

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

Crl.Rev.Pet.No. 94 of 2015 ()

JUDGMENT IN CRA 615/2011 OF SESSIONS COURT (ADHOC)-I, THRISSUR DATED
17.9.2012

JUDGMENT IN CC 274/2006 OF JUDICIAL MAGISTRTE OF FIRST CLASS,
KODUNGALLUR DATED 30-9-2008

REVISION PETITIONER(S):

BENSON, S/O.LONAPPAN, C.NO.3405, CENTRAL PRISON, KANNUR,
KOZHUKKULLYKARAN HOUSE, ANTHIKKAD, THRISSUR.

BY ADV. ADV. JOSWIN THAMBI KUNNATH (STATE BRIEF)

RESPONDENT(S):

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM- 682031.

R BY PUBLIC PROSECUTOR SRI.R.GITHESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 23-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

Crl. R.P. No.94 of 2015

Dated this the 23rd day of September, 2015.

ORDER

The revision petitioner was the first accused in C.C.No.274 of 2006 on the files of the court of the Judicial Magistrate of First Class, Kodungallur. The revision petitioner was convicted by the trial court under Section 205 r/w Section 419 of IPC and sentenced thereunder to simple imprisonment for three years. In the appeal, the appellate court confirmed the conviction and sentence under Section 419 of IPC and set aside the conviction and sentence under Section 205 IPC.

2. Heard.

3. The prosecution allegation is that on 27.11.2003, false tax receipts were produced before the court in C.C.No.936/2003 for enlarging the first accused, who is the revision petitioner, on bail.

4. When the revision petitioner absconded, it was revealed that he produced only false tax receipts before the

court. The house numbers and the documents produced by the sureties were bogus. The sureties were also not the residents of the addresses shown in the applicant. It was later on revealed that the solvency certificates produced before the court were also bogus.

5. Before the court below, PW1 to PW7 were examined and Exts. P1 to P19 were marked for the prosecution.

6. The courts below after evaluating the documentary as well as the oral evidence adduced by the prosecution, concurrently found the revision petitioner guilty under Section 419 of IPC. Since there is concurrent finding on facts by the courts below, 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 of 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 Section 419 IPC does not warrant any interference by this Court.

7. The offence committed by the revision petitioner is a very serious offence. The revision petitioner produced bogus documents before the court below to get him released on bail. Having regard to the nature of the offence committed by the revision petitioner, I am of the view that the sentence awarded by the courts below does not call for any interference by this court.

In the result, this revision petition stands dismissed.

Sd/-
B. SUDHEENDRA KUMAR
JUDGE

Scl.

True Copy

PA to Judge