

Narayanan Vs. State of Kerala

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Court : Kerala

Decided On : Dec-20-2012

Judge : Honourable Mr.Justice S.Siri Jagan

Appellant : Narayanan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE S.SIRI JAGAN THURSDAY, THE 20TH DAY OF DECEMBER 2012 29TH AGRAHAYANA 193 CrI.Rev.Pet.No. 1785 of 2002 () ----- CRA.NO.348/1997 of ADDL.SESIONS COURT (ADHOC-I), THALASSERY CC.NO.30/1994 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KANNUR ----- REVISION PETITIONER(S)/APPELLANTS/1,2,4 & 5 / ACCUSED 1 2,4 & 5: ----- 1. P.K.NARAYANAN, S/O. RAGHAVAN, AGED 5 YEARS, N.G.O.QUARTERS, PALLIKUNNU.

2. KANNURKARA MADATHIL SREESHANTH, S/O. NARAYANAN, AGED 2 YEARS, N.G.O. QUARTERS, PALLIKUNNU.

3. PRIYAPPAD SHAJI, S/O. THANKAPPAN, AGED 2 YEARS, KOTTIYOOR, KELAKAM, ADAKATHODE.

4. PARAVANTE VALAPPIL PRADEEPAN, S/O. SOMAN, AGED 2 YEARS, KURUVA ROAD, KANNUR. BY ADV. SRI.P.K.RAVISANKAR
RESPONDENT/COMPLAINANT: ----- STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI.BIJU MEENATTOOR
THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 20-12-2012, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: sts S. SIRI JAGAN, J.

----- Crl. Rev. Petition No.1785 of 2002 -----
----- Dated this the 20th day of December, 2012

ORDER

The petitioners are the accused in C.C. No.30/1994 before the judicial First Class Magistrate's Court-I, Kannur. They were prosecuted for offences punishable under Sections 143, 147, 448, 427 & 506 (1) read with Section 149 of the Indian Penal Code. The prosecution case as stated in paragraph 2 of the judgment of the Magistrate is as follows: "2. x x x x. The accused had formed an unlawful assembly on 17.9.1993 at 6.30 p.m. The accused had trespassed into the house of the witness No.1 which is situated in ward not IV of Kannur Municipality knowing fully well that each one of them is member of the said assembly. They had prior animosity towards the husband of the witness No.1. They had caused damage to the door of the house and disconnected the telephone connection. They had destroyed the electric fuse and the fence of the compound wall causing damage to the tune of Rs.5000/- to the witness No.1. The caused had committed the said offences in prosecution of their common object. Hence the prosecution would state that the accused have committed the offences which are punishable under sections 143, 147, 448, 427 and 506 (1) read with S.149 of I.P.C." 2. The prosecution examined PWs 1 to 5 and marked Exhibits P1 to P3. The accused did not adduce any evidence. On the basis of the evidence adduced, the Crl. Rev. Petition No.1785 of 2002 -2- Magistrate convicted the petitioners and another accused, who is no more, and sentenced them to undergo simple imprisonment for one month under Section 143 of the I.P.C., simple imprisonment for six months under Section 147 of the I.P.C and simple imprisonment for three months under

Section 448 of the I.P.C. and imprisonment for six months each for offences punishable under Sections 427 and 506 (1) of the I.P.C. The sentences were directed to run concurrently. Crl. Appeal No.348/1997 filed by the petitioners before the Sessions Court, Thalasserry was dismissed. The petitioners are challenging the judgments of the courts below.

3. After arguing for sometime, the learned counsel for the petitioners confines relief for reduction in sentence. It is submitted that the sentence of imprisonment may be reduced and instead compensation may be ordered to PWs 1 & 2.

4. I have heard the learned Public Prosecutor also on this point. Crl. Rev. Petition No.1785 of 2002 -3- Having considered the circumstances, I am inclined to reduce the sentence Accordingly, the sentence is confined to simple imprisonment for one month each for all the offences which shall run concurrently. But the petitioners together shall pay an amount of Rs.25,000/- (Rupees twenty five thousand only) as compensation to PWs 1 & 2, in default of payment of which, each of the petitioners shall undergo simple imprisonment for a further period of three months. The Crl.R.P. is disposed of as above. Sd/- S. SIRI JAGAN JUDGE //True copy//
P.A. TO JUDGE shg/

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