

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

Crl.Rev.Pet.No. 1548 of 2015 ()

Crl.A 63/2011 OF THE ADDITIONAL SESSIONS COURT - III, MANJERI

CC 746/2003 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
PARAPPANANGADI

REVISION PETITIONER(S)/1ST ACCUSED/APPELLANT:

SURENDRAN, AGED 43 YEARS
S/O.BALAN, PALANGATT HOUSE, NANNAMBRA (PO)
KUNDOOR, MALAPPURAM DISTRICT.

BY ADV. SRI.JAMSHEED HAFIZ

RESPONDENT(S)/THE STATE:

THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA AT ERNAKULAM, 682031.

R BY PUBLIC PROSECUTOR SRI.R.GITESH

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 26-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

Crl.R.P. No.1548 of 2015

Dated this the 26th day of November, 2015

ORDER

The first accused in C.C.746 of 2003 on the files of the Court of the Judicial Magistrate of First Class-I, Parappanangadi has filed this revision petition challenging the concurrent finding of conviction and sentence passed by the courts below under Section 353 IPC.

2. The prosecution allegation is that on 30.6.2003 at about 10 a.m., the revision petitioner and the other accused in furtherance of their common intention, caught hold of the uniform shirt of PW4 in a drunken stage and uttered abusive words and thereby prevented PW4 from doing his official duty as a police officer.

3. Heard.

4. When this matter has been taken up for hearing, the learned counsel for the revision petitioner has submitted that the learned counsel is not arguing this revision petition on

merits and that he wants only leniency in the matter of sentence. Suffice it to say that having gone through the judgment of the courts below, I do not find any infirmity in the concurrent finding of guilty and conviction passed by the courts below under Section 353 I.P.C., warranting interference by this Court.

5. The offence under Section 353 I.P.C. is punishable with imprisonment for a term which may extend to two years or with fine or with both. There is no allegation that the revision petitioner was previously convicted in any other case. There is also no allegation that the revision petitioner was involved in any other offence of similar nature subsequent to the incident in this case. There is no allegation that the revision petitioner inflicted any injury on the body of PW4.

6. Considering the facts and circumstances of the case, including the fact that the revision petitioner is a first time offender, I am of the view that the sentence awarded by the courts below can be modified and reduced to imprisonment till

the rising of the court and a fine of ₹5,000/- to meet the ends of justice and accordingly, I order so. In default of payment of fine, the revision petitioner shall undergo simple imprisonment for 15 days.

In the result, this revision petition stands allowed in part as above.

Sd/-
B. SUDHEENDRA KUMAR
JUDGE

Scl/26.11.2015

True Copy

PA to Judge