

Sobha Vs. State of Kerala

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Court : Kerala

Decided On : Feb-05-2014

Judge : Honourable Mr.Justice M.L.Joseph Francis

Appellant : Sobha

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE M.L.JOSEPH FRANCIS WEDNESDAY, THE 5TH DAY OF FEBRUARY 2014 16TH MAGHA, 1935 CrI.Rev.Pet.No. 207 of 2014 ()
----- AGAINST THE

JUDGMENT

IN CRL.A1672010 of ADDL.SESIONS COURT-IV, KOTTAYAM DATED 11-12-2013 AGAINST THE

JUDGMENT

IN CC662008 of C.J.M., KOTTAYAM DATED 31-03-2010 PETITIONER/APPELLANT/1ST ACCUSED: ----- SOBHA W/O. SURENDRAN, RESIDING AT THE HOUSE OF RAJAPPAN ENNAKKACHIRA BHAGOM, KURICHIKARA, KUIRICHI VILLAGE FROM KUZHIYIL HOUSE, PANAYAKAZHIPPU, MUTTAMBALAM KOTTAYAM. BY ADV. SRI.M.J.THOMAS RESPONDENT/RESPONDENT/COMPLAINANT-STATE:

----- STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA,
ERNAKULAM. R BY PUBLIC PROSECUTOR SRI.LIJU V STEPHEN THIS
CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON0302-
2014, THE COURT ON0502-2014 PASSED THE FOLLOWING: AV M.L.JOSEPH
FRANCIS, J.

----- CrI. R.P. No.207 of 2014
----- Dated 5th February, 2014

ORDER

This Criminal Revision Petition is filed by the first accused Sobha in C.C.No.66 of 2008 on the file of the Chief Judicial Magistrate Court, Kottayam. The offence alleged against accused Nos.1 and 2 was under Section 20(b)(ii)(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

2. The allegation was that the first accused was found in possession of 38 gms. of Ganja and that the second accused entrusted the same to the first accused. The trial court acquitted the second accused and convicted the first accused under Section 20(b)(ii)(A) of the NDPS Act and sentenced the first accused to undergo rigorous imprisonment for six months and to pay a fine of `5000/-, in default to undergo rigorous imprisonment for one month. CrI. Appeal No.167 of 2010 filed by the first accused before the Additional Sessions Court - IV, Kottayam was allowed in part and the conviction was confirmed and the sentence was reduced to rigorous imprisonment for three months and to pay fine of `5000/-, in default to undergo CrI. R.P. No.207 of 2014 2 rigorous imprisonment for one month. Against that judgment, the appellant/first accused filed this Criminal Revision Petition.

3. Heard the learned counsel for the revision petitioner and the learned Public Prosecutor.

4. The learned counsel for the revision petitioner submitted that the revision petitioner is not challenging her conviction and that she is not a previous convict and therefore, some leniency may be shown in awarding the sentence.

5. For the above offence, jail sentence is not mandatory. Considering the facts and circumstances of the case, I am of the view that sentencing the first accused to pay fine of `6,000/- under Section 20(b)(ii)(A) of the NDPS Act would meet the ends of justice. Accordingly, this Criminal Revision Petition is allowed in part. The conviction of the first accused Sobha in C.C.No.66 of 2008 on the file of the Chief Judicial Magistrate Court, Kottayam under Section 20(b)(ii)(A) of the NDPS Act is confirmed. The sentence is modified and she is sentenced to pay a fine of `6,000/- , in default to undergo rigorous CrI. R.P. No.207 of 2014 3 imprisonment for one month. Three months' time is granted to the revision petitioner to remit the fine before the trial court. Sd/- M.L.JOSEPH FRANCIS, JUDGE. tgs (true copy)

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