IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.ANIL KUMAR

WEDNESDAY, THE 09TH DAY OF DECEMBER 2020 / 18TH AGRAHAYANA, 1942

Crl.Rev.Pet.No.2223 OF 2006

AGAINST THE JUDGMENT IN CRL.APPEAL NO.384/2003 DATED 12-05-2006 OF ADDITIONAL SESSIONS COURT, FAST TRACK-II, ALAPPUZHA

AGAINST THE JUDGMENT IN CC NO.750/1999 DATED 30-08-2003 OF JUDICIAL MAGISTRATE OF FIRST CLASS -II, CHERTHALA

REVISION PETITIONER/ACCUSED/APPELLANT:

1 MOHANAN, S/O SUBRAMANYAN PILLAI
KAMALA NIVAS, KRISHNAPURAM MURI,
KAYAMKULAM, VILLAGE, KARTHIPPALLY,
ALAPPUZHA DISTRICT.

2 VARKEY ANTONY NENMENI VEED
EZHUPUNNA, CHERTHALA,
ALAPPUZHA DISTRICT.

BY ADVS.
DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR
SRI.M.R.JAYAPRASAD
SRI.T.K.KAMALJITH
SRI.K.K.RAJEEV

RESPONDENT/STATE/COMPLAINANT:

1 STATE OF KERALA
REPRESENTED BY THE DIRECTOR OF PUBLIC PROSECUTION,,
HIGH COURT OF KERALA, ERNAKULAM.

2 EXCISE INSPECTOR,
KUTHIYATHODU RANGE
ALAPPUZHA DISTRICT.

BY SR.PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 09.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 9th day of December 2020

The composite sentence of imprisonment and fine was awarded by the trial court as well as the appellate court for the offence punishable under Sections 55(a), 56(b) and 58 of the Kerala Abkari Act.

2. The learned counsel for the revision petitioners submitted that the revision petitioners are no more.

3. The learned Senior Public Prosecutor, on instructions, submits that the revision petitioners are no more.

4. The sentence of imprisonment stands abated consequent to the death of the revision petitioners/accused. However, the sentence of fine does not abate.

5. The learned Senior Public Prosecutor submits that it is practically not possible to trace out the legal heirs of the revision petitioners/accused at this point of time. Hence, it is requested that the revision petition may be closed, without prejudice to the rights of the legal heirs if any, to get the

revision re-open, if deemed necessary.

In the result, this revision petition stands closed, without prejudice to the rights of the legal heirs of the revision petitioners/accused to get the revision re-open, if deemed necessary. The Registry is directed to send back the records to the trial court for execution of the sentence of fine as against the legal heirs of the revision petitioners/accused, in accordance with law.

sd/-

N.ANIL KUMAR, JUDGE

dlk/09.12.2020