

Rajesh Vs. State of Kerala

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Court : Kerala

Decided On : Feb-06-2014

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

Appellant : Rajesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE
HONOURABLE MR.JUSTICE M.L.JOSEPH FRANCIS THURSDAY, THE 6TH DAY
OF FEBRUARY 2014 17TH MAGHA, 1935` Crl.Rev.Pet.No. 1379 of 2012 ()
----- AGAINST THE

ORDER

IN CRL.A. 828/2010 of ADDITIONAL DISTRICT COURT (ADHOC)-1, THRISSUR
AGAINST THE

JUDGMENT

IN CC24532007 of J.M.F.C., KUNNAMKULAM REVISION
PETITIONER/APPELLANT/3RD ACCUSED:

----- RAJESH, AGED 31 YEARS,
S/O. RAVEENDRAN, PLUAPARAMBIL HOUSE THIRUTHIKKAD DESAM,
PORKULAM VILLAGE THALAPPILLY TALUK, THRISSUR DISTRICT. BY ADV.
SRI.RAJIT RESPONDENT/RESPONDENT/STATE:

----- STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM. R BY
PUBLIC PROSECUTOR, SMT P MAYA THIS CRIMINAL REVISION PETITION
HAVING BEEN FINALLY HEARD ON 06-02-2014, THE COURT ON THE SAME
DAY PASSED THE FOLLOWING: M.L. JOSEPH FRANCIS J., -----
----- Crl.R.P. No.1379 of 2012 -----
-- Dated this the 6th day of February 2014

ORDER

This Criminal Revision Petition is filed by the third accused in C.C. No.2453 of 2007 on the file of Judicial First Class Magistrate, Kunnamkulam. In that case accused Nos.1 to 3 were charge sheeted under Sections 341, 323 and 294(b) read with Section 34 of the Indian Penal Code (for short 'the IPC'). In the trial court, accused Nos.1 and 3 were convicted under Section 341 of the IPC and sentenced to undergo simple imprisonment for one month and they were convicted under Section 323 of the IPC and sentenced to undergo simple imprisonment for three months and to pay a fine of `1,000/- each in default to undergo simple imprisonment for three Crl.R.P.No.1379 of 2012 :2: months. Accused Nos.1 and 3 found not guilty under Section 294(b) of the IPC. Against the conviction and sentence third accused filed Crl. Appeal No.828 of 2010 before the Additional Sessions Court, No.1, Thrissur which was dismissed. Against that judgment the appellant/third accused filed this Criminal Revision Petition.

2. Heard the learned counsel for the revision petitioner and the learned Public Prosecutor. The learned counsel for the revision petitioner raised the same contentions raised before the trial court and the appellate court. Since both the Courts on appreciating the evidence on record concurrently found that the revision petitioner is guilty under Sections 323 and 341 of the IPC, I find no reason to interfere with that conviction.

3. For the above offences jail sentence is not mandatory. Considering the facts and circumstances of the case, I am of the view that sentencing the third accused to pay a fine of `1,000/- Crl.R.P.No.1379 of 2012 :3: under Section 323 of the IPC and to pay a fine of `500/- under Section 341 of the IPC would meet the ends of

justice. Accordingly this Criminal Revision Petition is allowed in part. The conviction of third accused in C.C. No.2453 of 2007 on the file of Judicial First Class Magistrate Court, Kunnankulam under Sections 341 and 323 is confirmed. The third accused is sentenced to pay a fine of `1,000/- in default to undergo simple imprisonment for two weeks under Section 323 of the IPC and also to pay a fine of `500/- in default to undergo simple imprisonment for one week under Section 341 of the IPC. The third accused is granted three months time to deposit the fine amount before the trial court. SD/ M. L. JOSEPH FRANCIS, (JUDGE) dl/ PA toJudge

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