

Mohan Das and Another vs State of Kerala and Another

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Court : Kerala

Decided On : Nov-28-2023

Judge : Honourable Mr. Justice P.Somarajan

Appeal No. : Crl.Rev.Pet/875/2007

Appellant : Mohan Das and Another

Respondent : State of Kerala and Another

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN
TUESDAY, THE 28th DAY OF NOVEMBER 2023 / 7TH AGRAHAYANA,
1945 CRL.REV.PET NO. 875 OF 2007 AGAINST THE JUDGMENT
DATED 20.11.2004 IN CC 6/2003 OF JUDICIAL FIRST CLASS
MAGISTRATE-II, PERINTHALMANNA CRA 622/2004 OF ADDITIONAL
SESSIONS COURT (ADHOC) III, MANJERI REVISION
PETITIONER/APPELLANT/ACCUSED: 1 MOHAN DAS, S/o
AYYAPPAN, 2 VELAYUDHAN @ KUNJIKUTTAN, S/o SANKARAN, BY
ADV SRI.DILIP MOHAN
RESPONDENT/RESPONDENT/COMPLAINANT/STATE: 1 STATE OF
KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT

OF KERALA AT ERNAKULAM. 2 STATION HOUSE OFFICER, PANDIKKAD POLICE STATION. BY SR. PUBLIC PROSECUTOR SRI.C.N.PRABHAKARAN THIS CRIMINAL REVISION PETITION HAVING COME UP FOR HEARING ON 28.11.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CrI.R.P.No.875 of 2007 2

ORDER

This criminal revision is against the concurrent findings rendered by both the trial court and the first appellate court and the conviction for the offences punishable under Sections 341 and 326 IPC and the sentence awarded thereunder.

2. The injuries alleged to have been sustained come to

two in number. The concurrent findings rendered by both the courts below regarding the guilt of accused and the conviction thereunder is based on the evidence tendered through PW1 to PW3 and other evidence. Nothing was brought to the notice of this court in order to have an interference with the said finding of conviction for the offences under Sections 326 and 341 r/w Section 34 IPC.

3. The sentence awarded does not reflect a proper

balance between the mitigating and aggravating circumstances, hence requires modification. The substantive sentence of rigorous imprisonment for two years each for CrI.R.P.No.875 of 2007 3 the offence under Section 326 IPC cannot be sustained, since the injuries are very minor in nature, hence will stand modified to 15 days simple imprisonment. There will be a substantial reduction of sentence for the offence under Section 341 IPC and the same will stand modified to 7 days simple imprisonment with a direction to run the substantive sentence concurrently. The Criminal Revision Petition will stand allowed in part accordingly. Sd/- P.SOMARAJAN JUDGE DMR/-

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