

Rajan Vs. State of Kerala

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Court : Kerala

Decided On : Feb-19-2014

Judge : Honourable Mr.Justice B.P.Ray

Appellant : Rajan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE B.P.RAY WEDNESDAY, THE 19TH DAY OF FEBRUARY 2014 30TH MAGHA, 1935 CrI.Rev.Pet.No. 82 of 2011 () ----- CRA6742009 of ADDL.SESIONS COURT, FAST TRACK (ADHOC)-IV, TRIVANDRUM. CC8242004 of JUDICIAL FIRST CLASS MAGISTRATE-I, ATTINGAL REVISION PETITIONERS : APPELLANTS/ACCUSED NOS.1,2,3, 5 TO 10 & 12: ----- 1. RAJAN, S/O.MADHAVAN, KULATHINAKOM, AP.V-523, MUTTAPALAM DESOM, AZHOOR VILLAGE.

2. SURESH @ KOCHUMON, S/O.MURALISWAMY ASARI, KATTUKULAM VEEDU, NO.AP.III/235 AZHOOR VILLAGE.

3. BIJU @ INDRAN, S/O.CHANDRAN, THODIYIL VEEDU, NO.AP.III/184, MUTTAPALAM DESOM, AZHOOR VILLAGE.

4. RAJESH @ PAPPAYUDEMAKAN, S/O.NATARAJAN, PUNNAVILA PUTHENVEEDU, NO.AP.III/182 MUTTAPALAM DESOM, AZHOOR VILLAGE.
5. CHANDRIKA, D/O.SUMATHY, RESIDING AT PUNNAVILA PUTHENVEEDU, AP., III/182 MUTTAPALAM DESOM, AZHOOR VILLAGE.
6. ASA, D/O.CHANDRIKA, RESIDING AT PUNNAVILA PUTHENVEEDU, AP III/182 MUTTAPALAM DESOM, AZHOOR VILLAGE.
7. MANNA, D/O.CHANDRIKA, RESIDING AT PUNNAVILA PUTHENVEEDU, AP III/182 MUTTAPALAM DESOM, AZHOOR VILLAGE.
8. LALU, S/O.RAJAN, PUNNAVILA VEEDU, NO.AP III/584, PUNNAVILA PUTHENVEEDU, MUTTAPALAM DESOM AZHOOR VILLAGE.
9. LALU, S/O.PRAKASAN, VAYALIL VEEDU, MUDAPURAM DESOM, KUZHIVILA VILLAGE.
10. SAJI @ MUTTALAN, S/O.MANIYAN, CHARIVILA VEEDU, MUDAPURAM DESOM, KUZHIVILA VILLAGE. CrI.R.P. No. 82/2011 :

2. : BY ADVS.SRI.B.RAMAN PILLAI SRI.R.ANIL SRI.ANIL K.MOHAMMED SRI.SUJESH MENON V.B. SRI.SHYAM ARAVIND SRI.T.ANIL KUMAR
RESPONDENTS/COMPLAINANT:- ----- STATE,
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA.
BY SRI. THOMAS JOHN AMBOOKAN, PUBLIC PROSECUTOR THIS CRIMINAL
REVISION PETITION HAVING BEEN FINALLY HEARD ON 19-02-2014, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING: B.P. RAY, J.

----- CrI. R.P. No. 82 of 2011 ----- Dated this
the 19th day of February, 2014.

ORDER

Heard the learned counsel for the petitioners and the learned Public Prosecutor.

2. The petitioners are accused Nos. 1 to 3, 5 to 10 and 12 respectively in C.C. No. 824 of 2004 on the file of the Judicial First Class Magistrate -I, Attingal for offences

punishable under Sections 143, 147, 148, 447, 323, 324 and 379 r/w Section 149 IPC. The aforementioned case arose on the basis of the final report filed in Crime No. 250 of 2001 of Chirayinkeezhu Police Station. Accused Nos. 4 and 11 did not face trial. The learned Magistrate after trial as per judgment dated 25.09.2009 found A1 to A3, A5 to A10 and A12 guilty of the offences and sentenced to undergo simple imprisonment for three months and to pay a fine of ` 1000/- each and in default to pay the fine, to undergo simple imprisonment for three months for the offence under Section 324 r/w Section 149 IPC. They were also sentenced to undergo simple imprisonment for three months each for the offences punishable under Sections 143, 147, 447 and 323 r/w Section 149 IPC each. Accused Nos. 1 and 3 were sentenced to undergo simple imprisonment for three months each for the CrI.R.P. No. 82/2011 :

2. : offence under Section 148 IPC. Out of the fine amount, `2000/- each was ordered to be paid to CW1 and PW1 as compensation under Section 357(1)(b) of the Code of Criminal Procedure. All the accused were acquitted under Section 248(1) Cr.P.C for the offence under Section 379 IPC. The substantive sentences were ordered to run concurrently. On appeal preferred by them as CrI. Appeal No. 674 of 2009 before the Addl. Sessions Court, Fast Track (Adhoc) IV, Thiruvananthapuram, the learned Sessions Judge as per judgment dated 30.11.2010 dismissed the appeal confirming the conviction and sentence passed by the trial court. Hence this revision.

3. It is submitted that most of the petitioners are neighbours and some of them are family members. Three among the petitioners are women. The incident upon which the petitioners are convicted and sentenced, was allegedly occurred in the year 2001. They are not involved in any other case except the above case.

4. In the facts and circumstances of the case, I modify the sentence and the revision petitioners are sentenced to pay a fine of ` 2000/- each and in default to pay the fine, to suffer CrI.R.P. No. 82/2011 :

3. : simple imprisonment for one month each. The fine amount shall be deposited by the end of March. Out of the fine amount, an amount of ` 10,000/- (Rupees ten thousand only) shall be paid to the Kerala State Legal Services Authority. Revision

Petition is allowed in part. sd/- B.P. RAY, JUDGE. rv Crl.R.P. No. 82/2011 :

4. :

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