

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.D.RAJAN

FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937

Cr1.Rev.Pet.No. 4291 of 2006 ( )

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AGAINST THE JUDGMENT IN CRA 661/2004 of ADDL.SESIONS COURT  
FAST TRACK COURT NO.III, (ADHOC), MANJERI DATED 19-09-2006  
AGAINST THE JUDGMENT IN CC 147/2000 of J.M.F.C.,MALAPPURAM  
DATED 26-11-2004.

REVISION PETITIONER(S)/APPELLANT/ACCUSED:

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NEELANDAN, S/O.KANNAN,  
CHERUR HOUSE KARIPPUR, KOLATHUR,  
MALAPPURAM DISTRICT.

BY ADV. SRI.P.SAMSUDIN

RESPONDENT(S)/RESPONDENT/COMPLAINANT:

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STATE OF KERALA,  
REP. BY THE SUB INSPECTOR OF POLICE, KONDOTTY  
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA  
ERNAKULAM.

R, BY ADV. PUBLIC PROSECUTOR, SRI. GITHESH.R

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD  
ON 22-05-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

acd

**P.D. RAJAN, J.**

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Crl.R.P.No. 4291 of 2006  
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Dated this the 22<sup>nd</sup> day of May, 2015

**ORDER**

This revision petition is preferred against the judgment in Crl.Appeal No.661/2004 of Additional Sessions Judge, Fast Track Court No.III (Adhoc), Manjeri for offence punishable under S.324 IPC. The revision petitioner was the accused in C.C.No.147/2000 of Judicial First Class Magistrate Court, Malappuram, which was charge sheeted for offence punishable u/s.324 IPC by the Sub Inspector of Police, Kondotty, in which he was convicted and sentenced by the trial Court.

2. The narration of incident for the indictment was that on 15.10.99 at 6.30 p.m., the revision petitioner

voluntarily caused hurt to PW1 by inflicting cut injury on the cheek with a knife at the courtyard of Pushpak Bar Restaurant, Kolathur. As a result PW1 sustained serious injuries and removed him to hospital. On the basis of information, Kondotty Police registered a crime and after completing investigation, laid charge before Court.

3. To prove that story, the prosecution examined PWs 1 to 15 and marked Exts.P1 to P5 as documentary evidence and admitted Mo1 as material object. The incriminating circumstances brought out in evidence were denied by the accused while questioning him u/s.313 Cr.P.C. The the trial Court after hearing both sides, convicted the accused.

4. The learned counsel appearing for the revision petitioner contended that the injury sustained was only a minor wound, but the sentence imposed by the trial Court

was too harsh. Therefore, interference of this Court is necessary. The learned Public Prosecutor opposed the above argument.

5. The incident had occurred on 15.10.99 at about 6.30, while PW1 was going to the Pushpak bar hotel in order to collect the price of milk. While proceeding to the hotel, PW1 saw the revision petitioner quarrelling with another man and when he enquired about the reason for quarrel, the revision petitioner stabbed him with MO1 knife. Immediately, he was removed to Medical College Hospital. Subsequently, PW1 gave Ext.P1 statement to the Police and he identified MO1 weapon. Independent witnesses PWs 2 to 6 supported the story stated by PW1. The defence put forward by the accused in the trial Court was that the injury was sustained due to a fall on the ground, which was rejected by that Court.

6. The doctor, who examined PW1 opined that the injury could be caused due to MO1 knife. Medical Officer, who treated PW1 was examined as PW7. I have perused Ext.P2 wound certificate, in which PW7 noted an injury 5 x 2 cm bone incised body wound on the left cheek. The specific opinion of PW7 was that the injury in Ext.P2 was caused with Mo1 knife. Therefore, the medical evidence is corroborating the evidence of PW1.

7. PW14 conducted the investigation and prepared Ext.P3 scene mahazar. PW12 verified the investigation and laid charge before Court, where no infirmity was found in the investigation. Analysing the evidence, it is found that the prosecution established the case beyond reasonable doubt. Therefore, the concurrent conviction u/s.324 IPC by the courts below is only to be confirmed.

8. It is pertinent to note that previous criminal

antecedents were not reported against the revision petitioner. Moreover, PW1 was consumed alcohol at the time of incident, which was recorded in Ext.P2 wound certificate by the doctor. Considering the nature of offence and the facts and circumstances of the case, I think this is a fit case to show some leniency in the sentence, in view of the Apex Court decision in Modi Ram and another v. State of Madhyapradesh [AIR 1972 SC 2438]. PW1 is also entitled to get some amount as compensation as per the decision of the Apex Court in Suresh and another v. State of Haryana [(2015) 2 SCC (Crl) 45]. Hence, the revision petitioner is sentenced as follows:-

(a) He is sentenced to undergo imprisonment for three months u/s.324 IPC.

(b) He is also directed to pay a compensation of ₹25,000/- u/s.357 Cr.P.C., in default of payment of

compensation, imprisonment for one month.

(c) If compensation is realized, it shall be disbursed to the PW1.

Crl.R.P. is partly allowed.

**P.D. RAJAN, JUDGE.**

acd





