

Sahadevan Vs. State

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Court : Kerala

Decided On : Mar-03-2014

Judge : Honourable Mr.Justice B.P.Ray

Appellant : Sahadevan

Respondent : State

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE B.P.RAY MONDAY, THE 3D DAY OF MARCH 2014 12TH PHALGUNA, 1935 CrI.Rev.Pet.No. 938 of 2002 ()
----- CRA2471999 of I ADDL.DISTRICT & SESSIONS COURT, ERNAKULAM CC19731997 of J.M.F.C.-I MUVATUPUZHA REVISION PETITIONER/ACCUSED NO.1/APPELLANT:

----- SAHADEVAN, S/O.PAPPU ILLAYARI VEEDU, CHERUKUNNAMKARA, ASAMANNUR VILLAGE. BY ADVS.SRI.B.RAMAN PILLAI SRI.GEORGE PHILIP SRI.R.ANIL SRI.RAJU RADHAKRISHNAN SRI.ANIL K.MOHAMMED
RESPONDENT/COMPLAINANT/RESPONDENT:-

----- STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA. BY ADV. SHRI. THOMAS JOHN AMBOOKAN, PUBLIC PROSECUTOR THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 03-03-2014, ALONG WITH CRRP. 1087/2002, THE COURT ON THE SAME DAY PASSED THE

FOLLOWING: B.P. RAY, J.

----- Crl. R.P. Nos. 938 & 1087 of 2002 -----

Dated this the 3rd day of March, 2014.

ORDER

The petitioners, who are accused Nos. 1 and 2 respectively in C.C. No. 1973 of 1997 on the file of the Judicial First Class Magistrate-I, Muvattupuzha for an offence punishable under Section 394 IPC, challenge the conviction entered and the sentence passed by the courts below.

2. The prosecution case is as follows: On 24.02.1997, at 7.45 p.m., accused Nos. 1 to 3 voluntarily caused hurt to PW1 and committed robbery of valuables such as gold ornaments and cash totalling to ` 1,70,000/- by snatching away the bag from his possession at the bus stop near Muvattupuzha bridge on the side of M.C road.

3. The prosecution altogether examined 13 witnesses as P.Ws 1 to 13 and got marked 9 documents as Exts. P1 to P9 and five material objects as Mos1 to 5. No defence evidence was adduced.

4. The learned Magistrate, after trial, as per judgment dated 07.07.1999 found the revision petitioners guilty of the offence and sentenced to undergo rigorous imprisonment for two years each and to pay a fine of ` 5000/- and in default to Crl. R.P. Nos. 938 & 1087 of 2002 :

2. : pay the fine, to suffer rigorous imprisonment for three months. Accused No.3 was acquitted of the offence. Even though the revision petitioners filed appeals as Crl. Appeal Nos. 247 and 250 of 1999 before the I Addl. Sessions Judge, Ernakulam, the learned Sessions Judge as per judgment dated 19.06.2002 dismissed the appeals confirming the conviction entered and the sentence passed by the trial court. Hence these revisions.

5. It is submitted that the occurrence took place in the year 1997 and for the last 17 years, the petitioners are facing the trauma of prosecution. The petitioners were arrested on 24.02.1997 and they were in judicial custody for 16 days.

6. Taking a lenient view of the matter, I modify the sentence by reducing the same to the period of detention already undergone by them. Sentence of fine imposed by the trial court is confirmed. Fine amount shall be deposited on or before 31st March, 2014. Revision Petitions are disposed of as above. sd/- B.P. RAY, JUDGE.
rv Crl. R.P. Nos. 938 & 1087 of 2002 :

3. : B.P. RAY, J.

----- Crl. R.P. Nos. 938 & 1087 of 2002
----- Dated this the 3rd day of March, 2014

ORDER

Crl. R.P. Nos. 938 & 1087 of 2002 :

4. :

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