

Manobi vs Kerala State

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Court : Kerala

Decided On : Jan-12-2024

Judge : Honourable Mr. Justice P.Somarajan

Appeal No. : Crl.Rev.Pet/82/2016

Appellant : Manobi

Respondent : Kerala State

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN
FRIDAY, THE 12TH DAY OF JANUARY 2024 / 22ND POUSHA, 1945
AGAINST THE JUDGMENT 24.11.2015 IN CRA 513/2014 OF
ADDITIONAL DISTRICT COURT & SESSIONS COURT - II, NORTH
PARAVUR AGAINST THE JUDGMENT DATED 16.10.2014 IN CC
49/2003 OF JUDICIAL MAGISTRATE OF FIRST CLASS - I, NORTH
PARAVUR REVISION PETITIONER/APPELLANTS/ACCUSED: 1
MANOBI, AGED 30 YEARS, S/O. BABY, CHIRAYAM HOUSE,
MURAVANTHURUTH KARA, 2 SUDHI @ SUDHEESH, AGED 29
YEARS, S/O. SAHADEVAN, PALLEKKATTU HOUSE,
MURAVANTHURUTH KARA, 3 UNNI, AGED 35 YEARS, S/O.

GOPALAKRISHNAN, PALLEKKATTU HOUSE, MURAVANTHURUTH KARA, VADAKKEKARA VILLAGE, PARAVUR TALUK, ERNAKULAM DISTRICT. BY ADV SRI.PAUL VARGHESE COMPLAINANT/RESPONDENT/RESPONDENT: KERALA STATE, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM PP.SRI.SANGEETHARAJ N.R. THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 12.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

The counsel for the revision petitioner remained absent. Nobody represented the matter, though the case is of the year 2016. As such, this court was forced to take the assistance of Adv. Sri Rahul Raj P. as the Amicus Curiae, who was appointed by this court in that behalf.

2. In a prosecution for the offence under

Sections 447, 426, 323, 324, 341 r/w Section 34 of IPC, conviction was rendered against all accused, the revision petitioners herein, and they were sentenced to undergo simple imprisonment for one year and fine amount of Rs.1000/- for the offence punishable under Section 324 IPC, in default to undergo simple imprisonment for three months. They were also

for the offence under Section 341 IPC, one month for the offence under Section 447 IPC and one month for the offence under Section 426 IPC by judgment dated the appeal, against which, the revision petitioners came up.

3. The learned counsel for the revision petitioners fairly submitted that there is no sufficient reason not to concur with the findings of guilt of accused for the abovesaid offences and

judgment of conviction thereunder. But the sentence

awarded seems to be so exorbitant and pressed for a leniency in the matter. The injury sustained includes a cut injury on the scalp, a vital part of the victim. As such, the substantive sentence for the offence under Section 324 IPC will stand reduced to simple imprisonment for six months and a fine amount of Rs.1000/-, in default to undergo simple imprisonment for three months. They are also

simple imprisonment for the offence under Section 341 IPC, one month simple imprisonment for the offence under Section 447 IPC, one month simple imprisonment for the offence under Section 426 IPC as ordered by

the trial court. Substantive sentence shall run concurrently. They are also entitled to set off of the period of detention already undergone. The Criminal Revision Petition will stand allowed in part accordingly. The assistance given and the earnest effort taken by the appointed Amicus Curiae, Adv. Sri. Rahul Raj P., is placed on record with high appreciation.

Sd/- P.SOMARAJAN JUDGE msp

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