

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

Crl.Rev.Pet.No. 681 of 2015 (E1)

**AGAINST THE JUDGMENT IN CRLA 117/2010 of ADDL. DISTRICT & SESSIONS COURT - V,
THIRUVANANTHAPURAM DATED 30-09-2014**

AGAINST THE JUDGMENT IN CC 566/2004 of J.M.F.C.-II, ATTINGAL DATED 18-12-2009

CRIME NO. 205/2004 OF ATTINGAL POLICE STATION , THIRUVANANTHAPURAM

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REVISION PETITIONER(S)/APPELLANT/ACCUSED:

**NEELAMBARAM,
S/O.SEKHARAN, DEEPTIVILASOM, KAKKAKUNNU,
PAMMATHINKEEZHU, VAMANAPURAM VILLAGE,
THIRUVANANTHAPURAM.**

BY ADV. SRI.M.R.SARIN

RESPONDENT(S)/RESPONDENTS/COMPLAINANT:

- 1. THE STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. BABY,
D/O.RAGHAVAN, LATHIKA VILASAM, 483,
KAKKAKUNNU, NEERUMANKADU, VAMANAPURAM,
THIRUVANANTHAPURAM.695 001.**
- 3. LATHIKA ,
D/O.RAVEENDRAN, LATHIKA VILASAM, 483,
KAKKAKUNNU, NEERUMANKADU, VAMANAPURAM,
THIRUVANANTHAPURAM.695 001.**

**R2&3 BY ADV. SRI.AJAYA KUMAR. G
R1 BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS**

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON
04-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

OKB

K.HARILAL, J.

Cr1.M.Appl. No.3007 of 2015

in

Cr1.R.P. No.681 of 2015

Dated this the 4th day of June, 2015

O R D E R

The revision petitioner is the accused in C.C. No.566/2004 on the files of the Judicial First Class Magistrate's Court-II, Attingal as well as the appellant in Criminal Appeal No.117/2010 on the files of the court of the Additional District and Sessions Judge-V, Thiruvananthapuram. He was prosecuted for the offence punishable under Section 324 of the Indian Penal Code on a complaint filed by the 1st respondent herein. After trial, the learned Magistrate found the revision petitioner guilty of the offence punishable under Section 324 of the IPC and convicted thereunder. He was sentenced to undergo simple imprisonment for one year and also directed to pay a fine of Rs.5,000/-, which shall be paid to the de facto complainant towards compensation. In default, to undergo simple imprisonment for a period of three months. Though the revision petitioner had preferred an appeal, the Appellate Court also confirmed the conviction and

sentence. This revision petition is filed challenging the concurrent findings of conviction and sentence.

2. Now the revision petitioner along with the legal heirs of the deceased de facto complainant filed this Crl.M.A. under Section 320 of the Cr.P.C. In the petition, it is specifically stated that the subject matter of the above revision petition has been settled out of court between the revision petitioner and the legal heirs of the deceased de facto complainant and now the legal heirs of the deceased defacto complainant are not desirous of prosecuting the case against the revision petitioner. They jointly sought for permission of the Court for compounding the offence.

3. As I am satisfied with the averments in the petition signed by both the parties and countersigned by the respective counsel appearing for the parties, permission is granted to compound the offence and composition is recorded.

Sd/–
K. HARILAL, JUDGE

okb.

K.HARILAL, J.

CrI.R.P. No.681 of 2015

Dated this the 4th day of June, 2015.

O R D E R

During the pendency of this revision filed against the conviction and sentence of the revision petitioner under Section 324 of the Indian Penal Code, the parties have settled the matter and have filed CrI.M.A. No.3007/2015 to the effect that the matter has been compounded. The said petition has been signed by the revision petitioner as well as the respondents 2 and 3, who are the legal heirs of the deceased de facto complainant and their respective counsel. In the light of this, CrI.R.P. is disposed of and the judgments under appeal are set aside and the composition of the offence is recorded.

2. It is needless to mention that this composition shall have the effect of acquittal of the revision petitioner of the offence punishable under Section 324 IPC within the meaning of Section 320(8) Cr.P.C.

Sd/-
K. HARILAL, JUDGE

okb.