

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 14TH DAY OF SEPTEMBER 2015/23RD BHADRA, 1937

Crl.Rev.Pet.No. 858 of 2015

**AGAINST THE JUDGMENT IN CRL.A.NO.761/2011 (JAIL APPEAL) OF ADDITIONAL
SESSIONS COURT (ADHOC)-I, THRISSUR DATED 04-08-2012**

**AGAINST THE JUDGMENT IN C.C.NO.390/2004 OF JUDICIAL FIRST CLASS
MAGISTRATE COURT, CHAVAKKAD DATED 28-06-2006**

REVISION PETITIONER(S)/APPELLANT/ACCUSED :

**BENSON, AGED 36 YEARS,
C.NO.3405, CENTRAL PRISON, KANNUR
S/O.LONAPPAN, KOZHUKKULLIKARAN HOUSE,
ANTHIKAD DESOM, ANTHIKAD VILLAGE, THRISSUR.**

BY ADV. SRI.SANTHOSH KUMAR.G. (STATE BRIEF)

RESPONDENT(S)RESPONDENT/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY GOVT.PLEADER AND PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**

BY PUBLIC PROSECUTOR SRI.R.GITHESH

**THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 14-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

B.SUDHEENDRA KUMAR, J.

Crl.R.P. No. 858 of 2015

Dated this the 14th day of September, 2015

ORDER

The revision petitioner is the 1st accused in CC390/2004 on the files of the court of the Judicial Magistrate of First Class, Chavakkad.

2. The revision petitioner was convicted by the trial court under Sections 379 and 414 r/w 34 IPC and sentenced thereunder to rigorous imprisonment for two years and a fine of Rs.1,000/- under Section 379 IPC and to rigorous imprisonment for two years under Section 414 IPC. The said conviction and sentence were challenged in appeal. The Additional Sessions court as per judgment in CA.761/2011 confirmed the conviction and sentence passed by the trial court.

3. Heard.

4. The prosecution allegation is that the revision petitioner and the 2nd accused in furtherance of their

common intention travelled in a Motor cycle, bearing registration No.KL 2837, with revision petitioner as the pillion rider and snatched a gold chain weighing five sovereigns from the neck of the de-facto complainant. Thereafter, the said gold chain was sold through the 3rd accused, who is the wife of the revision petitioner.

5. When the accused was produced before the court on 07.02.2006, Adv.Smitha Gireesh was appointed as the state brief to defend the case for the revision petitioner before the court below. The charge was framed on 04.04.2006. The revision petitioner pleaded not guilty to the charge. Thereafter the case should posted for examination of witnesses. On that day, the revision petitioner was represented by a lawyer of his own choice, namely Adv.George Joseph Pulimootil. He filed vakalath and a petition to permit the revision petitioner to plead guilty. That petition was allowed by the court below and the plea of the revision petitioner was again recorded. The revision petitioner pleaded guilty of the charge. The court below, on

being satisfied that the plea was made voluntarily, after understanding the nature and consequences of the Act, accepted the plea of the revision petitioner and convicted him under Sections 379 and 414 IPC. It appears that the revision petitioner was represented by a lawyer of his own choice. It was only on the basis of an application submitted on behalf of the revision petitioner that the plea of the revision petitioner was again recorded by the court below. From the order impugned, I am satisfied that the court below was fully convinced about the fact that the revision petitioner was fully aware of the nature and consequences of pleading guilty before he pleaded guilty. He was also represented by a lawyer of his own choice. Having gone through the relevant inputs, I am satisfied that the court below was correct in accepting the plea of the revision petitioner and convicting him. In the said circumstances, I find no reason to interfere with the verdict of guilty and conviction passed by the courts below under Sections 379 and 414 of IPC. The sentence awarded by the courts

below also does not call for any interference by this Court.

In the result, this revision petition stands dismissed.

Sd/-
B.SUDHEENDRA KUMAR
JUDGE

//TRUE COPY//

P.A.TO JUDGE

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