

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

Crl.Rev.Pet.No. 1207 of 2011 ()

Crl.A 605/2003 OF THE ADDITIONAL SESSIONS COURT (ADHOC)-I, THALASSERY

CC 138/2002 OF THE CHIEF JUDICIAL MAGISTRATE COURT, THALASSERY

REVISION PETITIONER/APPELLANT/ACCUSED 2:

PRASANNAKRISHNAN, S/O.BALAKRISHNAN,
BUSINESS, ANJARAKKANDY, THALASSERY
KANNUR.

BY ADVS.SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH

RESPONDENT/RESPONDENT/COMPLAINANT/STATE:

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

R BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 21-12-2015, ALONG WITH CRL.R.P. 3302/2010 AND CRL.R.P.
719/2011, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

Crl.R.P.No.3302 of 2010,
Crl.R.P.Nos.719 & 1207 of 2011

Dated this the 21st day of December, 2015

ORDER

The petitioners are the accused persons in C.C.No.138 of 2002 on the files of the Court of the Chief Judicial Magistrate, Thalassery. The petitioners were convicted and sentenced by the trial court under Sections 143, 147, 427 and 447 r/w Section 149 IPC. In the appeal, the conviction and sentence had been confirmed. Aggrieved by the said conviction and sentence, these revision petitions have been filed.

2. Heard.

3. The prosecution allegation is that on 5.3.2002 at about 12.30 a.m., the accused persons formed themselves into an unlawful assembly armed with deadly weapons, committed rioting and trespassed into the residential premises of PW1 and destroyed the compound wall to a length of 100 metre, causing a loss to the tune of Rs.5,000/- to PW1.

4. 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 revision petitioner.

5. When this matter has been taken up for hearing, the learned counsel for the revision petitioners has submitted that the revision petitioners are not contesting the matter on merits and that they need only leniency in the matter of sentence.

6. Suffice it to say that having gone through the relevant inputs, I am satisfied that the concurrent finding of conviction and sentence passed by the courts below does not suffers from any infirmity, warranting interference by this Court.

7. The first accused in the crime was aged 65 years during the relevant period. Presently, he is aged 78 years. The revision petitioners did not inflict any injury on PW1 or PW2. It appears that the incident occurred in connection with the widening of a road. It has been submitted by the learned counsel that the parties are presently living in harmony.

Considering the facts and circumstances of the case, I am of the view that the sentence awarded by the courts below can be modified and reduced to imprisonment till the rising of the court and a fine of Rs.5,000/- each with a default clause for simple imprisonment for one month each under Section 427 IPC, a fine of Rs.500/- each and in default to simple imprisonment for five days each under Section 447 IPC, a fine of Rs.3,000/- each and in default to simple imprisonment for twenty days each under Section 147 IPC and a fine of Rs.1,000/- each and in default to simple imprisonment for ten days each under Section 143 IPC, to meet the ends of justice and accordingly, I order so. If the fine amount is realised, the entire amount shall be given to PW1 as compensation under Section 357 (3) Cr.P.C.

In the result, these revision petitions stand allowed in part as above.

Sd/-
B. SUDHEENDRA KUMAR
JUDGE

Scl/21.12.2015

True Copy

PA to Judge