

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

Crl.Rev.Pet.No. 780 of 2015

AGAINST THE JUDGMENT IN CRL.A.NO. 246/2014 of SESSIONS
COURT, MANJERI DATED 10-03-2015

AGAINST THE ORDER IN MC 196/2014 of J.M.F.C.-II,
PERINTHALMANNA DATED 09-07-2014

REVISION PETITIONER(S)/RESPONDENTS:

1. MUSTHAFA,
S/O. ALAVU, OTTAKATH HOSUE, EDAPPATTA,
VELLIANCHERRY P.O., PERINTHALMANNA TALUK,
MALAPPURAM DISTRICT.

2. ABDUPPU T.P.,
S/O. MUHAMMED, POTHYILTHODIPARAMBIL HOSUE,
CHETHALLUR,
THACHANATTUKARA,
MANNARKAD TALUK, PALAKKAD DISTRICT.

BY ADVS.SRI.K.M.JAMALUDHEEN
SMT.LATHA PRABHAKARAN

RESPONDENT(S)/STATE:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM (INSTRUCTIONS THROUGH THE STATION HOUSE
OFFICER, MELATTUR POLICE STATION)

BY PUBLIC PROSECUTOR SRI. JUSTINE JACOB

THIS CRIMINAL REVISION PETITION HAVING COME UP
FOR ADMISSION ON 25-06-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

K. HARILAL, J.

Crl.R.P. No.780 of 2015

Dated this the 25th day of June, 2015

ORDER

The revision petitioners are the sureties of the accused in C.C. No.941 of 2014 on the files of the Judicial First Class Magistrate's Court-II, Perintalmanna, registered for the offence punishable under Sec.379 of the Indian Penal Code. When the accused absconded, the trial court registered M.C. No.196 of 2014 against the revision petitioners. On getting notice, the revision petitioners entered appearance and sought for time. Consequently, the trial court passed an order dated 9/7/2014 imposing ₹20,000/- each as penalty. Aggrieved by the said order, the petitioners had preferred Crl. Appeal No.246 of 2014 before the

Sessions Court, Manjeri, and the appellate court, by judgment dated 10/3/2015, modified the order passed by the trial court by reducing the penalty amount to ₹15,000/- each. This order is under challenge in this revision petition.

2. The learned counsel for the revision petitioners submits that subsequent to the passing of the impugned judgment, the accused was arrested on information given by the petitioners and produced before court on 10/6/2015 and he was remanded to custody. Thereafter, an application for bail was filed by the accused and bail was granted on 12/6/2015. In view of the subsequent events, the learned counsel for the revision petitioners prayed for setting aside the impugned order under challenge.

3. On verification, through Registry, it is learnt that, as submitted by the learned counsel for the revision petitioners, the accused was arrested on 10/6/2015 and remanded to custody and thereafter, he was released on fresh bail executed by the sureties

on 12/6/2015. In view of the arrest and detention of the accused, on the basis of the information given by the revision petitioners, a lenient view can be taken in fixing the quantum of penalty.

4. In the result, penalty amount of ₹15,000/- each imposed on the revision petitioners is reduced to ₹5,000/- each and remission is allowed for the balance.

This revision petition is allowed in part.

Sd/-

(K. HARILAL, JUDGE)

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P.S. to Judge