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Anshad vs Varghese Thomas

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Court : Kerala

Decided On : Nov-30-2021

Judge : Honourable Mr. Justice K.Haripal

Appeal No. : Crl.Rev.Pet/673/2021

Appellant : Anshad

Respondent : Varghese Thomas

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL TUESDAY, THE 30TH DAY OF NOVEMBER 2021 / 9TH AGRAHAYANA, 1943 CRL.REV.PET NO. 673 OF 2021 CRA 84/2017 OF ADDITIONAL SESSIONS COURT - II (SPECIAL COURT), KOTTAYAM SC 155/2015 OF ASSISTANT SESSIONS COURT, KOTTAYAM REVISION PETITIONER/APPELLANT/ACCUSED NO. 1: ANSHAD AGED 27 YEARS S/O. RASHEED, PADINJAREMATTATHIL HOUSE, IRUPPA AREA, PERUNNA EAST KARA. CHANGANACHERRY. BY ADVS.NINU M.DAS S.A.ANAND RESPONDENTS/RESPONDENTS/COMPLAINANT & STATE: 1 VARGHESE THOMAS, AGED 26 YEARS S/O.THOMAS P. JOHN, PLATHODAN APARTMENT, HIDAYATH NAGAR, PERUNNA

EAST, CHANGANACHERRY - 686101. 2 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682031. R1 BY ADV. S.ARAVIND R2 BY C.S.HRITHWIK, SENIOR PUBLIC PROSECUTOR THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 30.11.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: Crl.R.P.No.673 OF 2021 2

ORDER

This is a revision filed under Sections 397 and 401 of the Code of Criminal Procedure challenging the legality and correctness of the judgments of the Additional Sessions Court - II, Kottayam in Crl.A.No. 84/2017. The petitioner, who was the appellant challenged the correctness of the judgment of the Assistant Sessions Court, Kottayam in S.C. No. 155/2015 where petitioner and another faced trial for allegations under Sections 341, 324, 294(b) and 308 read with 34 of the Indian Penal Code. The petitioner was the first accused. After trial, the trial court found the second accused not guilty and acquitted him whereas the petitioner was found guilty of the offences alleged and convicted on all counts. Appeal was filed canvassing the correctness of the judgment. Appeal also stands dismissed. Now, correctness of that finding has been canvassed in this revision.

2. The learned counsel for the petitioner submits that the

petitioner is in judicial custody from 06.11.2021 onwards, that the matter is settled with the defacto complainant/the first respondent. In support of the same, he has produced Annexure A affidavit which indicates that the disputes have been settled out of court, that Crl.R.P.No.673 OF 2021 3 he is not interested in prosecuting the petitioner and that all his grievances have been redressed.

3. Adv. Sri. S. Aravind, the learned counsel for the first

respondent has confirmed the settlement. The learned Senior Public Prosecutor also, on instructions has endorsed the settlement reached between the parties. It seems a personal dispute where no public interest in involved; by settlement of the dispute, no public interest is hampered. In the light of the settlement reached with the defacto complainant, the conviction and sentences imposed on the petitioner are quashed and the petitioner shall be released at once, if his detention is not warranted for any other purpose. This Criminal Revision Petition is allowed and the petitioner shall stand acquitted. Sd/- K.HARIPAL JUDGE

DCS/30.11.2021 Crl.R.P.No.673 OF 2021 4 APPENDIX PETITIONER'S ANNEXURE ANNEXURE A AFFIDAVIT OF THE 1ST RESPONDENT

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