

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

Crl.Rev.Pet.No. 1614 of 2015 ()

MC 2/2015 IN SC 141/2014 OF ASSISTANT SESSIONS COURT, KASARAGOD

REVISION PETITIONER(S)/2ND COUNTER PETITIONER:

KUNHIRAMAN
S/O.APPUKAN, KOPPAL HOUSE, UDMA VILLAGE
HOSDURG TALUK, KASARAGOD DISTRICT.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENT(S):

-
1. SUB INSPECTOR OF POLICE, MANJESHWAR POLICE STATION
KASARAGOD DISTRICT-671 323.
 2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031.

BY PUBLIC PROSECUTOR, SHRI.R.GITESH

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON
04-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Crl.R.P. No.1614 of 2015

Dated this the 4th day of December 2015

O R D E R

The revision petitioner is the 2nd counter petitioner in M.C. No.2 of 2015 in S.C. No.141 of 2014 on the files of the Assistant Sessions Court, Kasaragod. The revision petitioner was directed to pay a penalty of Rs.15,000/- by the Assistant Sessions Court under Section 446 of the Code. In the appeal, the penalty was modified to Rs.7,500/-. Aggrieved by the said order, this revision petition has been filed.

2. Heard.

3. When this matter has been taken up for hearing, the

learned counsel for the revision petitioner has submitted that the revision petitioner is not pressing for hearing this revision petition on merits and that he needs only leniency in the matter of penalty. Suffice it to say that having gone through the order of the Assistant Sessions Court and the judgment of the Sessions Court, Kasaragod, I do not find any infirmity in the concurrent finding by the courts below, awarding penalty on the revision petitioner, warranting interference by this Court.

3. The learned counsel for the revision petitioner has submitted that the accused, for whom the revision petitioner stood as surety, had surrendered before the court below and thereafter, the said accused was granted bail by the court concerned and in the said circumstances, the learned counsel has pleaded for leniency in the matter of penalty. Paragraph 7 of the judgment of the appellate court

would also show that the accused, for whom the revision petitioner executed the bond, had surrendered before the court below and he was released on bail by the court. Since the accused had surrendered before the court subsequent to the passing of the order impugned, I am of the view that leniency can be taken in the matter of penalty. Accordingly, I order so.

In the result, this revision petition stands allowed in part modifying and reducing the penalty imposed by the courts below and remission is granted to the extent that the revision petitioner shall pay an amount of Rs.1,000/- as penalty under Section 446(3) of the Code. The revision petitioner is granted twenty days to pay the penalty.

SD/-

**B.SUDHEENDRA KUMAR,
JUDGE**

dl/7.12.2015

// True Copy //

PA to Judge