

Rajan vs State of Kerala

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Court : Kerala

Decided On : Oct-12-2023

Judge : Honourable Mr. Justice P.Somarajan

Appeal No. : Crl.Rev.Pet/2063/2005

Appellant : RAJAN

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN THURSDAY,
THE 12th DAY OF OCTOBER 2023 / 20TH ASWINA, 1945 CRL.REV.PET NO.
2063 OF 2005 AGAINST THE JUDGMENT DATED 21.11.2002 IN CC 457/1998
OF JUDICIAL MAGISTRATE OF FIRST CLASS, ALATHUR

**JUDGMENT DATED 06.07.2005 IN CRA 424/2002 OF I
ADDITIONAL SESSIONS**

COURT, PALAKKAD REVISION PETITIONER/APPELLANT/ACCUSED: RAJAN,
AGED 46 YEARS, S/o KUNJAN, THALIPPADAM, KARIMPARAM,
THIRUVAZHIYADU. BY ADVS. SRI.P.SANTHALINGAM (SR.) SRI.INNOCENT
FRANCIS PAPALI RESPONDENT/RESPONDENT/DEFACTO COMPLAINANT:

STATE OF KERALA, REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, KOCHI-31. BY SR. PUBLIC PROSECUTOR SRI. C.N.PRABHAKARAN

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR HEARING ON 12.10.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:
Crl.R.P.No.2063 of 2005 2

ORDER

The revision petitioner passed away. Nobody came up to continue the appeal, it is submitted by the counsel for the

revision petitioner. Initially, an amicus

petitioner Adv.Jessy expressed her willingness to argue the revision.

2. The amicus curiae Adv.Rahul Sunil and Adv.Jessy for the revision petitioner and Public Prosecutor were heard.

3. The learned amicus curiae submitted that the trial

Magistrate or the first appellate court ought not have accepted the oral testimony of PW1 to PW3, but for which, no satisfactory reason was brought to the notice of this court either by the amicus curiae or by Adv.Jessy. On going through the concurrent findings, the guilt of accused and the evidence relied on by the trial court and the first appellate court, especially the oral testimony of PWs 1 to 3 would show that both the courts below are justified in

Crl.R.P.No.2063 of 2005 3 arriving at a conclusion regarding the guilt of accused for the offence under Section 435 IPC and the conviction thereunder.

4. Regarding the sentence, substantial sentence need

not be considered since the accused passed away. The other part of the sentence awarded is by way of a fine amount of Rs.2,000/-, which is proper and reflects a balance. Hence, the criminal revision petition fails, dismissed. The assistance given by the amicus curiae Adv.Rahul Sunil is placed on record. Sd/-

P.SOMARAJAN JUDGE DMR/-

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