IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.SOMARAJAN

TUESDAY, THE 23rd DAY OF JANUARY 2024 / 3RD MAGHA, 1945

CRL.REV.PET NO. 1157 OF 2023

AGAINST THE JUDGMENT DATED 15.01.2021 IN CC 847/2011 OF JUDICIAL MAGISTRATE OF FIRST CLASS, CHITTUR

CRA 12/2021 OF DISTRICT & SESSIONS COURT, PALAKKAD

REVISION PETITIONER/APPELLANT/ACCUSED:

JAYARAMAN, S/o ARUCHAMI, AGED 41 YEARS,
PARAKKALAM ROAD, KOZHINJAMPARA,
CHITTUR, PALAKKAD, PIN -678 555

BY ADVS. RAJESH SIVARAMANKUTTY
A.P.BEELAMMA
ARUL MURALIDHARAN

RESPONDENT/RESPONDENT/STATE:

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, PIN - 678031

BY SR PUBLIC PROSECUTOR SRI C N PRABHAKARAN

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 23.01.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Heard both sides.

2. It is against the concurrent findings of guilt of accused for the offence punishable under Section 326 IPC and the sentence awarded therein, the sole accused came up in revision.

3. The injuries noted in the wound certificate are pain and swelling left forearm and human bite mark left side of chest. On X-ray evaluation fracture on ulna was reported. No other injuries were reported. The injuries noted are minor in nature including the fracture left distal fourth ulna of left forearm. The weapon used for inflicting the injury is a wooden stick, which was not identified. Necessarily, the offence would not fall under the purview of the offence punishable under Section 326 IPC, but would fall under the purview of Section 324 IPC. As such, the conviction against the accused for the offence under Section 326 IPC will stand set aside and the accused is

found guilty for the offence punishable under Section 324 IPC and convicted thereunder and sentenced to undergo simple imprisonment for the period of detention already undergone and a fine amount of Rs.15,000/- (Rupees fifteen thousand only), in default to undergo simple imprisonment for a period of three months. On recovery of the fine amount, an amount of Rs.12,000/- (Rupees twelve thousand only) shall be released to the victim under Section 357(2) Cr.P.C and the rest of the amount shall be adjusted towards the cost incurred by the State Government in prosecuting the case.

The Criminal Revision Petition will stand allowed in part accordingly.

Sd/-

P.SOMARAJAN

JUDGE

DMR/-