

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

Crl.Rev.Pet.No. 980 of 2015

**AGAINST THE JUDGMENT IN CRL.A.NO.498/2012 OF ADDITIONAL SESSIONS
COURT-II, THIRUVANANTHAPURAM, DATED 20-11-2014**

**AGAINST THE JUDGMENT IN S.T.NO.2016/2007 OF JUDICIAL FIRST CLASS
MAGISTRATE COURT-I, VARKALA DATED 19-10-2012**

REVISION PETITIONER(S)/APPELLANT/ACCUSED :

**S.S.PRINCE,
KRISHNA, KILIMANOOR, CHIRAYINKIL TALUK,
THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT(S)/RESPONDENTS/STATE & COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. VETTOOR GRAMA PANCHAYATH.
VETTOOR, REPRESENTED BY THE SECRETARY,
VETTOOR GRAMA PANCHAYATH, PIN CODE-695 132.**

**R1 BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH
R2 BY ADVS. SRI.SUBHASH CYRIAC
SMTSHEEBA JOSEPH**

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 11-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

B.SUDHEENDRA KUMAR, J.

Crl.R.P. No. 980 of 2015

Dated this the 11th day of September, 2015

ORDER

The revision petitioner is the accused in ST 2016/2007 on the files of the court of Judicial Magistrate of First Class-I, Varkala.

2. The revision petitioner was convicted by the trial court under Section 210 of the Kerala Panchayath Raj Act r/w rule 27 of Panchayath Raj (Taxation and Appeal Rules 1996). The revision petitioner was also ordered to pay an amount of Rs.1,22,026/- to the complainant with 9% interest from the date of complaint till realisation. Appeal filed against the said conviction and order of compensation was dismissed by the appellate court. Aggrieved by the said conviction and order of compensation, this revision petition has been filed.

3. Heard.

4. The prosecution allegation can be briefly stated as

follows:-

The revision petitioner failed to pay the bid amount of Rs.1,22,026/- even after the receipt of demand notice from the the Panchayath. After complying with the legal formalities, a complaint was filed before the trial court by the Panchayath.

5. Before the trial court, PW1 was examined and Exts.P1 to P7 series were marked for the complainant. DW1 was examined on the side of the defence.

6. After evaluating the oral and documentary evidence adduced by both sides, the courts below concurrently found that the revision petitioner is guilty under Section 210 of the Kerala Panchayath Raj Act r/w rule 27 of Panchayathi Raj (Taxation and Appeal Rules 1996). The defence setup by the revision petitioner was 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 concurrent finding

of the courts below is perverse or incorrect. In the said circumstances, I do not find any reason to interfere with the verdict of guilty and the order of compensation passed by the courts below.

In the result, this revision petition stands dismissed. However, the revision petitioner is granted six months time to pay the bid amount.

Sd/-
B.SUDHEENDRA KUMAR
JUDGE

//TRUE COPY//

P.A.TO JUDGE

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