

Sheriff vs State of Kerala

Sheriff vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1346505

Court : Kerala

Decided On : Nov-07-2023

Judge : Honourable Mr. Justice P.Somarajan

Appeal No. : Crl.Rev.Pet/747/2009

Appellant : Sheriff

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN
TUESDAY, THE 7th DAY OF NOVEMBER 2023 / 16TH KARTHIKA,
1945 CRL.REV.PET NO. 747 OF 2009 AGAINST THE JUDGMENT
DATED 16.06.2008 IN CRA 119/2006 OF DISTRICT & SESSIONS
COURT, PALAKKAD CC 108/2005 OF JUDICIAL MAGISTRATE OF
FIRST CLASS -II, PALAKKAD

REVISION PETITIONER/APPELLANT/ACCUSED: SHERIF, AGED 36
YEARS, S/o ABDUL JABBAR, NOUSHAD MANZIL, PALAYAM,
KALLEKKAD, PALAKKAD. BY ADVS. SRI.K.ANAND SRI.BENNY
ANTONY PAREL RESPONDENTS/RESPONDENTS/STATE &
COMPLAINANT: 1 STATE OF KERALA, REP. BY PUBLIC

PROSECUTOR, HIGH COURT OF KERALA. 2 SUB INSPECTOR OF POLICE, TRAFFIC POLICE STATION, PALAKKAD. BY PUBLIC PROSECUTOR SRI C N PRABHAKARAN THIS CRIMINAL REVISION PETITION HAVING COME UP FOR HEARING ON 07.11.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:
Crl.R.P.No.747 of 2009 2

ORDER

The revision petitioner is the sole accused in a case charge sheeted by the police alleging the offences under

Sections 279 and 338 IPC.

The trial Magistrate f

was ordered for the abovesaid offences under Section 279 and 338 IPC. The trial Magistrate imposed substantive sentence of three months for the offence under Section 279 IPC and six months for the offence under Section 338 IPC. It was reduced by the first appellate court to one month simple imprisonment for the offence punishable under Section 279 and three months simple imprisonment for the offence punishable under Section 338 IPC.

2. When the matter came up for hearing, the learned

counsel for the revision petitioner Sri. Arjun fairly submitted that his party is prepared to pay an amount of Rs.50,000/- by way of cost and pressed for reduction of

substantive sentence. Taking into consi

factors as there is a collision between two auto rickshaws, it is fit and proper to reduce the sentence by imposing a fine amount of Rs.50,000/- (Rupees fifty thousand only) for the offence punishable under Section 338 IPC, in default to undergo simple imprisonment for a period of three months

and a fine amount of Rs.1,000/- for

amount, an amount of Rs.40,000/- (Rupees forty thousand only) shall be released to the de facto complainant, PW1, and rest of the amount shall be adjusted towards the cost incurred by the State Government. Criminal Revision Petition will stand allowed in part accordingly. Sd/- P.SOMARAJAN JUDGE DMR/-

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com