

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 6TH DAY OF NOVEMBER 2015/15TH KARTHIKA, 1937

Cr1.Rev.Pet.No. 3918 of 2009 ()

JUDGMENT IN Cr1.A 454/2008 OF THE DIST & SESSIONS COURT, ALAPPUZHA

JUDGMENT IN CC 604/2007 OF THE JUDICIAL MAGISTRATE OF FIRST CLASS,
AMBALAPUZHA

REVISION PETITIONER/APPELLANT/ACCUSED:

HAROLD ROBINSON, S/O.T.N.ROBINSON
THAIKATTU VEEDU, (H.NO.232-B), T.L.WARD NO.10
CHOTTANIKKARA, KANAYANNOOR TALUK, ERNAKULAM.

BY ADVS.SRI.TOM JOSE
SMT.GEETHA JOB (OZHUKAYIL)
SMT.S.SREENI
SRI.M.R.RAJESH

RESPONDENT/RESPONDENT/COMPLAINANT:

STATE OF KERALA, R/BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

R, BY PUBLIC PROSECUTOR SRI.R.GITESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 06-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

Crl.R.P. No.3918 of 2009

Dated this the 6th day of November, 2015

ORDER

The revision petitioner is the accused in C.C.No.604 of 2007 on the files of the Court of the Judicial Magistrate of First Class, Ambalapuzha.

2. The revision petitioner was convicted by the trial court under Sections 279 and 338 IPC and Section 134 (a) and (b) and Section 146 r/w 196 of M.V. Act and sentenced him to a fine of ₹1,000/- each for each of the offences under Sections 279 and 338 IPC, a fine of ₹100/- each under Sections 134 (a) and (b) of the M.V. Act and a fine of ₹1,000/- under Section 146 r/w 196 of M.V. Act. In the appeal, the conviction and sentence under Section 146 r/w 196 of M.V. Act had been set aside, upholding the conviction and sentence on other counts. Aggrieved by the said conviction and sentence, this revision petition has been filed.

3. Heard.

4. The prosecution allegation is that on 12.12.2006 at about 3.30 p.m., the revision petitioner drove an ambassador

car bearing registration No.KL-7-AY-2925 along Kollam-Alappuzha National Highway from south to north in a rash and negligent manner endangering human life and when it reached at south of Aravukadu junction, it hit against the motor cycle driven by PW1 and as a consequence, PW1, his wife and child sustained serious injuries. The revision petitioner also failed to provide first aid to the injured. He also did not inform the accident to the police. The ambassador car was not insured against the third party risk during the relevant period.

5. Before the trial court, PW1 to PW11 were examined and Exts.P1 to P11 were marked for the prosecution. DW1 to DW3 were examined and Exts.D1 to D3 (a) were marked for the revision petitioner.

6. The courts below, after evaluating the oral and documentary evidence adduced by the parties, concurrently found that the revision petitioner committed the offences under Sections 279 and 338 IPC and Section 134 (a) and (b) of M.V.Act. 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 finding by the courts below is perverse or incorrect. In the said circumstances, the concurrent finding by the courts below that the revision petitioner committed the offence under Sections 279 and 338 IPC and Section 134 (a) and (b) of M.V. Act does not call for any interference by this Court.

7. The courts below had taken a very lenient view in the matter of sentence. Therefore, the sentence awarded by the courts below also does not warrant any interference by this Court.

In the result, this revision petition stands dismissed.

I make it clear that if the revision petitioner had already deposited any amount in connection with this case before the trial court, the said deposit will be treated as payment/part payment of the fine ordered by the courts below.

Sd/-
B. SUDHEENDRA KUMAR
JUDGE