

**State of Kerala Vs. Antony**

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**SooperKanoon Citation :** [sooperkanoon.com/728490](http://sooperkanoon.com/728490)

**Court :** Kerala

**Decided On :** May-24-2004

**Reported in :** 2004CriLJ4729

**Judge :** K.A. Abdul Gafoor, J.

**Acts :** Code of Criminal Procedure (CrPC) , 1974 - Sections 354 and 354(4);  
Indian Penal Code (IPC) - Sections 279 and 304A

**Appeal No. :** Crl. A. No. 525 of 1997

**Appellant :** State of Kerala

**Respondent :** Antony

**Advocate for Pet/Ap. :** Sujith Mathew Jose, Adv.

**Disposition :** Appeal dismissed

**Judgement :**

**K.A. Abdul Gafoor, J.**

1. The respondent was the accused in C. C. No. 535/96 on the file of the Judicial Magistrate of the First Class, Kochi. He was tried for offences punishable under Sections 304A and 279 of the Indian Penal Code. He was found guilty, convicted and sentenced to undergo imprisonment till the rising of the Court and to pay a

fine of Rs. 2,000/- and Rs. 1,000/- respectively under those counts. The State has come up with this appeal for enhancement of the sentence.

2. It is submitted by the Public Prosecutor that if the Court had reason to sentence him for a term of less than three months, in cases of offences punishable for imprisonment for more than one year, specific reason thereof shall be stated by the Court in the judgment. It was without stating any reason that only one day's imprisonment has been ordered in this case charged under Sections 304A and 279 of the Indian Penal Code. It would, in the normal course, invite imprisonment, if found guilty for a term of more than one year. It is further submitted that the fine imposed is also too low.

3. A reading of Sub-section (4) of Section 354 of the Code of Criminal Procedure discloses that when the conviction is for an offence punishable with imprisonment for a term of one year or more, the Court need record its reasons for awarding a sentence of imprisonment for a term of less than three months unless the sentence is one of imprisonment till the rising of the Court or unless the case was tried summarily under the provisions of the Code.

4. A reading of the judgment impugned shows that the accused pleaded guilty and therefore, the trial was a summary one and the imprisonment awarded is only until the rising of the Court. Therefore, it comes within the exceptional clause in Sub-section (4) of Section 354, Cr. P.C. Necessarily, the Court had jurisdiction, without recording any reason, to pass an order of imprisonment until the rising of the Court.

5. The case was tried by a Judicial Magistrate of the First Class, who could impose only Rs. 5,000/- as fine. In such circumstances, imposition of a fine of Rs. 2,000/- for the offence under Section 304A and Rs. 1,000/- under Section 279, I.P.C. cannot be stated to be low to invite interference. Moreover, the maximum fine envisaged under Section 279, I.P.C. is only Rs. 1,000/--

Hence, the appeal fails and it is accordingly dismissed.