

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

Crl.Rev.Pet.No. 1182 of 2014 ()

CRL.A 548/2010 of I ADDL.S.C.,KOLLAM
CC 1012/2007 of J.M.F.C.-I, PUNALUR

REVISION PETITIONER/PETITIONER:

ANIL KUMAR
S/O.KRISHNANKUTTY, PRANAVAM VEEDU, AGASTHIACODE MURI
ANCHAL VILLAGE.

BY ADVS.SRI.S.SAJU
SRI.P.M.SHAMEER
SRI.R.SURESH (KATTAYAM)

RESPONDENT:

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

BY PUBLIC PROSECUTOR, SHRI.R.GITHESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON
28-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Crl.R.P.No.1182 of 2014

Dated this the 28th day of October 2015

O R D E R

The revision petitioner is the accused in C.C.No.1012 of 2007 on the files of the court of the Judicial Magistrate of First Class-1, Punalur.

2. The trial court convicted the revision petitioner under Sections 452 and 324 I.P.C. and sentenced him to simple imprisonment for six months and a fine of Rs.5,000/- under Section 452 I.P.C. and simple imprisonment for six months under Section 324 I.P.C. The appeal filed against the said conviction and sentence was dismissed. Aggrieved by the said conviction and sentence,

this revision petition has been filed.

3. Heard.

4. The prosecution allegations is that on 14.5.2008 at about 2 p.m., the revision petitioner beat PW1 with an iron rod, causing injuries on him.

5. Before the trial court, PW1 to PW8 were examined and Exts.P1 to P5 were marked for the prosecution. No evidence was adduced on the side of the defence.

6. The courts below, after evaluating the oral and documentary evidence adduced by the prosecution, concurrently found that the revision petitioner committed the offence under Sections 452 and 324 I.P.C. The defence set up by the revision petitioner was also 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 appreciation of evidence by the courts below was perverse or incorrect. The courts below found the revision petitioner guilty under Section 452 and 324 I.P.C. and convicted him thereunder. In the said circumstances, the concurrent finding by the courts below that the revision petitioner committed the offences under Sections 452 and 324 I.P.C. does not warrant any interference by this Court.

7. As regards the sentence, the learned counsel for the revision petitioner has pleaded for leniency. Ext.P2 wound certificate, coupled with the evidence of PW4 would show

that PW1 sustained contusion on his left wrist and other parts of the body. It appears that PW1 did not sustain any serious injury in the incident. Considering the facts and circumstances of the case, including the nature of injuries sustained by PW1, 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 Rs.10,000/- under Section 452 I.P.C. and a fine of Rs.5,000/- under Section 324 I.P.C., to secure the ends of justice. Accordingly, I order so.

In the result, this revision petition stands allowed in part,

- (i) confirming the verdict of guilty and

conviction passed by the courts below under Sections 452 and 324 I.P.C.

(ii) the sentence awarded by the courts below stands modified and reduced to imprisonment till the rising of the court and a fine of Rs.10,000/- (Rupees ten thousand only) and in default to simple imprisonment for two months under Section 452 I.P.C. and a fine of Rs.5,000/- (Rupees five thousand only) and in default to simple imprisonment for one month under Section 324 I.P.C.

(iv) in the event of realisation of the fine, the entire amount shall be given to PW1 as compensation under Section 357(1) (b) Cr.P.C.

sd/

**B.SUDHEENDRA KUMAR,
JUDGE**

dl

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PA to Judge