

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

Crl.Rev.Pet.No. 170 of 2015 ()

**IN Crl.A. 528/2006 of ADDL. SESSIONS COURT (ADHOC), THALASSERY
IN CC 332/2004 of J.M.F.C.-I, KANNUR**

REVISION PETITIONER(S)/APPELLANT:

**MAVILAKANDY ASHRAF
S/O.MAJEED, MAVILAKANDY HOUSE, PUZHATHI AMSOM
KUNHIPALLY, KANNUR DISTRICT**

**BY ADVS.SRI.K.C.SANTHOSHKUMAR
SMT.K.K.CHANDRALEKHA**

RESPONDENT(S):

- 1. STATION HOUSE OFFICER
KANNUR TOWN POLICE STATION
KANNUR DISTRICT 670 001.**
- 2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682 031.**
- * SUPPLIMENTAL RESPONDENT NO.3**
- 3. VATTAKANDY AMEER, S/O.ABDUL RAZAK
KUNHIPALLY, P.O.KORATTY, KANNUR DISTRICT
IMPLEADED AS ADDITIONAL RESPONDENT NO.3 WIDE ORDER IN
CRL.M.APPLN. NO.403/2015 DATED 6.02.2015.**

**R3 BY ADV. SMT.M.M.DEEPA
R BY PUBLIC PROSECUTOR N.SURESH**

**THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON
06-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Imp

Crl.Rev.Pet.No. 170 of 2015 ()

APPENDIX

PETITIONER'S ANNEXURE:

ANNEXURE A: SWORN AFFIDAVIT EXECUTED BY THE DEFACTO COMPLAINANT.

RESPONDENT'S ANNEXURE: NIL

//TRUE COPY//

PA. TO JUDGE

Imp

C.T.RAVIKUMAR, J.

CRL.R.P.NO.170 OF 2015

Dated this the 6th day of February, 2015

ORDER

This revision petition is directed against the concurrent finding of guilty, conviction and sentence of the revision petitioner in a prosecution for the offences punishable under Sections 323, 324, 427, & 447 of the Indian Penal Code. The petitioner was the accused in C.C. No.332/2004 on the file of the court of the Judicial First Class Magistrate – I, Kannur. Upon such conviction he was sentenced to undergo simple imprisonment for one month under Section 447 IPC, to undergo simple imprisonment for three months each for the offences under Sections 323 and 427 IPC and to undergo simple imprisonment for six months for the offence under Section 324 IPC. The sentence to undergo imprisonment under all heads is ordered to be run concurrently. The petitioner preferred Crl. Appeal No.528/2006 against such judgment. In the appeal, on scanning the entire evidence the appellate court found no merit in the challenge made by the petitioner against the conviction and also against the sentence. Consequently, the appellate court dismissed the appeal and confirmed the conviction and also the sentence imposed on the petitioner. Hence, this appeal. In view of the subsequent developments, I do not think it

necessary to delve into the contentions raised in the revision petition any further. It is submitted by the learned counsel appearing for the petitioner and also the learned counsel for the third respondent/the defacto complainant that all the offences for which the petitioner was convicted are compoundable in view of the provisions under Section 320 Cr.P.C. It is further submitted by the learned counsel for the third respondent that, the third respondent and the petitioner herein have amicably settled the matter and in the said circumstances permission may be granted for compounding the offences as they are compoundable under Section 320 Cr.P.C with the permission of the court. In fact, CrI.M. Appln. No.683/2015 has been moved by the parties in that regard. However, a close scrutiny would reveal that an offence under Section 324 IPC is not now, compoundable. It is to be noted in this context that the incident in question occurred on 11.07.2004 and on that date the offence under Section 324 IPC was compoundable and it became non-compoundable only with effect from 31.12.2009. No doubt, all the other offences for which the petitioner was convicted are compoundable in view of the provisions under Section 320 Cr.P.C. The settlement arrived at between the petitioner and the third respondent duly verified by the parties are brought on record and it is noticed. Since, it is evident that the

parties have amicably settled the matter and no wrangle left in the mind of the parties. In fact, the very purpose of Section 320 Cr.P.C. is to bring friendliness among the parties to a litigation. In the said circumstances, since the parties have amicably settled the matter and that the third respondent is competent to compound all the aforesaid offences I am of the view that continuation of the proceedings would be against the interest of justice. In the result, permission sought for is only to be granted to the third respondent and accordingly they are compounded. Consequently, the judgment in Crl. A. No.528/2006 confirming the judgment in C.C. No.332/2004 and the judgment in C.C. No.332/2004 passed by the court of the Judicial First Class Magistrate – I, Kannur are set aside. It is made clear that the composition of the offences will have the effect of acquittal of the revision petitioner of the offences under Sections 323, 324, 427 & 447 of the IPC.

In the result, this Crl.R.P. is disposed.

C.T.RAVIKUMAR, JUDGE

