

Bhaskaran vs State of Kerala

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Court : Kerala

Decided On : Oct-31-2023

Judge : Honourable Mr. Justice P.Somarajan

Appeal No. : Crl.Rev.Pet/4384/2007

Appellant : Bhaskaran

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN
TUESDAY, THE 31ST DAY OF OCTOBER 2023 / 9TH KARTHIKA,
1945 CRL.REV.PET NO. 4384 OF 2007 AGAINST THE
ORDER/JUDGMENT CRLA 218/2007 OF ADDITIONAL SESSIONS
COURT, FAST TRACK COURT -II, ALAPPUZHA SC 663/2005 OF
ADDITIONAL ASSISTANT SESSIONS COURT, ALAPPUZHA
REVISION PETITIONER/APPELLANT/ACCUSED: BHASKARAN,
S/O.KOCHUCHERUKKAN PUTHETHARAYIL (ANITHALAYAM),,
KUMARAPURAM WARD- 9,KUMARAPURAM VILLAGE,,
KARITHIKAPPALLY. BY ADV SMT.A.SALINI LAL RESPONDENT:
STATE OF KERALA PUBLIC PROSECUTOR, HIGH COURT OF

KERALA,, ERNAKULAM. OTHER PRESENT: PP SRI SANGEETHARAJ
N R THIS CRIMINAL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 31.10.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: CRL.REV.PET NO. 4384 OF 2007 2

ORDER

Heard the the learned Public Prosecutor and the amicus curiae Adv.Harishma P.Thampi.

2. The learned counsel for the revision petitioner Adv.A.Salini Lal remained absent. The revision petition is of the year, 2007 and by this time, the revision petitioner passed away.

3. The finding of guilt is under Section 8(1) and 8(2) of the

Kerala Abkari Act. Nothing was brought to the notice of this Court in order to interfere with the findings of guilt of accused for the above said offences concurrently by both the courts below. Sentence awarded includes two year imprisonment and a fine of Rs.1 lakh. Since, the accused passed away, the substantive sentence ordered will stand abated. The fine ordered is the minimum and as such not amenable for any kind of interference. Hence, the revision petition fails. As against the fine amount imposed which comes to Rs.1 lakh, it is made clear that the said amount can be recovered from the asset left out by the deceased accused. CRL.REV.PET NO. 4384 OF 2007 3 The service rendered by the amicus curiae Adv.Harishma P.Thampi is placed on record. Sd/-
P.SOMARAJAN JUDGE ska

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