

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. 1133 of 2015 ()

CRA 426/2013 of FIRST ADDL.SESIONS COURT, KOZHIKODE
CC 264/2006 of J.M.F.C.-V,KOZHIKODE
CRIME NO. 147/2006 OF NALLALAM POLICE STATION , KOZHIKODE

REVISION PETITIONER/APPELLANT/ACCUSED:

ASOKAN AGED 52 YEARS
S/O. SADASIVAN, THACHAMBALATH HOUSE, PANTHEERANKAVU
KOZHIKODE.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS/COMPLAINANT & STATE:

1. THE STATION HOUSE OFFICER
NALLALAM POLICE STATION, KOZHIKODE DISTRICT-673027.
2. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM-682031.

BY PUBLIC PROSECUTOR, BY PUBLIC PROSECUTOR, SHRI.V.S.SREEJITH

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 11-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Crl.R.P.No.1133 of 2015

Dated this the 11th day of September 2015

ORDER

The revision petitioner is the accused in C.C. No.264 of 2006 on the files of the Court of the Judicial Magistrate of First Class-V, Kozhikode.

2. The trial court convicted the revision petitioner under Section 341 of the Indian penal Code (for short 'I.P.C.') and instead of sentencing the petitioner, the court below released the petitioner under Section 3 of the Probation of Offenders Act. The appeal filed against the said conviction and the order of probation was dismissed

by the appellate court. Aggrieved by the said conviction and order of probation, the revision petitioner filed this revision petition.

3. Heard the learned counsel for the revision and the learned Public Prosecutor.

4. The prosecution allegation is that on 4.8.2006 at about 9 a.m., while PW2 and PW3 were travelling in a car, the revision petitioner blocked the said car, wrongfully restrained PW2 and threatened to kill her. The revision petitioner also abused her.

5. Before the court below, PW1 to PW6 were examined and Exts.P1 to P3 were marked for the complainant. DW1 to DW4 were examined and Exts.D1 and D2 were marked for the revision petitioner.

6. In connection with the incident, PW1, who is the husband of PW2, launched Ext.P1 F.I. Statement before the police. PW2 had given evidence in tune with the prosecution case. PW3 also supported the evidence of PW2 in all material aspects. PW1 is having only hearsay information with regard to the incident. The courts below, relying on the evidence of PW2 and PW3, found the revision petitioner guilty under Section 341 I.P.C. The defence set up by the revision petitioner through DW1 to DW4 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 of the courts below is perverse or incorrect. In this case, no circumstance has been brought to my notice to indicate that

the finding of the courts below was perverse or incorrect.

7. In the said circumstances, the concurrent finding of the courts below that the revision petitioner is guilty under Section 341 I.P.C. does not call for any interference by this court. The courts below, instead of sentencing, released the revision petitioner under Section 3 of the Probation of Offenders Act. I find no reason to interfere with the said order of the courts below as well.

In the result, this revision petition stands dismissed.

Sd//

**B.SUDHEENDRA KUMAR,
JUDGE.**

dl

/ True copy /

PA to Judge