVETTIKUZHIYIL HOUSE, CHANDAKUNNU POST, NILAMBUR
NILAMBUR TALUK, MALAPPURAM DISTRICT.

BY ADVS.SRI.T.K.SAIDALIKUTTY
SRI.A.A.ZIYAD RAHMAN

RESPONDENT(S)/RESPONDENTS/COMPLAINANT:

1. THE SUB INSPECTOR OF POLICE,
EDAVANNA.

2. THE STATE REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. V.S. SREEJITH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY
HEARD ON 04-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

B. SUDHEENDRA KUMAR, J.

.....
Crl.R.P. No. 1215 of 2010
.....

Dated this the 4th day of November, 2015

ORDER

The revision petitioner is the accused in C.C. No. 80 of 2006 on the files of the Court of the Chief Judicial Magistrate, Manjeri.

2. The trial Court convicted the revision petitioner under Section 332 of IPC and sentenced him thereunder to rigorous imprisonment for six month. The appeal filed against the said conviction and sentence was dismissed. Aggrieved by the said conviction and sentence, this Revision Petition has been filed.

3. Heard both sides.

4. The prosecution allegation is that on 26-8-2005 at about 11.15 p.m. the revision petitioner entered into the office of Edavanna Police Station and caused hurt to PW3 who was doing official duty at that time and thereby deterred PW3 from discharging his official duties.

5. Before the trial court, PW1 to PW6 were examined and Exts. P1 to P4 were marked for the prosecution. No evidence was

adduced on the side of the defence.

6. PW3 is the injured in this case. He had given evidence in tune with the prosecution case. PW2 is another Police Constable who also supported the evidence of PW3 in all material aspects. PW6 was the doctor who examined PW3 and issued Ext. P4 wound certificate. Apart from PW2 and PW3, there was no other occurrence witnesses.

7. 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 332 IPC. The defence set up by the revision petitioner was also repelled by the courts below. 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 appreciation of evidence by the courts below is perverse or incorrect. In the said circumstances, the concurrent finding of the courts below that the revision petitioner committed the offence under Sec. 332 IPC., does not warrant any interference by this Court.

8. The learned counsel for the revision petitioner has

pleaded for leniency in the matter of sentence. It appears from Ext. P4 wound certificate coupled with the evidence of PW6 that PW3 did not sustain any serious injury in the incident. There is no allegation that the revision petitioner was convicted in any other case. There is also no material to show that the revision petitioner has involved in any offence of similar nature .

9. Considering the facts and circumstances of the case, including the nature of injuries sustained by the de facto complainant, I am of the view that the sentence awarded by the courts below can be reduced to a fine of Rs. 10,000/- (Rupees ten thousand only) to secure the ends of justice and accordingly, I order so.

In the result, this revision petition stands allowed in part;

- i) confirming the verdict of guilty and conviction passed by the courts below under Sec. 332 IPC;
- ii) the sentence awarded by the courts below under Sec. 332 IPC stands modified and reduced to a fine of Rs. 10,000/-(Rupees ten thousand only).

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iii) in default of payment of fine, the revision petitioner shall under go simple imprisonment for two months;

iv) in the event of realisation of the fine amount, the entire amount shall be given to PW3 as compensation under Sec. 357 (1)(b) Cr.P.C.

The revision petitioner is granted one month to pay the fine.

Crl.M.A. No. 3647 of 2010

In view of the order in the Crl.Revision Petition, no orders necessary in the above application.

Dated this the 4th day of November, 2015.

B. SUDHEENDRA KUMAR,
JUDGE.

6/11/2015 ani/