

Kerala High Court

Mohandas.T vs C.Haridasan on 9 December, 2009

IN THE HIGH COURT OF KERALA AT ERNAKULAM

CrI.Rev.Pet.No. 3802 of 2009()

1. MOHANDAS.T, S/O.MUNDAN,
... Petitioner

Vs

1. C.HARIDASAN, S/O.APPU NAIR (LATE),
... Respondent

2. THE STATE REPRESENTED BY THE PUBLIC

For Petitioner :SRI.T.K.SAIDALIKUTTY

For Respondent :PUBLIC PROSECUTOR

The Hon'ble MR. Justice P.S.GOPINATHAN

Dated :09/12/2009

O R D E R

P.S.GOPINATHAN, J.

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CrI.R.P.No.3802 of 2009.
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Dated this the 9th day of December, 2009.

O R D E R

The revision petitioner was convicted by the Judicial Magistrate of the First Class-II, Perinthalmanna in CC.No.320/2008 on his file for offence under Sec.138 of the Negotiable Instruments Act and sentenced to simple imprisonment for four months. In criminal appeal, while confirming the conviction, the substantive sentence was reduced to simple imprisonment for two months. Now this revision.

2. Today, when the revision petition came up for admission, the learned counsel for the revision petitioner submits that he is not assailing the conviction, but the sentence is assailed. According to the learned counsel, the revision petitioner who is aged 30 years, is a man without any avocation and in the above circumstance leniency may be shown to him in awarding sentence. No compensation was awarded to the first respondent by the courts below. In CrI.R.P.No.3802 of 2009.

that circumstance, I find that a modification of the sentence is absolutely necessary and that a sentence of imprisonment till rising of the Court with order to pay Rs.50,000/- as compensation to the first respondent would meet the ends of justice.

3. In the result, this revision petition is allowed in part. While confirming the conviction, the substantive sentence is reduced to imprisonment till rising of the Court with order to pay Rs.50,000/- (Rupees fifty thousand only) as compensation to the first respondent under Sec.357(3) of the Code of Criminal Procedure. In default of payment of compensation, the revision petitioner shall undergo simple imprisonment for two months. The revision petitioner is granted six months time to pay the compensation. Till then, the bond executed by the revision petitioner shall remain in force.

P.S.GOPINATHAN, JUDGE.

Kvs/-