

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

TUESDAY, THE 24TH MAY 2005 / 3RD JYAISHTA 1927

Crl.Rev.Pet.No. 166 of 1996()

CRA.136/1994 of ADDL.SESIONS COURT, NORTH PARAVUR
CC.495/1992 of JUDL.MAGISTRATE OF FIRST CLASS, PERUMBAVOOR
.....

REVN. PETITIONER/APPELLANT/ACCUSED:

SONSY @ KUTTAN, S/O.SIVARAJAN,
THAZHATHU VEEDU, RESIDING AT KALADY SRINGERIMADHOM,
ASHRAMAM ROAD, KALADY KARA.

BY ADV. SRI.K.K.CHANDRAN PILLAI

RESPONDENTS:

STATE OF KERALA, represented BY THE
DIRECTOR GENERAL OF PROSECUTIONS,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR(SRI. THAVAMONY)

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 24/05/2005, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K. HEMA, J.

CRL.R.P.No.166 OF 1996

Dated this the 24th day of May, 2005

ORDER

The petitioner was convicted and sentenced to undergo simple imprisonment for a period of six months for offence under Section 324 IPC by the Judicial Magistrate of First Class, Perumbavoor. In appeal, the learned Additional Sessions Judge, North Paravur confirmed the conviction but the sentence was modified and converted into a fine of Rs.3,000/-. There was also a direction that if the fine amount is realised, Rs.2000 shall be paid to PW1 as compensation, for injuries sustained by him. The said conviction and sentence are challenged in this revision.

2. According to prosecution, the petitioner hit PW1 below the left eye with M.O.1 stone and he sustained injuries. The petitioner voluntarily caused hurt to PW1 by means of dangerous weapon because of previous enmity. There was a previous quarrel between petitioner and PW1's children. PW1 was taken to the hospital from where he gave a statement to the police which culminated in the registration of a crime , investigation and submission of charge-sheet. The incident occurred on 25.3.1992 at about 9.15 P.M.

3. On an analysis of the evidence adduced in the case, which consists of oral testimony of PWs1 to 7, Exts.P1 to P5 and M.O.1., the courts below came to concurrent findings that petitioner inflicted injuries to PW1 as alleged by the prosecution. On going through the judgment, it can be seen that court below relied upon evidence of PW1 which was corroborated by evidence of PW4, a eye-witness and also medical evidence of PW2 and PW3, and the wound certificates Exts.P2 and P3. The appellate court found that the the testimony of PWs 1 and 4 mutually corroborated and there was no reason to disbelieve their version.

The court below also found that there was no merit in the argument that the case was foisted against petitioner due to political reasons.

4. On going through the evidence in detail and on hearing both sides, I do not find any reason to interfere with the said findings. It cannot be said that the findings are totally unreasonable. The courts below have considered the alleged inconsistencies and contradictions in the evidence and had also tested the evidence as against medical evidence. It was found by appellate court that the evidence was believable, only after scanning the worth of the evidence in the right perspective. In the above circumstances, there is absolutely no reason why the conviction entered against the petitioner is interfered with. The conviction has to be confirmed.

5. It was also seen that the sentence of six months imprisonment was converted into one of fine of Rs.3000. The sentence also does not warrant interference since it cannot be said to be excessive or unwarranted, on the facts and circumstances. Hence, there is no ground to set aside the sentence also.

Petition is dismissed.

K. HEMA, JUDGE.

hrs